



Helsinki Committee for Human Rights in Serbia

**ANNUAL REPORT ON HUMAN RIGHTS : SERBIA IN 2011**

# EUROPEAN **OPTION** **OBSTRUCTED**



HELSINKI COMMITTEE FOR HUMAN RIGHTS IN SERBIA

Annual Report on Human  
Rights in Serbia in 2011

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BELGRADE, 2012

Annual Report on Human Rights in Serbia in 2011  
EUROPEAN OPTION OBSTRUCTED

PUBLISHER

Helsinki Committee for Human Rights in Serbia

FOR THE PUBLISHER

Sonja Biserko

TRANSLATORS

Dragan Novaković

Vera Gligorijević

Mira Gligorijević

Mara Živkov

Spomenka Grujičić

LAYOUT AND DESIGN

Ivan Hrašovec

PRINTED BY

Zagorac, Beograd

CIRCULATION

500 copies



This edition has been produced with the financial assistance of the *Civil Rights Defenders* and the Royal Norwegian Embassy. The contents of this edition are the sole responsibility of the Helsinki Committee for Human Rights in Serbia and can under no circumstances be regarded as reflecting the position of CRD and Norwegian MFA.



ISBN 978-86-7208-186-2

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# I – INTRODUCTION





## Conclusions and Recommendations

EU strategic decision on Serbia's candidacy is crucial for the country's further movement towards European integrations. Had it not been for it, Serbia's poor democratic potential would have been trapped by its strong, populist right-wing. The Serbian society is still incapable to definitely opt for a substantive, democratic transformation and fulfillment of the Copenhagen criteria. Regardless of all the pressures to which it has probably been exposed, the political pivot's, the Democratic Party's, failure to progress more towards Europeanization testifies of its lack of statesmanly leadership and inability for a political U-turn. Having radicalized the Kosovo issue Belgrade has undermined its standing in EU.

Mainstream political and intellectual elites do not look to the future. Serbia needs to take stock of its situation. The society's unreadiness to cope with the past plays into the hands of the political right and its attempts at blocking Serbia's Euro-Atlantic integration. Rather than accept the reality, the political elite is autistic and trapped by self-pity. As long as its elite role-plays a victim Serbia will not be able to work constructively on its future and the future of the region.

Serbia has not taken yet substantive steps in the domain of transitional justice – factors contributing to destabilization of neighboring countries, especially Bosnia-Herzegovina, are still in place. Effective transitional justice preconditions regional stabilization, neighborly relations and developed cooperation between all newly emerged states.

Unless it recognizes that the national policy has been defeated and charts a new one, Serbia will continue sinking into confusion and will not grasp the significance of social cohesion. Its policies for Europe and Kosovo alike are at dead end. Its further movement towards EU depends on the dialogue with Prishtina and implementation of the agreements already reached.

European Commission's Serbia reports have been underlying inadequate participation of the civil sector in political processes. Civil society

organizations do not have sufficient access to decision-making at all levels, though their active role is most important for social transformation and establishment of a new value system. Civil society organizations are capable of contributing to renewal of mutual confidence in the region and improvement of regional relations.

Russia's role – especially evident in Kosovo developments in 2011 – additionally disorients Serbia faced with a strategic choice. For two centuries Serbia has been split into “Slovene-philos” and “West-philos.” Though its citizens look up to Europe, Serbia itself gets rid of Oriental habits and Oriental political system with much difficulty. The conservative bloc holds Russia a stronghold of its ambition for partition scenarios in Bosnia-Herzegovina and Kosovo. This is how they plan to protect Serb national interests. Russia, however, will not and cannot fulfill Serbia's wishes. The disoriented elite negatively affect the country's long-standing interests.

Though the Balkans is within EU's sphere of interest, Russia uses Serbia as a “testing ground” of EU unity and US interest in NATO enlargement towards the East – but also of its own geo-energetic strategy.

Belgrade's insistence on ethnic matrix further segregates Serbs in the neighboring countries. At the same time Serbia would not allow for territorial autonomies of minority communities. The fact that Serbia does not pursue the policy of inclusion segregates minorities, especially those territorially concentrated. This leads towards minorities' disappearance in the long run, the more so since their younger generations are inclined to mother countries.

Despite the international community's endeavor to round off the architecture of the Balkans with Kosovo's independence, Serbia is still after recomposition of the region. This is evident in its policy for neighboring countries. Putting and to the “Serb question” is crucial to Serbia's democratization that is a long process anyway.

Should official Belgrade resume the partition scenario for Kosovo it could be taken responsible for destabilization of Macedonia, Bosnia and Serbia itself. It should also have to stop insisting on the model of ethnic autonomy for North Kosovo – a “state within a state” – that would make

the state of Kosovo dysfunctional. The model of Republika Srpska testifies that solutions as such are inoperable.

A number of cases indicate that the freedom of expression is violated in Serbia. Hate speech is still a useful instrument for disqualifying individuals or groups that are in the minority thinking. Consequences of hate speech were evident in some cases. To suppress hate speech judicial and other mechanisms need to be strengthened.

Democratization process in Serbia does not imply prompt and efficient response to human rights violations, especially of vulnerable groups such as minorities (ethnic, religious, etc.), women, Roma, LGBT persons, etc.

Credible institutions have not been built yet to secure democratic procedure and proper functioning of a plural society. Besides, civil society is not sufficiently capacitated for monitoring the implementation of laws and imposing institutional and individual responsibility on the state. The state itself has not yet fully recognized independent regulatory agencies and civil society organizations as its partners in social democratization.

The Western Balkans faces an immanent crisis of democracy: citizens distrust political institutions and their officials, and are more and more disappointed in politics in general. For twenty years since ex-Yugoslavia's disintegration the countries in the region have been coping with similar problems and facing similar challenges: in political, economic and social spheres. Their obligations towards membership of EU are the same, especially when it comes to position of minority communities and fight against corruption. In this sense the entire region has many goals in common that have not been achieved yet. People throughout the region are aware of their economic and cultural interdependence. On the other hand, sociopolitical challenges they are all facing while moving towards EU direct them towards cooperation at regional level.

That the international community is wearied of the Balkans has been evident in the past years. Problems plaguing EU itself, economic crisis and the region that hardly makes any progress at all have only contributed to such state of mind.

## **Recommendation of the Serbian government**

- Define the policy for social transformation and implement it comprehensively with a view to solving serious problems the country is faced with;
- Manifest a more constructive attitude towards the region through joint projects, including a common market; only a radically changed policy can secure confidence of the region and make it possible for it to play a crucial role in its stabilization – and, especially, in consolidation of Kosovo and Bosnian states;
- Seriously reconsider the shortcomings of the ongoing reforms and finalize them; this particularly refers to the judiciary and struggles against organized crime and corruption;
- Concretize EU candidacy through a program for Serbia's Europeanization with participation of the civil sector;
- Concretize transitional justice by accepting regional realities and recognizing responsibility for wars and war crimes; interpret the truth about the wars through rulings of ICTY and thus contribute at the same time to reforms of the police, the army and the judiciary;
- Encourage a factual overview of the proportions of violence and wars crimes on the grounds of trials before ICTY and domestic courts, including a list of all perpetrators, so as to have the general public informed about what was it that politicians and army commanders were doing on their behalf; in the same context, establish a national commission for truth and justice capable of presenting Serbia as a credible partner in the region;
- Seriously work towards a social and political climate based on tolerance, pluralism and accountability;
- Speed up the reform of the educational system with a view to improving students' functional knowledge and change the prevalent attitudes among the young;
- Recognize independent regulatory agencies as equal partners and implement their recommendations;

- Without any preconditions whatsoever, work towards unification of two Islamic communities and recognize legitimacy of the Bosniak National Council;
- Arrange the media sphere by democratic principles so as to encourage democratization of the society;
- Ensure that the police take proper attitude towards vulnerable groups (LGBT population, Roma, women, etc), which presupposes seminars in EU standards for police officers, especially patrolmen and patrolwomen;
- Respond adequately to incidents caused by extreme rightist groups and properly explain their ideologies to the general public;

### **Recommendations to civil society organizations**

- Actively participate in implementation of governmental action plans and strategies for vulnerable groups of population; this is the more so important since the government has hardly made any progress at all;
- Actively cooperate with csos in the region to identify common challenges and take joint actions;

### **Recommendations to the international community**

- Encourage Serbia's in-depth modernization /EU/ through a developmental strategy that takes Serbia's specificity in consideration; in this context, rely more on Serbia's civil society as a driving force of social transformation;
- Set the date for accession negotiations with Serbia /EU/ to help create a new political context for all players;
- Continue supporting – comprehensively and strategically – civil society organizations, especially their networks working towards Serbia's Euro-Atlantic integration;

- Show more understanding /international donors, especially EU/ for csos that promote human rights and work on social programs the government has failed to develop;
- Continue assisting Serbia /EU, OSCE and Council of Europe/ in development of efficient mechanisms against political and economic monopoly on the media, and supervise functioning of these mechanisms;

# No Potential for a Leap Towards Europe

Over the past eleven years Serbia has exposed all of its shortcomings and weaknesses that braked not only its progress but also international standing. Political and economic systems have not been fundamentally transformed – the later due to the country's economic structure in the first place. The society remained disoriented when the world of absolute values crumbled – and this hampers rational thinking about the country's situation, as well as establishment of a new value system and a moral vertical. And Serbia is still in search of its state identity. Dilemmas arising from this search – particularly the dilemmas about historically relevant dates – testify that Serbia has not yet recognized regional reality and still dreams of a possible recomposition of the Balkans.

Though an appropriate legal frame for the protection of human rights is in place the actual respect for these rights is rather poor because of the overall social atmosphere, deep economic and moral crises, as well as the political elite's inability to engage in comprehensive transformation. Rather than systemically, human rights are addressed *ad hoc* and depending on the situation. The regime responds more to consequences than to causes. This indicates the absence of a national strategy for the establishment of a new value system embedding the respect for human rights.

Serbia's reformist and administrative achievements in 2011 were considerable. The parliament adopted a number of EU-tailored laws. Here the premier Cvetkovic cabinet could be seen as a record-breaker: out of total 813 laws adopted in the parliament the great majority had been put forth by the government, which also came out with 43 draft laws; and all these laws and bylaws were in line with the EU agenda. The most important of all were the Anti-discrimination Act and the Law on the Council of National Minorities.

Apart from the reform of the army and, to a certain extent, of the police, the judiciary was reformed – the reform that was much disputed from the very start. However, actual effects of these reformist moves were minimal. “European” laws were not implemented, corruption was not abated and continued to figure among the biggest problems, and independent regulatory agencies were under constant pressure from the executive branch. When the European Council postponed Serbia’s candidacy problematic policies other than the crucial one (normalization of relations with Kosovo) were on the carpet. This primarily refers to the faulty reform of the judiciary and, above all, the functioning of the High Judiciary Council.

Official Belgrade undertook new actions to compensate for the country’s failure at international scene (denied EU candidacy) and meager results of Belgrade-Prishtina negotiations. In other words, the absence of a long-term strategy and a clear vision for the country’s development was being compensated with day-to-day international activities. The latest example was Serbia’s candidacy for the presidency of the UN General Assembly.

Permanent ideologization and national homogenization left little room to critical thought. They were backed by the strongly present Russian factor that fueled Belgrade’s illusions about resolution of the Kosovo issue and safeguard of *status quo* in Bosnia. Right-wing intellectuals treated every rational criticism of domestic situation and the mainstream perception of the 1990s as “Serb-hatred.” Everyone trying to contribute to “moral cleansing” of the Serb people by pointing to then leadership’s responsibility for genocide against other peoples and comparing Serb nationalists with the Third Reich’s national socialists was on the carpet. The right-wing frontal attack at any attempt at realistic interpretation of the 1990s made it impossible for Serbia to accept actual facts and overcome the past.

A number of international reports on the situation of human rights in Serbia indicated that the modest progress made in the past period was mostly to be ascribed to weak institutions. In its 2011 report Human Rights Watch states that Serbia made a small progress in the domain of human rights despite the European Parliament’s ratification of SAA with Serbia in January of the same year. This report highlights inadequate progress in



processing war crimes before domestic courts, hostile attitude towards independent journalists, the attitude towards minorities, notably Roma, as well as human rights defenders.<sup>1</sup> The report by the Commissioner for Human Rights of the Council of Europe Thomas Hammamberg said that the arrest of Ratko Mladic and Radovan Karadzic signaled Serbia's better cooperation with ICTY and emphasized the need for an improved system for witness protection. The report pinpointed discrimination against Roma and the situation of the media.

The report by Citizens' Ombudsperson Sasa Jankovic said that human rights were not that much violated in Serbia as people were hindered from having their rights protected. "Serbia's administration is not organized so as to provide efficient, prompt and adequate fulfillment of citizens' rights," quotes the report, adding that relevant authorities were less and less paying heed to the Ombudsperson's recommendations (responding to some 50 percent of cases only). The report places emphasis on "invisible" citizens of Serbia – "some 30,000 persons without any personal documents and at least another 6,000 unregistered in governmental records."<sup>2</sup>

The us State Department's report for 2011 pinpoints the following problems: physical abuse in detention; inefficient and protracted trials; ill-treatment of journalists, human rights defenders and other critics of the government; limited freedom of expression and religion; absence of longstanding solutions to the problem of IDPs; corruption in the judicial and executive branches, including the police; violence against women and children; discrimination against minorities, notably Roma, LGBT population and trafficking in human beings.<sup>3</sup>

Serbia is among "mostly unfree" countries when it comes to economic freedom, according to the Heritage Foundation and Wall Street Journal. It received a freedom ranking 58 out of 100 points, the same as in 2010, and ranks 98 out of 179 countries. When compared with 2010 Serbia climbed three steps but the number of points given to it remained the same. In Southeast Europe only Bosnia-Herzegovina has worse ranking

1 <http://www.hrw.org/world-report-2012/serbia>.

2 [www.b92.com](http://www.b92.com), March 20, 2012.

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

than Serbia. Serbia's biggest problem is the absence of political will for reforms, says the report.<sup>4</sup>

Despite all these dubious developments, European Commission's opinion on Serbia's application for membership of EU was favorable. EC stressed that Serbia had reached an adequate level of cooperation with ICTY and opted for regional reconciliation. It recognized Serbia's endeavor to improve the situation of people in Kosovo through a dialogue with Prishtina. As for economic criteria, it quoted that Serbia had taken major steps towards a functioning market economy and, despite the global crisis, managed to reach certain macroeconomic stability, and was on its way to fulfill Copenhagen criteria.<sup>5</sup>

The government hoped that after the arrest and extradition of two last fugitives from The Hague justice, Mladic and Hadzic, Serbia would obtain EU candidacy. However, a crisis in Kosovo's north that escalated in the summer of 2011, faced Serbia's elite with a crucial dilemma: EU or isolation. Actually, tensions in North Kosovo just dramatically revealed Serbia's longstanding wavering between East and West. Almost all political factors had their say about the crisis: parties of the ruling coalition, the opposition, intellectuals, the media, the church, the army, the police, intelligence services and scores of individuals with influence on strategic issues.

Having opted for a "partition scenario" as a settlement of the Kosovo issue the government actually neglected crucial problems plaguing the country: declining economy, reforms and regional relations. The country stagnated. The stagnation negatively affected the respect for human rights and implementation of human rights legislation. Moreover, radicalized rhetoric and radicalized public sphere impaired the overall social and political climate that preconditions minorities' inclusion. A gap between the majority nation and minorities grew deeper. Governmental policy was obviously inadequate for the promotion of interethnic tolerance and coexistence.

4 <http://www.euractiv.rs/eu-i-zapadni-balkan/3419-srbija-ekonomski-neslobodna-zemlja>.

5 Conclusions and Recommendations of the Commission's Opinion on the Membership Application by Serbia.

Serb nationalists' hopes about some new international constellation that would enable recomposition of the Balkans secure a climate in which a young, extreme and well-organized right-wing blooms. It is wholeheartedly backed by the Serb Orthodox Church, rightist parliamentary parties and a part of intellectual elite. Findings of a survey conducted by the Helsinki Committee for Human Rights in Serbia show that 77 percent of secondary school students hold that "family and marriage are sacred;" one in ten takes that "a woman needs a good beating from time to time." According to American Newsweek's survey on women's position in the domains of politics, healthcare, judiciary, economy and education Serbia ranks 145<sup>th</sup> out of 165 countries.

### **Open "Serb Question:" A Permanent Threat to Regional Stability**

Preconditions for normalization and neighborly relations have not yet been created in the region. Bosnia-Herzegovina is blocked by inner crisis, additionally fueled by neighboring countries. Macedonia has not yet settled the issue of its state identity /name/ with Greece: hence, its movement towards EU is slowed down and it undergoes regression. This unsettled issue affects the entire region. About the same refers to Kosovo. The International Court of Justice confirmed legality of Kosovo's independence declaration – and now Serbia tries to apply the same opinion to Republika Srpska. Dick Marty's report on human organ trade undermined reputation of the state of Kosovo /at least for now/ and Belgrade slowed down the process of its international recognition. Further, official Belgrade still denies the Montenegrin nation. In Serbia's textbooks Montenegrins are treated as parts of the Serb nation. Students are taught that Montenegrins won their statehood by fighting Turks and that by proclaiming themselves a nation in the 20<sup>th</sup> century divided the "Serb national being" into two unequal parts.

Serbia's mainstream elite still believes that unification of all Serbs would be possible sometime in the future. Their project is integrated into the concept of unitary "Serbhood." For them, autonomists, particularly

those in Vojvodina, are “tearing apart the unique Serb national being” (C. Popov). Such stands stand in the way of Serbia’s decentralization – actually democratization. The Serb Orthodox Church notably promotes “Serbhood” as a value system. Having imposed itself as a “guardian” and ideological interpreter of “Serbhood” the Church has overstepped the bounds of religion.

Based on religious intolerance, the concept of “Serbhood” has a disintegrative effect on Serbia itself – it prevents it from becoming a state of all its citizens or a modern political nation. Such “Serbhood,” says historian Damjan Pavlica, is based on victimized Serbs, militarism, anti-Europeanism and anti-communism; it embodies all the characteristics of an extreme right-wing ideology that constantly confronts Serbia with its own citizens and with its neighborhood.<sup>6</sup>

## **A Step Closer to NATO**

The Strategic Military Conference for Partners organized by the Allied Transformation Command was held in Belgrade on June 13-15, 2011. That year that was the biggest military meeting in the world. In Serbia it revived the debate on the country’s relations with NATO, which, in a way, tested the public attitude towards membership.

Serbia declares itself as a neutral country, as defined by the parliamentary resolution adopted in 2007 (on Kosovo). Though membership of the Alliance is not officially on its priority agenda, Serbia’s dynamic relations with NATO, including this conference, indicate that the state leadership has reached an agreement on it. No doubt that in foreseeable future the membership of the Partnership for Peace will be followed by application for NATO membership.

On the other hand, Russia’s unhidden opposition hinders the decision on the application for the membership of NATO. Serbia is the only regional stronghold of Russia’s resistance to NATO’s enlargement to the East.

Though emotions against NATO are supposed to be very strong because of the 1999 intervention – the conservative, warring lobby constantly

6 <http://www.e-novine.com/mobile/srbija/srbija-tema/61354-Srpstvo-antisrpstvo.html>.

revokes – “Serb hatred for NATO” was not that much manifested during the conference. Just two rather insipid and unconvincing protests and one protest march were staged on the occasion. General Aleksandar Dimitrijević, retired intelligence bigwig, commented, “Protests and popular dissatisfaction melted away in almost no time.”

For the great majority of citizens, presence of highest NATO officials in Belgrade was a clear-cut message that the country moves towards membership of the Alliance.

### **Partition of Kosovo: A Mission Impossible**

The Serb elite saw the upcoming decision on the country’s EU candidacy as its last opportunity to round off the “unfinished” Kosovo task. Some politicians have been openly speaking about the partition scenario since the spring of 2011. Division of Kosovo – Belgrade’s longstanding plan – has been thus for first time turned into an official offer. The option itself has never been on the table as Belgrade waited for situation in the North to develop into a *fait accompli* and accepted as such. It also waited for a change in the constellation of global powers, which would, as many analysts claimed, play into Belgrade’s hands.

The international community tacitly backed the Kosovo government in its plan to take over Jarinje and Brnik border crossing stations and thus consolidate the state. In response, “a log revolution” broke out with Belgrade’s support. Belgrade so messaged that it still considered the Kosovo status an open issue.

Growing tensions in the North throughout the summer of 2011 culminated in the incident at the Jarinje crossing, provoked by Serbs. However, the prompt and efficient response by KFOR and the international community came as a surprise. Publication of intelligence reports on Serbia side’s planning and execution of this scenario additionally compromised Belgrade.

The Pride Parade scheduled for October 2, 2011, was also used for fueling the atmosphere of insecurity and chaos among citizens. The parade was also used as a trump card in the election campaign, meant to win

over the extremely conservative parts of the society. But its final cancellation was meant to radicalize the issue of North Kosovo.

The attempt at partition (through barricades) failed but compromised the ruling coalition in the international community at the point when Serbia was expected to present itself in the best light possible while awaiting for EU candidacy. This only added to the impression that the Serb elite is in fact not after EU membership.

Regardless of the tensions in and about Kosovo, the ruling coalition still considers EU candidacy a major advantage in the upcoming elections. Therefore, it promptly activated another option – autonomy for North Kosovo. Both the government and the opposition so much manipulated citizens' emotions for North Kosovo that citizens are now more and more antagonistic about European integrations, taking EU responsible for the situation over there. The much promoted thesis about "always new conditions for Serbia" produced a notably negative effect.

Slowed down reforms, tensions and conflicts in North Kosovo and the ban on the Pride Parade indicate a much deeper crisis within a larger context. The political class' inability to represent Serbia as a democratic and modernization-oriented country eleven years after Milosevic's ouster, dramatically questioned European prospects for its citizens.

## **EU Candidacy Postponed: A Test for Democratic Party**

EU summit conference of December 9 denied Serbia EU candidacy: Serbia had failed to demonstrate readiness to see to the problems discussed in Brussels within Belgrade-Pristina talks – barricades, unimpeded functioning of KFOR and EULEX in the entire territory of Kosovo and Kosovo's participation in regional forums. What EU actually wants Serbia to do is to put an end to the "borders issue" in the Balkans. Hits shot at KFOR troops were among key factors against Serbia's EU candidacy.

The present government that four years ago won the elections with its pro-European option (the coalition "For a European Serbia") was caught in its own trap embodied in the policy of "both EU and Kosovo." Defeat of the national policy left the country disoriented, in confusion and without

a driving force for social cohesion. Sitting on a fence about charting a new policy, the government missed the opportunity to impose itself on the society as an option with vision.

With radicalization of the situation in Kosovo in the spring of 2011 Belgrade for the first time went public with the partition scenario for Kosovo. Neither Chancellor Angela Merkel's visit nor her clear-cut messages about candidacy preconditions changed Belgrade's attitude. Its illusion that partition, notwithstanding all, could pass crashed against the wall: EU was resolute about no more changes of borders in the region.

Serbia's clinging to the illusion about Kosovo's partition considerably rests on the assessment that EU is weak and could soon disintegrate. Russia's support to North Kosovo Serbs' right to secession only fueled this illusion. Moreover, Russia has organized Kosovo Serbs' petitioning for Russian citizenship. The entire campaign was meant to demonstrate that Kosovo Serbs did not trust Tadic and that he himself was too weak to solve the Kosovo problem.

Serbia paid dear for the debacle in Brussels – and this particularly refers to the ruling coalition, which let down numbers of citizens. Reactions to the denied candidacy were mostly emotional and marked by anti-European feelings.<sup>7</sup> The general stance was that Serbia was treated unfairly whereas neighboring countries were commended for lesser achievements.

The Democratic Party is the most responsible for the situation: it demonstrated absence of leadership and courage to face up the reality, rationally acknowledge "national" defeats and look towards the future. This political pivot's actions against a new backdrop are now crucial.

The European Council messaged that it trusted no more Serbia's commitment to European course and its unkempt promises. That was a hard blow in the face of Serbia's anyway fragile pro-European orientation and political and social forces it embodied.

7 Findings of the public opinion poll conducted by Nova Srpska Politicka Misao show a dramatic fall in the support for the membership of EU: in November 2011 only 47 percent of interviewees were in favor of European integrations.

## A “showdown” with Europe

Reactions to the postponed candidacy were mostly emotional. Almost all academicians and influential intellectuals, either pro – or anti-European, had their say about the matter (the later assembled around Pecat and Nova Srpska Politicka Misao).

For Serbia’s conservative bloc the postponed candidacy was yet another proof of the West’s hypocrisy. Its advocates accused EU of blackmail, “new conditions,” humiliation, “siding with” Kosovo Albanians and excessive arrogance. “One should not hurry into such Europe,” warns Miodrag Ekmecic, academician and ideologist of the Bosnian war. “A journey to Europe is like a journey to the moon – once you get there we cannot wait to go back home,” say Ekmecic, adding, “In Serbia, only politicians weep for Europe as they believe Europe would rebuild what they have destroyed at home.”<sup>8</sup>

In their arguments against EU analysts and politician quote economic crisis and the crisis in euro zone. The message behind tons of newspaper stories was the one that Serbia should not lament a denied candidacy. Europe is overwhelmed with problems of its own and no longer cares for enlargement, run frequent arguments. According to many analysts, Europe is tired of integration of poor East European societies, integration of poor immigrants into rich societies, saving big debtors among its own ranks, saving their loaners and saving euro.<sup>9</sup>

In 2011 the Serb Orthodox Church openly sided with the anti-European bloc. In Kosovska Mitrovica Patriarch Irinej declared that Kosovo “should be defended with life itself if necessary.” In a release issued after negotiators, Stefanovic and Tahiri, reached an agreement on integrated control of Jarinje and Brnjak border crossings, SPC Synod appealed to the President of the Republic and the government “not to abandon the people of Old Serbia<sup>10</sup> for the sake of Chimera known as EU candidacy.” “For, the only alternative for a responsible government and political elite are Serbia

8 Vecernje Novosti, December 4, 2011.

9 Politika, November 1, 2011.

10 Archaic name for Kosovo and Metohija



and Serb people as a whole. There is an alternative to everything else, including the idealized and mythologized European Union,” concludes the release. <sup>11</sup> Further, for SPC dignitaries “This union /EU/ is already in a deep crisis threatening to disintegrate it. The more so giving up Kosovo and Metohija should not be a membership fee.” And this is the point of SPC release despite one paragraph in which it asks Serbs in Kosovo’s north to “to obey the legal and democratically elected administration in Belgrade.”<sup>12</sup>

### **Russia: A Mythical Ally**

Russian Premier Vladimir Putin’s brief visit to Belgrade (March 23, 2011)

brutally exposed the irrationality and disorientation of Serbia’s foreign policy. Though the visit itself was unofficial, the manifestations of “worship” for Putin – in public and in the media – came as a surprise even to Russian reporters in his suite. Servility and humbleness showered on the practically “self-invited” guest, as some sources claimed, and meant to neutralize Moscow’s month-long grudge, bordered on kitsch and bad taste. Occasionally everything was even self-humiliating – as in the case of football fans at the Red Star stadium, hurrahing the Russian Premier while throwing insults at their own President by the end of the visit and in the face of Serbian Premier Mirko Cvetkovic.

### **In the Search for State Identity**

Serbia obtained statehood six years ago – after dissolution of the State Union of Serbia and Montenegro, and Montenegro’s independence declaration. Kosovo proclaimed independence in 2008 – the reality Serbia would not recognize. Without defined borders Serbia cannot be a modern state. At the same time it still nourishes ambitions about Bosnia-Herzegovina and constantly fuels tensions in Montenegro the departure of which hurts it to this very day. In 2006 it adopted a new constitution,

<sup>11</sup> Vreme, December 8, 2011.

<sup>12</sup> Ibid.

the one considerably adjusted to its 1990 predecessor. Serbia has not yet defined its territorial arrangement. Though much discussed, the process of decentralization remains blurred. Official Belgrade would recognize neither the ongoing regionalization trends – in Vojvodina, Sandzak and South Serbia – nor ideas about new regions. While reflecting the spirit of the time, regionalization trends are also testifying of resistance to Belgrade's centralistic attitude.

The causes of Serbia's confusion are non-existent national policy and nonrecognition of the realities of ex-Yugoslavia's disintegration. Confusion generates apathy and sense of insecurity but also leads towards all sorts of improvisation. Collective identity is tangled in confusion about the dates to mark national holidays. All dates associating ex-Yugoslavia (in which Serbia got its present-day borders) and the 1990s are being avoided in the search for new ones to mark Serbia's statehood.

Obviously, Serbia will have to wait for some time to "round off" its statehood: and the time spent waiting will be reflected in the dates marking national holidays. At the ceremony marking the Statehood Day (February 14), President of the Republic Boris Tadic said, "Serbia marks its hundred-year march for personal and human freedoms – the period of time in which, through a Serb revolution, rebels were becoming citizens of a European state – and the march for all Serbs' equality before the law."<sup>13</sup> "The Statehood Day also symbolizes Serbia's unity, its territorial integrity and indivisibility, it marks Serbs' freedom-loving tradition but also the respect for all citizens of Serbia of various ethnic, religious and cultural identities," he added.<sup>14</sup>

## **Denied Responsibility: A National Strategy**

The attitude towards the past is closely connected with the issue of state identity. This is why Serb elites are rather preoccupied with interpretation of ex-Yugoslavia's disintegration and the manner in which Serbia obtained its independence. In the attempt to relativize Serbia's responsibility

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

for the 1990s wars, Serb elites more and more argue that Serbs had sacrificed themselves the most for Yugoslavia: between the lines, they are entitled the most to Yugoslavia. The culture of denial – as the predominant attitude towards the past – has been systematically imposed on the society. “This complex value system,” says historian Nenad Dimitrijevic, was created by a criminal regime and now it continues in the process we conventionally label democratic transition. In the context of transition, the culture of denial designates the predominant attitude towards the old regime, crimes that were committed and the consequences of those crimes; it designates the majority’s denial to face up the facts about crimes. Now that totalitarian pressure and manipulation are bygone, we can conclude that the culture of denial is a matter of choice.”<sup>15</sup>

The ongoing revision of the history of WWII is supposed to justify the thesis that the 1990s wars were its continuation. Rehabilitation of the Tchetnik movement and its leader, Dragoljub /Draza/ Mihailovic are most indicative in this context – for, the Tchetnik movement is now treated as a right-wing anti-fascist resistance. In the final analysis, this rehabilitation rehabilitates fascism – the ideology permeating the 1990s wars.

Today’s Serbia has no national holiday to observe the victory over fascism in WWII. There has been a public debate on the necessity to establish a national holiday that would point to Serbia’s anti-fascist tradition, symbolically at least. The debate melted away in clashing views about the date to mark this possible holiday. July 7 – the Insurrection Day – was a national holiday till 2000. Since then, with the exception of the Victory Day (May 9), Serbia has been marking not a single date that associates its anti-fascist tradition.

To compensate for this, the Democratic Party puts forth October 21 as the Day of Remembrance of Serb Victims in WWII. On October 21, 1941 a Nazi firing squad shot 2,301 citizens of Kragujevac, people of different ethnic origin.

15 Address at the conference “Accepting Diversities: Human Rights and the Challenges of Reconciliation; Panel “ICTY Decisions and National Narratives: Facts vs. Myths”, Sarajevo, April, 29-30, 2011.

Momcilo Pavlovic, director of the Institute of Contemporary History, further relativizes events in WWII as he argues that anti-fascism, as predominant among Serbs, cannot be ascribed to one movement only. "When a well-organized army such as German commits such a cruel crime against children just to meet the morbid quota 100-1, the shooting in Kragujevac stands out when compared with other crimes. It was a consequence of a joint partisan-Tchetnik action."<sup>16</sup>

For Aleksandar Cotric, vice-president of the Serb Renewal Movement /SPO/, October 21 is not a proper day for a national holiday. "With due respect for 3,000 people shot in Kragujevac and for the initiative to make it a national holiday, I take that a remembrance day of victims of fascism should associate genocide of Serbs, Jews and Roma in Independent State of Croatia /NDH/ where hundreds of thousands people have been bestially killed," he said. He said his party would propose July 17 as a day of remembrance of victims of communist terror.<sup>17</sup>

After Milosevic's ouster in 2000 Serbia passed a lustration law that has never been implemented. Sreten Ugricic, dismissed director of the National Library, says, "We are witnessing rehabilitation instead of lustration. And this rehabilitation is used to justify non-existent lustration. Rehabilitation of anti-communists and nationalists, and the ideas of the traumatic history, cements anti-communism and nationalism, and the ideas of the traumatic present. Common denominators of all ongoing cases of rehabilitation are anti-communism and nationalism. These are the ideologies almost all political actors have endorsed at the cost of anti-fascism. And this seems to bother no one."<sup>18</sup>

The ICTY has small influence on the society's attitude towards the recent past. Findings of a number of public opinion polls indicate people's animosity for ICTY. The mainstream elite has managed to impose on the society a stereotype about ICTY as an anti-Serb court the decisions of which disqualify Serbs. Its interpretation of the 1990s wars is always placed in the context of Serbs' suffering in WWII. As a constant of public discourse this

16 [www.e-novine](http://www.e-novine).

17 Danas, October 21, 2011.

18 Excerpt from the transcript of the Hourglass /Pescanik/ radio show, January 20, 2012.

interpretation successfully shapes collective consciousness about Serbs being the biggest victims in ex-Yugoslavia. By arresting Ratko Mladic and Goran Hadzic Serbia has formally fulfilled its obligations to ICTY, but it still has to put their aiders on trial before domestic courts.

Serbia's War Crimes Court was established in 2003. So far it has tried the accused of war crimes in the territory of ex-Yugoslavia. Only executioners have been in the dock – the court has never bothered to dig deeper into institutions and command responsibility. This was only to be expected bearing in mind the national strategy for relativization of war crimes and blaming "others" for them.

Such attitude towards war crimes and Milosevic's project could have hardly changed Serbia's international image for the better. The attempts to have it improved through identification with successful sportsmen such as tennis player Novak Djokovic failed – for Srebrenica and Bosnian war in general are still high on the agenda of politicians, researchers and artists worldwide. Angelina Jolie's film "In the Land of Blood and Honey" is about the Bosnian war and women sexually abused in concentration camps in Republika Srpska. Reactions to it – both in Republika Srpska and in Serbia – were hostile even before the premiere. The movie was on in Belgrade theaters for couple of days only. Heavy police forces have been in place all the time.

Serb nationalists were most unhappy when Anreas Breivik – Norwegian terrorist killing 77 young people in cold blood – invoked "Serb heroism" and Serb "struggle against Islamization of Europe." They were notably dissatisfied with the media worldwide, which, as they put it, placed this mass murderer "in the already prepared category of a dehumanized European 'other,' stemming from ex-Yugoslav wars and, as it seems, set aside for Serbs only."<sup>19</sup>

Associating Breivik with "the ideology of Serb nationalism" indicates a growing phenomenon around Europe that has been seriously analyzed in the past years. For their part, however, Serb nationalists insist on "specificity" of the Serb case. Despite many crimes committed and populism, chauvinism and fatal ideology inspiring numbers of Serbs in the 1990s

19 <http://www.nspm.rs/politicki-zivot/o-brejviku-srebrenici-i-srpskom-identitetu.html>.

wars, they say, the fact remains that in Bosnia and Kosovo Serbs had not been at war against Islam or against multiculturalism in Croatia – a concept that well suits Serb enemies in the world, the region and in Serbia proper, as well as a considerable part of domestic right-wing. “Serbs went to war to save the country that was unworthy of their sacrifice, they went to war to protect their lives and freedom for which they had paid dear, and finally they saved some of their political and state-building selfhood,” they say.<sup>20</sup>

Posthumous decoration awarded to Srdjan Aleksic for courage and “personal heroism” was the first attempt at shaping a narrative of brave Serbs who had protected other nations in 1990s. Srdjan Aleksic, a Serb from Trebinje – stood up for his Bosniak neighbor physically assaulted by “a group of ruffians,” quotes the explanation of the badge of honor.<sup>21</sup> Heavily injured by soldiers maltreating and expelling Bosniaks from Trebinje, Srdjan Aleksic died a couple of days after the incident. But the phrase about “a group of ruffians” rather than soldiers better fits into the nationalistic narrative about the Bosnian war.

## **Economic and Human Resources**

The latest census (2011) revealed the proportions of negative demographic trends. Average age of population in Serbia is 41.4. Demographic trends are reflected in the educational system as well: the number of pupils and students fell by 15 percent in the period 2000-2010.<sup>22</sup>

Effects of the constant brain drain have not seriously examined yet. The state, without development policy and vision of vision of the future that caused the process in the first place, could have done little to at least slow it down.

Serbia missed the opportunity to radically change its policy and thus obtain candidacy for EU membership in due time along with the date for the start of accession negotiations. Had it been otherwise, the ruling

20 Ibid.

21 Politika, February 15, 2012.

22 Danas, February 8, 2012.

coalition would secured much prospects for the 2012 parliamentary elections. As it turned out – and contrary to “pre-election interests” of the ruling coalition – Serbia slid down into new recession: financial problems spiraled and unemployment rate grew. So, Serbia’s EU candidacy was first postponed (December 9, 2011) and then accepted (March 1, 2012) but without a set date for the start of accession negotiations. This wavering in “European policy” still hampers economic prospects.

The government’s urgent measures in late 2011 could not curb the economic fall. Having adopted the 2012 budget Serbia practically deviated from supervision arrangement with IMF: financial decision-makers were thus free-handed in the election year.

Economic crisis – experts signaled in early 2010 – resulted in further unemployment. In turn, gray economy grew: according to some estimates, between 300,000 and 1,000,000 people were engaged in the gray market. Highly competitive labor market plus too many people in dire straits resulted in violated economic and social rights. And this was tacitly accepted by everyone – by the unemployed with an eye to any job whatsoever, the state eager to safeguard the anyway fragile social order or at least avoid higher tensions, and the employers to keep minimum business going.

Serbia is three times poorer than EU average, according to European statistics on GDP per capita. Serbia’s basket of consumer goods – an indicator of quality of life – is two and a half times smaller than EU average. Serbia is less developed even than Bulgaria with the lowest GDP per capita in EU, but its level of spending is higher than Bulgaria’s.<sup>23</sup>

## **Role of Serbian Orthodox Church in Transition**

In 2011 Serb Orthodox Church /SPC/ continued to interfere into state affairs. Moreover, it was a major regional promoter of the delusion about pan-Serb unification. In this context, the Church was most active in Montenegro and Kosovo, but in Bosnia-Herzegovina as well. As governmental institutions could not influence neighboring countries, SCP took this role

<sup>23</sup> <http://www.euractiv.rs/eu-i-zapadni-balkan/3279-srbija-tri-puta-siromanija-od-proseka-eu>.

upon itself: through Serbs in neighboring countries it holds hostages – SPC maintained regional tensions and the “ideology of Serbhood” that stood in the way of development of Serbia proper.

SPC’s anti-Europeanism rests on the thesis that Serbia’s membership of EU depends on “its sacrificing Kosovo and Metohija.” This was a point of discord between governmental officials and SCP during the months-long crisis in Kosovo. Whereas governmental officials – President Boris Tadic and head of Serbia’s negotiating team, Borislav Stefanovic, in the first place – went along with EU solutions, SPC dignitaries openly sided with rebellious Serbs in Kosovo’s north. SPC Synod appealed to the President of the Republic and the government “not to abandon the people of Old Serbia<sup>24</sup> for the sake of Chimera known as EU candidacy.”

SCP Patriarch said, “Do we have to sacrifice Kosovo and Metohija to be admitted to Europe, and even thank it for all its kindness and love? They /Europe/ should let us be, spare us from what they did to us not long ago, and let our Kosovo stay with us.”<sup>25</sup>

## **Minorities: Inclusion Still Problematic**

The minority legislation and many action plans and strategies for minorities are implemented at snail’s pace and inadequately. Economic and social rights of all citizens were neglected – and especially those of people coming from certain vulnerable or minority groups such as Roma, Albanians, Bosniaks, women, children and religious communities. Exercise of social and economic rights is highly significant for realization of other human rights such as rights to education, work, use of mother tongue and alphabet, etc., that precondition minorities’ integration into political community.

Overall political and social atmosphere has not changed to encourage mutual trust between minority communities and the majority nation. According to public opinion polls, ethnic gap is notably growing among

24 Archaic name for Kosovo and Metohija

25 „Patrijarh Irinej: Da se zahvalimo Evropi na dobroti“, *Danas*, 17. oktobar 2011.



younger generations – and this means that minorities will continue living in hostile environments.

More than 50 percent of citizens take that discrimination persists despite the Anti-discrimination Act. Roma, elderly people, women and sexual minorities are exposed the most to discrimination. Given their influence on public opinion the government and political parties are responsible for growing discrimination. Chauvinistic stands by young people stem from the educational system and the mainstream value system. What is problematic when it comes to religious tolerance is that the government is uninformed about the curricula of religious training.



## Serbia's Right Wing: Ideology of Ethnic Homogenization

From historical perspective, the present-day right-wing – and, generally, the right-wing ideology in Serbia – arose from structural changes after disintegration of socialist states. The 1990s wars motivated by the idea about recomposition of the Balkans – or the Greater Serbia documented in the Memorandum of the Serb Academy of Arts and Sciences (1986) – are among ideological bases on which the right-wing sustains. Against the historical background of the post-socialist period and Europe's growing anti-communism, as well as of chaotic changes marking the Serb society's failed transition, its basic characteristics are: the idea of ethnic homogenization (Milosavljevic, 2001), the idea of merged state and ethnic borders (Gellner, 1987), anti-communism and denied anti-fascism, growing traditionalism and authoritarianism, Serb Eastern Orthodoxy as a religion superior to other religious groups (Croats, Muslims and Albanians), resistance to multiculturalism and cosmopolitanism, outstanding chauvinism and intolerance to “new” minorities (LGBT population and Roma).<sup>26</sup>

There are several currents of extreme rightist options and organizations in Serbia. Their activism is often labeled “hooliganism” or “extremism” – terms that definitely blur the actual state of affairs: ideologically based violence. These were the terms predominant in the public discourse on the occasion of the 2010 Pride Parade, whereas the banned Pride in 2011 was justified by the same threats the right-wing organizations made in 2010. General public in Serbia is still uninformed about the organizations that actually threatened to lynch participants in the 2011 Pride. And

26 The so-called new minorities are also targets of Europe's right-wing ideology – counteraction grows in parallel with the growing visibility of these vulnerable groups. This fits into the ideas of “pure nation” propagated by Serbia's branch of the international neo-Nazi organization Stormfront. At the initiative of Public Prosecutor the Serbian Constitutional Court banned the “National Front” in 2008. See, <http://www.helsinki.org.rs/serbian/saopstenja.html>.

these organizations are, in the first place, “Obraz,” “Serb Movement 1389” and “Nasi,” which has not been banned yet.<sup>27</sup> In the meantime some organizations have either changed their names or became political parties such as “Dveri” and so legitimized their activism. Institutions not responding to such trends testify of the state’s inability to cope with the extreme right (including extremists active within the system itself).

The hookup between these organizations and right-wing parties in Serbia is evident in the support by the later and similar ideologies (marked by Kosovo policy, advocacy for secession of Republika Srpska and close relations with the Serb Orthodox Church). This refers to parties such as Serb Radical Party, Serb Progressive Party (former Radicals), New Serbia and Democratic Party of Serbia.

### **State Strategy: Instrumentalization of Serbs in Neighboring Countries**

Serbia still tries to patronize neighboring countries. Ethnic Serbs in these countries are continually instrumentalized through the Memorandum thesis about their endangerment. The 2011 census in all the countries in the region (except for Bosnia-Herzegovina) only revived the “endangerment” thesis.

The thesis is elaborated in the Strategy for the Safeguard and Strengthening of Relations with Mother Country and Serbs in the Region.<sup>28</sup> The document prepared for almost two years was adopted in January 2011. A number of experts along with representatives of 30-odd non-governmental organizations have worked on the draft.<sup>29</sup> The government consulted Serbs in the region and all ministries. On the basis of their feedback, some younger historians such as Cedomir Antic and Predrag Markovic, as well

27 For more details, see <http://www.helsinki.org.rs/serbian/saopstenja04.html>, and <http://www.helsinki.org.rs/serbian/saopstenja02.html>.

28 [Ttp://www.srbija.gov.rs/vesti/dokumenti/sekcija.php?id=45678](http://www.srbija.gov.rs/vesti/dokumenti/sekcija.php?id=45678).

29 Politika, March 18, 2011.

as Zivadin Jovanovic, foreign minister in the Milosevic era, composed the final version of the document.<sup>30</sup>

For Cedomir Antic, only Serbs in Republika Srpska, Bosnia-Herzegovina, have a proper status in the region. But Republika Srpska, he claims, is “the only state entity in Europe that is under constant pressure” from EU and US that want it dismissed. Serbs in the Federation of Bosnia-Herzegovina are far from having all the rights and influence Bosniaks in Serbia do have, he says. Further, Serbs in Croatia do not exercise all the rights that are constitutionally guaranteed to them. Montenegro, he argues, constantly campaigns against Serb Orthodox Church and suppresses the Serb language. According to Antic, Serbs in Macedonia are denied the right to profess their religion, while in Slovenia they have the status of a national minority.<sup>31</sup>

“A new era of relations between Serbia and our diaspora emerges...The government of Serbia and highest officials demonstrated their readiness to create new institutional mechanisms for development of a new, responsible and long-term policy. Therefore, this document provides foundation for partnership relations that will benefit everyone in the domains of economy, politics and culture: the state of Serbia and every Serb no matter where,” said Minister of Diaspora Srdjan Sreckovic at the ceremony staged to mark adoption of the Strategy. The Strategy quotes that 2,120,000 Serbs live in neighboring countries – more than one-fourth of Serbia’s population. Most of them are in Republika Srpska – about 1.1 million. There are about 200,000 Serbs in Croatia and Montenegro respectively.

## **Response by Neighboring Countries**

The region was suspicious about the Strategy. Focused on tangible forms of “concern” for Serbs it associated of the Memorandum’s qualms that triggered off the war in Croatia and then in Bosnia-Herzegovina. Besides, the Strategy reflected Serbia’s regional policy that either denies new

30 Vreme, February 17, 2011.

31 Ibid.

realities or marginalize them. This is evident in modest scopes of bilateral relations notwithstanding frequent high-level political meetings.

Such Belgrade's attitude towards Serbs in neighboring countries only undermines the position they had to build for themselves for long and with much patience. Serb representatives in Croatia (Vice-premier Slobodan Uzelac) were the first to distance themselves from Belgrade's Strategy. With a dose of cynicism they asked Belgrade to stop helping them.

The fiercest reactions came from Montenegro. Drasko Djuranovic, editor-in-chief of "Analitika" portal, said that for the first time since Milosevic's ouster the official Belgrade had "encroached the zone of legal systems of neighboring countries." "So it happened that Milosevic's slogan 'All Serbs in a single state' turned into a kind of Tadic's remake, something like 'More states for Serbs to govern in,'" he wrote.<sup>32</sup> In a diplomatic demarche to Serbia, the government of Montenegro quoted that the Strategy was obvious interference in Montenegro's affairs and "diametrically opposite to basic principles of neighborly relations."<sup>33</sup>

In the meantime the Serb government deleted from the Strategy the demand for Serbs as constitutive nations in Croatia and Montenegro. Vuk Draskovic – leader of SPO, whose vice-president was the above-mentioned minister for diaspora – distanced himself from the Strategy. The document "associates Milosevic' policy" and Minister Sreckovic "should not have put forth such a text to the government," he said. "<sup>34</sup>

The "Serb issue" seems to be topical at all times. Belgrade seizes every opportunity to "present" it in this form or another. However, strong response from the region hampered the latest attempt embodied in the Strategy. This means not that the conservative-nationalistic bloc has given up. Authors of the Strategy were angered by the government's withdrawal, while the *Vecernje Novosti* daily wrote that the government's action caused "a wave of dissatisfaction" among Serb political representatives not only in the Montenegro but also in "other countries in the region."

32 Danas, March 4, 2011.

33 Politika, March 11, 2011.

34 Politika March 12, 2011.

With this document Serbia showed for the first time that it had a plan for caring for its people beyond its territory, said Predrag Markovic, co-author of the document, adding, "What is absurd is that a state that has recognized Kosovo's independence now accuses us of interfering in its constitutional order."<sup>35</sup> Cedomir Antic, another co-author, takes that withdrawal of some demands from the Strategy "created a bad image of the Republic of Serbia." "We have already been humiliated by the Yellow House, Purda or Divjak. This is yet another humiliation. "Our country behaves as if it fell from Mars to the Balkans," he said.<sup>36</sup>

Though the most disputable section of the Strategy (constitutiveness of the Serb nation in Croatia and Montenegro) was erased the revived concern for Serbs in the region was a well-thought-out tactic of the national program – that has never been abandoned. After Serbia-EU joint resolution on Kosovo adopted by the UN General Assembly in 2010, Serbia actually gave up the defense of the once southern province "by all means." The beginning of the Belgrade-Prishtina dialogue in March 2011 practically marked the beginning of Serbia's recognition of Kosovo realities.

However, Bosnia-Herzegovina is still expected to compensate for Kosovo. To architects of the national program Bosnia has always been more important than Kosovo. They are after Serbia's enlargement towards Northeast and, in this context, after a "historical agreement" with Albanians that would imply independent Kosovo but "correction" of borders in the North (integration of the territory north of the Ibar River into Serbia).

Another circumstance Serb mainstream elite counts on is the International Court of Justice's advisory opinion on Kosovo's independence declaration and its "parallelism" with Republika Srpska. The fact that the advisory opinion is explicit about no "parallelism" is hushed up with arguments such as "There is no telling what will happen in the region as its borders are not definite yet."

Premier of Republika Srpska Milorad Dodik is quite straightforward about the course of Belgrade's policy should circumstances allow. Dodik seizes every opportunity to negate the "statehood future" of

<sup>35</sup> *Vecernje Novosti*, March 14, 2011.

<sup>36</sup> *Politika*, March 23, 2011.

Bosnia-Herzegovina. According to him, Bosnia may have the look of a functioning state as long as it gets infusion from the outside to role-play democracy.<sup>37</sup> Bosnia is a burden on Serbs they are eager to get rid of, he says.<sup>38</sup> “We /Serbs/ want to establish our rights without any doubt so that we could behave in the future as Albanians do now. We must be patient and pay the cost of the era we live in. This is the era in which we have to live for Republika Srpska and build it,” he explains.<sup>39</sup>

Indicatively, this “building” process has got a new foundation – the thesis that Republika Srpska is not only one of the two equal entities of Bosnia-Herzegovina but has also invested its statehood (acquired in the war) in it. This thesis, advocated by Dodik among others, is now more and more detailed in Belgrade. Historian Cedimir Antic argues that “the Croatian model of national independence” was fully applied to Republika Srpska in early 1990s.<sup>40</sup>

Special ties between Serbia and Republika Srpska are getting stronger and stronger and more and more intertwined. These ties are used for rounding off a common economic and cultural sphere. A political dimension has been added as of lately. For the first time a joint session of two governments – Serbian and of Republika Srpska – was convened in Banjaluka. And that was quite inappropriate from the standpoint of international relations and international practice. Nobody from the international community reacted to the announcement that such joint sessions would become a practice.

## The Ugric Case

In preparing the election campaign the government launched the thesis about national endangerment – international conspiracy against Serbia, including hostility of the closest neighborhood. In the years after Montenegro’s independence it became obvious that this “wound” would

37 Vecernje Novosti, July 28, 2010.

38 Ibid.

39 Ibid.

40 Vreme, February 17, 2011.



never heal for many in Serbia (and in Montenegro). An article penned by Andrej Nikolaidis, Montenegrin writer and adviser to the parliamentary speaker, published at the site of E-novine was used to prove the conspiracy against Serbia.

Director of the National Library Sreten Ugricic was dismissed for having signed a petition by the Writers' Forum of Serbia calling for the end of the media hunt for Ugricic. Serbia's officials strongly reacted at his act, while Police Minister Ivica Dacic demanded urgent dismissal of Ugricic – and he was dismissed within 24 hours at the government's "phone session."

In his article Nikolaidis used a metaphor that was differently interpreted in Serbia. Be it as it may, Serbia issued a diplomatic demarche to Montenegro. Bosko Jaksic, journalist of *Politika*, calls this demarche an emotional act testifying to the fact that many people in Serbia would never accept that Montenegro has been independent since 2006 rather than Serbia's "younger brother." "In my view, these emotions have been complicating bilateral relations since Montenegrin referendum and since the time Serb academicians – many of whom are of Montenegrin origin – did their utmost to prevent Montenegro's independence. And this is why a conflict between the two churches has been turned into a daily political topic, which is impermissible, and why the Montenegrin Ambassador has been expelled from Belgrade as a correction measure for Montenegro's recognition of Kosovo. Unfortunately, Serbia's same attitude towards Macedonia shows how hard it is for it to give up patronage over the so-called small states emerging from ex-Yugoslavia," writes Jaksic.<sup>41</sup>

Commenting the case, Zarko Korac, leader of Social Democratic Union /SDU/, said that Serbia was about to abolish a handful of rights and freedoms that are in place. According to him, rather than having anything to do with Montenegro the case was meant to accuse a part of general public of looking forward to assassination of highest religious, governmental and political leaders of Serbia. "As it seems to me, this hunt is a cover for something much more dangerous. Serbia is now sliding towards the

41 [http://www.danas.org/content/slucaj\\_nikolaidis\\_srbija\\_se\\_ne\\_miri\\_sa\\_nezavisnoscu\\_crne\\_gore/24457539.html](http://www.danas.org/content/slucaj_nikolaidis_srbija_se_ne_miri_sa_nezavisnoscu_crne_gore/24457539.html).

situation in which violation of fundamental civil rights is highly probable," he said.<sup>42</sup>

Sreten Ugricic is in fact the last representative of the Zoran Djindjic cabinet, notes historian Dubravka Stojanovic. This is why she sees his dismissal as continued showdown with Dindjic's policy. "It /the case/ has to be placed in the context of the past decade and the upcoming elections in which such deviations and incredible freedoms such as the right to opinion are not to be tolerated. This kind of prepares us for how the things are going to be. I suppose that was the only summary decision the government made," said Stojanovic.<sup>43</sup>

Liberal Democratic Party /LDP/ also responded strongly to Ugricic's dismissal. "The whole country is being turned into a war zone that boils down to showdown with writers and political opponents, and intolerable hunt for anyone daring enough to note how threatening are these trends," quotes the party release.<sup>44</sup>

Sreten Ugricic was in fact only a collateral victim of a tactless hunt. He has been targeted by Serb conservatives for years. "The Nikolaidis case" was just an excuse for his elimination. The *Pecat* weekly argues that Ugricic actually "did not stand up for a writer or human rights but for an idea and an obviously distorted value system." In this sense, continues the papers, Ugricic's latest "act against the state" and "support to an act of terrorism" follow up in the footsteps of his earlier "stands, opinions, writings and activities, inspired by over aversion for anything Serb." "The National Library is a unique worldwide for having for a director, for an entire decade, a man whose criteria of national values are definitely anti-national, concludes *Pecat*.<sup>45</sup>

42 <http://www.portalanalitika.me/region-svijet/srbija/48689-kora-srbija-na-granici-da-ukine-graanke-slobode-.html>.

43 [http://www.danas.org/content/predizbornog\\_uterivanje\\_straha/24459012.html](http://www.danas.org/content/predizbornog_uterivanje_straha/24459012.html).

44 *Politika*, January 21, 2012.

45 *Pecat*, January 27, 2012.

## Pride Parade Instrumentalized

Belgrade's first Pride Parade ever in 2010 was protected by heavy police forces. The one planned for 2011 was doomed from the very beginning. The ruling coalition avoided to clearly declare itself about it. Ivica Dacic, police minister, was the only one to insist on the government's clear-cut stance, whereas himself advocating the ban of the parade "for security reasons."

In the preparations for the ban on the Pride, the police syndicate was in the same boat with *Dveri* (an organization symbolizing the neo-fascist Serbia): it called upon LGBT organizations to show "understanding for traditional values enshrined by the great majority of citizens of Serbia and for security risks, and give up the parade." "Various organizations that oppose the parade have planned to stage serious incidents," said Minister of the Police Ivica Dacic. "In addition to baseball bats, chains, petards, plastic bags and condoms filled with paint and explosives packed in vitamin boxes, they planned to hijack a city bus and run it into participants in the parade...Some groupings also planned to cause loss in human lives so as to add a political dimension to the event. They were after North African scenario and not in Belgrade only," explained Dacic.<sup>46</sup>

Once the parade was banned, the *Alo* tabloid revealed that extremist groups had planned assaults at headquarters of political parties such as SPO, LDP and DS, at some non-governmental organizations and individuals such as Natasa Kandic, Sonja Biserko, Women in Black and Youth Initiative.<sup>47</sup>

Dilemma about the parade occasioned numerous xenophobic and anti-Western statements. Among other things, their authors claimed that /the parade/ "wants to crash Serbia's backbone," that it was organized by "a militant movement aimed at changing collective consciousness and destroying traditional values" and that all this was "a form of special war against Serbia."

<sup>46</sup> *www.b92.net*, October 1, 2011.

<sup>47</sup> *Alo*, October 5, 2011.

Spc Patriarch Irinej appealed to “the morally healthy part of the nation” to remain at home and thus boycott the Pride Parade.<sup>48</sup> “Rather than a pride parade this plague is a shame parade that mudds human dignity and treads on the holiness of life and family,” quotes the Patriarch’s release.<sup>49</sup>

48 Pecat, September 30, 2011.

49 [http://www.spc.rs/sr/poruka\\_njegove\\_svetosti\\_patrijarha\\_srpskog\\_g.\\_Irineja](http://www.spc.rs/sr/poruka_njegove_svetosti_patrijarha_srpskog_g._Irineja).

# Transitional Justice: In the Service of Suppressed Accountability

The War Crimes Court was established in 2003 and trials of the accused of war crimes in the territory of the former Yugoslavia have so far been conducted before it. The Court has limited itself to direct perpetrators and, judging by the trials completed so far, it has not dealt with institutions of or command responsibility, which is a consequence of state strategy. Namely, there is a constant tendency to relativize the responsibility for the war and war crimes. Shifting responsibility to others has been synchronized at all levels of the state and the society, including the Court.

## War Crimes Trials before Domestic Courts

Until the beginning 2012, the War Crimes Prosecutor's Office processed 385 persons charged with war crimes committed in the territory of the former Yugoslavia. According to the data accessible on the website of the War Crimes Prosecutor's Office, there were 145 accused persons and 2,616 war crimes victims were registered. The total number of convicted persons (first-instance and final sentences) is 62, while 11 persons were acquitted. Under the final sentences, the convicted persons were sentenced to a total of 740.5 years in prison.<sup>50</sup>

Underway are the trials/main hearings against 65 accused persons in 12 cases of war crimes committed in the territory of the former Yugoslavia. They also include the Lovas case in which Ljuban Devetak and 13 other persons are accused of war crimes and severe human rights violations in the Croatian village of Lovas. The trial against Toplica Miladinovic, Zoran Obradovic, Milojko Nikolic, Ranko Momic and Sinisa Misic indicted for the war crimes against civilians in the Albanian village of Cuska also continued. Other ongoing trials include the Tuzla Column case against

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

Ilija Jurisic; the Bytyqi brothers case (indictment brought against Popovic and Stojanovic); the Orahovac Group case (indictment brought against Morina); the Medak case (indictment brought against Perica Djakovic and 4 other persons); the Zvornik V case, for war crimes committed against Roma civilians in the East Bosnian village of Skocic (indictment brought against Sima Bogdanovic and 7 other persons); the Gnjlane Group case (indictment brought against Ajdari Fazli and 7 other persons); the Beli Manastir case (indictment brought against Zoran Vuksic and 3 other persons); the Bijeljina case (indictment brought against Dragan Jovic and 2 other persons) and the Tenja 1 case (indictment brought against Vidakovic and Cubrilo).<sup>51</sup>

In mid-March 2011, the War Crimes Department of the Higher Court in Belgrade sentenced Ceda Budisavljevic, Mirko Malinovic, Milan Bogunovic and Bogdan Gruicic to 12 years in prison each for the war crime against civilians committed in Licki Osik, Croatia, in October 1991. The Court determined that the indictees arrested the members of the Rakic family in Teslingrad (Licki Osik municipality), burned down their property, killed them by gunshots and dumped their bodies into the pit. After the abolition of the first-instance judgement by the Court of Appeals in Belgrade on 14 November 2011, the case was returned for retrial. On 16 March 2012, the Higher School in Belgrade confirmed the first-instance judgement by which the defendants were again pronounced guilty.<sup>52</sup>

On 23 September 2011, the War Crimes Department of the Higher Court in Belgrade sentenced the Croatian citizen Veljko Maric to 12 years in prison for war crimes committed against civilians in the village of Rastovac (Croatia) in 1991. The institutions of the Republic of Croatia and civil society organizations requested that the case should be handed over to the Croatian judiciary in accordance with the principle of trying the defendants in their home countries. On 21 March 2012, the Court of Appeals in Belgrade confirmed the first-instance judgement in the Maric case.<sup>53</sup>

51 Ibid.

52 Website of the Centre for Peace, Non-violence and Tolerance: [www.centar-za-mir.hr](http://www.centar-za-mir.hr).

53 Blic, 21 March 2012.

In the retrial against Dusko Kesar, the War Crimes Department of the Higher Court in Belgrade sentenced him again to 15 years in prison. Kesar was pronounced guilty of a war crime committed against the Rizvic family in Prijedor. During the night of 30/31 March 1993, he killed the civilians Faruk and Refik Rizvic, as well as Frauk's sister Fadila Mahmulji.<sup>54</sup>

On 17 November 2011, the Court of Appeals in Nis acquitted two police officer charged with the murder of Kosovo Albanian Isa Emini. According to the indictment, Milos Simonovic and Dragisa Markovic, members of the Serbian Ministry of the Interior, entered the Emini family's flat in Pristina on 5 May 1999 and killed Isa Emini with two bullets, while his wife Ramiza was tied up in the other room, with a piece of cloth stuffed in her mouth. Since she was in the other room and tied up, the Court did not give credence to Ramiza's testimony and ruled that there was not enough evidence against Simonovic and Markovic.<sup>55</sup>

On 16 December 2011, the Trial Chamber of the War Crimes Department of the Higher Court in Belgrade pronounced the judgement in the Zvornik III and Zvornik IV case. The accused Darko Jankovic Pufta was sentenced to 15 years in prison; Goran Savic was sentenced to one year and six months in prison, while Sasa Cireldzic was acquitted of criminal responsibility. In 1992, the indictees committed a series of war crimes and severe human rights violations against Bosniak civilians in Zvornik.<sup>56</sup>

The problems relating to regional cooperation in dealing with war crimes cases already started to appear in early 2011. On 5 January 2011, Croatian war veteran Tihomir Purda was arrested in Orasje, Bosnia and Herzegovina, was arrested on the basis of an arrest warrant issued by the War Crimes Prosecutor's Office in Belgrade.<sup>57</sup> On 18 February 2011, the War Crimes Chamber of the Court of Bosnia and Herzegovina decided to extradite Purda to Serbia. This decision sparked a wave of discontent and protests in Croatia. However, on 3 March 2011, the War Crimes Prosecutor's

54 Website of the War Crimes Prosecutor's Office.

55 Website of the Humanitarian Law Center, *Oslobođeni policajci za ubistvo kosovskog Albanca Ise Emini* 12 December 2011.

56 Vesti online, *Pufti 15 godina zatvora zbog zločina u Zvorniku*, 16 December 2011.

57 Večernje novosti, *BiH: Uhvaćen Tihomir Purda*, 6 January 2011.

Office decided to drop the case against Purda due to a lack of evidence and he was released from extradition custody.<sup>58</sup> Tihomir Purda, a Croatian defender of Vukovar, was accused of torturing and killing an imprisoned member of the Yugoslav People's Army (JNA) in 1991. Purda confessed the crime during his imprisonment in the Stajicevo camp, but later said that he had been tortured and made a confession under duress.<sup>59</sup> This case seriously affected confidence among the judicial institutions in the region.

On 3 March 2011, on the same day the War Crimes Prosecutor's Office dropped the Purda case, Bosnia and Herzegovina Army General Jovan Divjak was arrested at the Vienna airport on the basis of an arrest warrant issued by the same Prosecutor's Office. According to the indictment, Divjak was charged with the murder of 42 JNA soldiers in Dobrovoljacka Street in Sarajevo, on 3 March 1992. His arrest and the very existence of Serbia's arrest warrant caused discontent not only among the public in Bosnia and Herzegovina, but also among members of the diaspora in Austria. On 29 July 2011, the Austrian court decided to release Divjak on the grounds that he would not receive a fair trial in Serbia.<sup>60</sup>

At the meeting of the Serbian and Croatian Presidents and three members of the Presidency of Bosnia and Herzegovina on Mt Jahorina, on 3 February 2012, Ivo Josipovic and Boris Tadic agreed to sign the Agreement on Cooperation in War Crimes Cases.<sup>61</sup> The Agreement had to prevent the politicization of war crimes cases and ensure the observance of the principle of trying the defendants in their home countries.

This agreement reached by the two Presidents was preceded by a crisis in the relationship between Serbia and Croatia caused by the announcement made by the Prosecutor's Office in Belgrade that it would raise indictments against Croatian citizens. The accused also included high-ranking government officials such as Vladimir Seks, Speaker of the Croatian Parliament, and Ivan Vekic, former Croatian Minister of the Interior.<sup>62</sup> In

58 Večernje novosti, *Vekarić: Odustali od krivičnog gonjenja Purde*, 3 March 2011.

59 Website of EurActiv Srbija *Srpsko tužilaštvo odustalo od slučaja Purda*, 3 March 2011.

60 Blic, *Divjak pušten na slobodu*, 29 July 2011.

61 Balkan Insight, 3 February 2012.

62 HRT, 21 September 2011.



response to these indictments, the ruling Croatian Democratic Community (HDZ) in Croatia adopted the Law on the Annulment of Certain Legal Acts of the Former Yugoslavia, the Yugoslav People's Army and Serbia<sup>63</sup> under which all war crimes indictments coming from Belgrade were annulled.

According to the data of the War Crimes Prosecutor's Office, the number of cases exchanged between Serbia and other countries in the region amounted to 85 until the beginning of 2012: with Croatia 54, Kosovo 19, Bosnia and Herzegovina 8 and Montenegro 5.<sup>64</sup>

During 2011, war crimes trials in Serbia were not more significantly intensified compared to 2010 and the same applies to the number of new court cases. The cases conducted before domestic courts involved mostly direct war crimes perpetrators and members of so-called *paramilitary formations*. Senior Yugoslav and Serbian army and police officers and commanders are almost excluded from prosecution, thus omitting the context in which war crimes were committed and preventing the establishment of a link with the political motives of these crimes. As for regional cooperation, the relations between Serbia and other countries in the region were affected. The non-observance of the principle of trying the suspects before in their home countries creates a climate of distrust and the cases often shift from legal to political grounds.

## **International Criminal Tribunal for the Former Yugoslavia**

During 2011, Serbia arrested and delivered the last two war fugitives for whom arrest warrants were issued by the International Criminal Tribunal for the Former Yugoslavia – Ratko Mladic and Goran Hadzic.

On 26 May 2011, Ratko Mladic, the wartime military commander of the Army of the Republic of Srpska who was accused of the Srebrenica massacre in July 1995, was arrested in the village of Lazarevo near Zrenjanin, in Banat.<sup>65</sup> A little less than a month after Mladic's arrest, one of

<sup>63</sup> Novi magazin, 21 October 2011.

<sup>64</sup> Website of the War Crimes Prosecutor's Office.

<sup>65</sup> B92, 26 May 2011.

the wartime political leaders of the so-called Republic of Srpska Krajina, Goran Hadzic, was arrested in the region of Fruska Gora.<sup>66</sup>

With these arrests, Serbia fulfilled its obligation to arrest and deliver war criminals to the Hague Tribunal. However, this occasion was not used for Serbia's confrontation with the bitter legacy of war in the territory of the former Yugoslavia. President Tadic and the majority of other leaders of parliamentary, pro-European political parties commented on these arrests in terms of the removal of the major barrier to Serbia's further European integration. Media coverage remained at the level of information, without giving a broader context and an insight into the types and proportions of crimes for which the accused were arrested. Serbia did not use these two important arrests to initiate a more thorough process of confrontation with its wartime past and responsibility for causing suffering in the former Yugoslavia during the 1990s.

At the beginning of 2012, the Defence and Prosecution delivered their closing arguments at the trial against Vojislav Seselj before the Hague Tribunal. *"The evidence presented during the trial shows that Seselj is responsible for the expulsion of tens of thousands of non-Serbs and the murder of at least 905 Croats and Bosniaks, as well as for illegal detention, torture, rape and the destruction of villages and cultural heritage,"* said ICTY Prosecutor Mathias Marcussen. *"He spread fear and hatred among Serbs, convincing them that all non-Serbs are their enemies. He had an incredible power to impose his will on other people,"* added the Prosecutor. The prosecution team also pointed out that the recent first-instance judgement of the War Crimes Department of the Higher Court in Belgrade in the Zvornik III and IV case confirmed the crimes committed by Seselj's men in Bosnia.<sup>67</sup> In delivering his closing argument, Vojislav Seselj dismissed all charges. He pointed out that the trial against him was fabricated and that he does not feel any responsibility for war crimes committed during the wars of the 1990s. Seselj's complete presentation was in the spirit of the election cam-

66 RTS, 20 July 2011.

67 E-novine, *Šešelji širio strah i mržnju*, 7 March 2012.

paign in Serbia and based on political arguments and not on legal ones. The judgement in this case will be pronounced in the course of 2012.<sup>68</sup>

## Reparations

In mid-July 2011, the First Basic Court in Belgrade rendered the judgement rejecting the complaint filed by Ahmet Kamenica and Selim Nuhovic, former prisoners at the Sljivovica and Mitrovo Polje detention camps, against the Republic of Serbia for the responsibility of the state for the torture they had been exposed to while being held prisoners in those detention camps. The first-instance court justified its decision to reject the complaint by the fact that the compensation claim was the subject to the state of limitations, invoking the position of the Supreme Court of Serbia taken in 2004 that a longer statute of limitations should apply only to the perpetrator of a criminal act and not to the state which, according to the provisions of the Constitution and in cases specified by law, is responsible for the damage committed by those who act on its behalf.

On 30 November 2011, the Court of Appeals in Belgrade rejected the complaint filed by Munir Sabotic against the Republic of Serbia for the torture he had been exposed to by police officers in Novi Pazar in 1994. The Court changed the first-instance ruling awarding the compensation of 300,000 dinars to Munir Sabotic, so that he was ordered to compensate the state of Serbia and pay court costs amounting to 20,000 dinars.

On 4 November 2011, the Serbian Government adopted the *Programme for the Return of Refugees and Internally Displaced Bosniaks from the Municipality of Priboj in the Period 1991-1999* (in further text: Programme). Under the Programme, the Serbian Government planned to create all necessary infrastructure conditions for the return of refugees and internally displaced Bosniaks, Serbian citizens, from this part of Sandzak. At the end of the document, the Serbian Government acknowledged the injustice inflicted by the state on Sandzak Bosniaks for the first time: "In this way, it will be possible to rectify injustice perpetrated against the in-

68 E – novine, *Završna reč uz demagogiju i "Marseljezu"*, 21 March 2012.

habitants of the mentioned border villages in the municipality of Priboj, who left their homes due to threats, fear and objective danger to life.”<sup>69</sup>

In mid-July 2011, the Parish House of St Sava Memorial Church in Vracar hosted the launch of the book *Confession of a Hague Prisoner* by the convicted war criminal Milan Lukic, which was published by the Serbian Radical Party.<sup>70</sup> The event was also attended by prelate Aleksandar Sredojevic.<sup>71</sup> Milan Lukic was sentenced by the Hague Tribunal for life in prison for horrendous crimes committed against Bosniak civilians in Visegrad where, inter alia, he burned about 120 people alive. Lukic was also sentenced to 30 years in prison for the war crime committed against Bosniak civilians in Sjeverin. In his book, he denied his guilt and that those crimes ever happened.<sup>72</sup> Prelate Radivoje Panic, the head of St. Sava Memorial Church, told tv B92 that he saw nothing strange in hosting the launch of a book by the convicted war criminal denying the crime on the premises of the church complex. The Serbian Orthodox Church (soc) distanced itself from this event and called it a “failure” only under media pressure.<sup>73</sup> The church representatives did not explain how the launch of a book by one of the worst convicted war criminals in the former Yugoslavia was organized, nor did the Church apologize to Lukic’s victims and their families.

On the occasion of marking the 13th anniversary of the beginning of NATO air strikes against FR Yugoslavia, on 24 March, commemoration and remembrance events to honour bombing victims were organized throughout Serbia. In Aleksinac, the town where 11 civilians were killed, President Tadic expressed his sympathy for victims and called NATO bombing “a crime against our country and our people”.<sup>74</sup> Tadic and other state officials who participated in the marking of this anniversary did not say a word about Albanian civilians killed in the period from March to June 1999. The

69 The Office for Sustainable Development of Underdeveloped Areas.

70 TV B92, 4 August 2011.

71 TV B92, 5 August 2011.

72 Milan Lukić, *“Confessions of Hague Slave,”* Serbian Radical Party, Belgrade, 2011.

73 TV B92, 5 August 2011.

74 Večernje novosti online, *Tadić: NATO bombardovanje je zločin*, 24 March 2012.

marking of this anniversary was not used for the confrontation of Serbia's state institutions and public with the crimes committed against Kosovo Albanians, nor was this opportunity used to acknowledge their suffering.

In 2011, like in the previous years, Serbia did not adopt an adequate mechanism for compensating war crimes victims and their families. The law that has remained in force is inadequate. It favours disabled war veterans over disabled civilians and the legal mechanism that does not anticipate compensation for victims of war crimes perpetrated by Serbian military and paramilitary forces.<sup>75</sup> Like victims of sexual abuse and other human rights violations who do not meet the requirements for administrative reparations, such persons are forced to seek justice and compensation through legal means. In legal proceedings, a great obstacle is posed by the decision of the Supreme Court of Serbia that the statute of limitations clause should also apply to war crimes and severe human rights violations. The adoption of the Serbian Government's *Programme*, which envisages the reconstruction of houses and infrastructure for expelled Sandzak Bosniaks, thus enabling their return, and its acknowledgement of the injustice inflicted on them are significant. However, Serbia needs a comprehensive reparations mechanism in order to fulfil its moral and legal obligation towards the victims of the state politics of the 1990s.

## Memorials

On the occasion of the 20th anniversary of the fall of Vukovar, the Women in Black and Art Klinika artistic association appealed to the councillors in the Zrenjanin City Assembly on 17 October 2011, urging them to uphold their request for putting up memorial plaques at the sites of the Stajicevo and Begejci detention camps. In a joint statement they said: *"It has been known and reliably documented that in detention camps in Vojvodina a greater number of Croatian prisoners of war was killed, while others were exposed to inhumane treatment due to which many of them have become disabled"*.<sup>76</sup>

<sup>75</sup> Law on the Rights of Civilian Persons Disabled in War.

<sup>76</sup> E-novine, *JNA osnivala logore u Srbiji, Hrvatskoj i BiH*, 17 October 2011.

Vice-President of the City Assembly Predrag Jeremic acknowledged the current regional tendency towards reconciliation and cooperation between Serbia and Croatia, but emphasized that this issue is beyond the competence of local self-government. *"We are here in order to deal with the problems of the city. The present stance of the Democratic Party to which I belong and that of local officials, like two years ago when disabled war veterans staged mass protests for the same reason, is that such issues should be left to the highest state authorities"*, said Jeremic.<sup>77</sup>

The representatives of the Disabled War Veterans of Vojvodina denied the existence of camps for Croats in Vojvodina and resisted the erection of memorial plaques. *"There were no camps; those were collection centres organized by the Yugoslav People's Army and not by someone from Zrenjanin or those villages. For this reason, I hold that there is no need to erect any memorial at such sites"*, said Jovica Filipovic, President of the Disabled War Veterans of Vojvodina.

President of the Zrenjanin City Assembly Aleksandar Marton agreed with his Deputy that the decision to erect commemorative plaques should be brought at the level of the President of the Republic.<sup>78</sup> At the time of writing this report, the decision to erect commemorative plaques at the sites of the Stajicevo and Begejci camps was still not made.

For the 13th anniversary of the beginning of NATO intervention in FR Yugoslavia, the Belgrade city authorities announced the unveiling of the memorial to the "war victims and defenders of the fatherland from 1991 to 1999". This announcement provoked sharp criticism from civil society organizations, the public and victims' families, emphasizing that this was the question of relativizing war crimes, redrawing historical facts and insulting the dignity of victims.<sup>79</sup> In the statement issued by the Women in Black it is said: *"We demand an end to the cynical redrawing of history, which presents the criminals from the aggressor armies of the state of Serbia as the defenders of their country. In our opinion, it is outrageous to erect a monument to the participants in Serbia's wars of aggression, leaving*

<sup>77</sup> Danas, 18 October 2011.

<sup>78</sup> Website: [www.nadlanu.com](http://www.nadlanu.com), 20 November 2011.

<sup>79</sup> E-novine, 17 February 2012.

*victims, killed, mutilated and raped, as well as destroyed and pillaged homes behind them.*"<sup>80</sup>

In his interview for Radio Free Europe, Zoran Alimpic, Deputy President of the Belgrade City Assembly, said the following about public protests against the equalization of victims and criminals: *"All world monuments dedicated to soldiers participating in war are in some way also monuments to people who were killing, who were shooting. Something like this is implied. Whoever lights a candle or lays a wreath will understand this act in his way"*.<sup>81</sup> On 24 March 2012, regardless of public protests, the city officials led by Mayor Dragan Djilas unveiled a memorial at Savski Trg in Belgrade. Three weeks later, the corroded monument was removed. The representatives of the city authorities said that it was not the question of an omission, but of a *"conceptual installation"*.<sup>82</sup>

In 2011, Serbia did not do much with respect to marking the sites of war crimes and severe human rights violations against non-Serbs during the wars of the 1990s, or honouring non-Serb war victims by erecting a memorial. In a way, this institution was distorted and there was also an attempt to relativize and equalize victims and criminals, in addition to war crimes themselves. In this connection, the *Monument to War Victims and Defenders of the Fatherland from 1991 to 1999* represents a paradigm of this revisionist process and the materialization of such equalization that started in 2010, with the adoption of the *Declaration on All Serb Victims* by the Serbian Assembly as a counterweight to the *Declaration on Srebrenica*.

80 Ibid.

81 Radio Free Europe, 16 February 2012.

82 Danas, *Rđā namerno izazvana*, 11 April 2012.

## Refugees, Internally Displaced Persons and Missing Persons

According to the Commissariat for Refugees, at the end of 2011 there were about 74,000 refugees and about 210,000 internally displaced persons in Serbia.<sup>83</sup> According to Commissar Vladimir Cucic, out of the total refugee population 45,000 represent the most vulnerable section of society. They have not yet solved the housing problem, so that they still live in collective centres, private accommodation or with relatives.<sup>84</sup>

At their meeting in Belgrade, on 7 November 2011, the Foreign Ministers of Serbia, Croatia, Bosnia and Herzegovina and Montenegro signed a joint declaration anticipating the holding of a donor conference in Sarajevo, in April 2012. It is planned to collect 584 million euros for solving the problem of 74,000 most vulnerable refugees.<sup>85</sup>

In 2011, Serbia was still searching for 14,000 persons who disappeared during the wars in the former Yugoslavia. Veljko Odalovic, Chairman of the Serbian Government's Commission for Missing Persons, said that in morgues in all parts of the former Yugoslavia there are still about 5,000 unidentified bodies.<sup>86</sup>

During 2011, like other countries in the region, Serbia did not do enough to solve the status of refugees and internally displaced persons. Many of them still live in the collective centres throughout Serbia, in inadequate conditions and without enough prospects for a normal life. Little was also done for their return at the regional level. The small number of returnees to urban areas in Kosovo especially raises concerns. So far, the competent bodies have not shown any greater interest in them.

83 Commissariat for Refugees of the Republic of Serbia, *www.kirs.gov.rs*.

84 Banija Online, 16 March 2012.

85 Novi magazin, 7 November 2011.

86 Blic, 9 December 2011.



## RECOM

On 26 April 2011, in all larger cities in the territory of the former Yugoslavia there began a campaign to collect signatures for the formation of the *Regional Commission for establishing the facts about all victims of war crimes and other severe human rights violations committed in the territory of the former Yugoslavia in the period 1991-2001 – RECOM*. The aim of the Coalition for RECOM is to create an inter-state regional commission tasked with establishing the facts related to the war crimes and victims of the wars waged during the 1990s. During the first six weeks of this campaign, more than half a million signatures were collected in the entire territory of the former Yugoslavia.

In mid-June 2011, the Coalition for RECOM, which gathers more than 1,500 civil society organizations and prominent persons in the region, started to publicly promote the initiative for the formation of RECOM among the representatives of the executive and legislative branches of government. The petition and proposed statute of RECOM were submitted to the Croatian and Montenegrin Presidents, Presidency of Bosnia and Herzegovina and Slovenian authorities.<sup>87</sup> At that time already, the Montenegrin Parliament set up a working team charged with considering the initiative for the formation of RECOM.<sup>88</sup> Although President Tadic supported this initiative in principle, he did not meet personally with the Coalition representatives in order to receive the signatures and proposed statute. These documents failed to reach the Macedonian President as well as the Kosovo President, although the Kosovo Prime Minister upheld the initiative for RECOM. At the time of preparing this report, there were no other official contacts between the Coalition representatives and high state officials, or parliamentary debate on the initiative in this region.

During 2011, there appeared a lot of criticism concerning the work of the Coalition, ways of spending money, as well as the very conception of the proposed Commission, although a part of civil society organizations and the public supported this initiative. Branko Todorovic, president of

87 Website of the Humanitarian Law Center, 29 June 2011.

88 Website of the Humanitarian Law Center, 12. December 2011.

the Helsinki Committee for Human Rights of the Republic of Srpska, accused Natasa Kandic, Executive Director of the Humanitarian Law Center and one of the major initiators of the Initiative for RECOM, that she privatized the whole idea, and also commented on the non-democratic procedure during the consultations of the Coalition members, as well as the disposal of the project budget.<sup>89</sup>

As for conceptual differences, civil society representatives also hold that the proposed regional approach for RECOM is inadequate and does not give an insight into the context, causes and main culprits for the wars in the former Yugoslavia. *"I think, and this probably the basic difference in my approach to the recent past, that it is necessary to cover a much broader context. A political, social and historical context on the eve of the war"*,<sup>90</sup> said Sonja Biserko, President of the Helsinki Committee for Human Rights in Serbia, and emphasized that a bilateral approach in the region would be very important for regional reconciliation and the establishment of the facts.

89 Vesti online, 30 June 2011.

90 Radio B92, Kažiprst, *Pune ruke prošlosti*, guest: Sonja Biserko, 15 April 2011.

# State and Civil Sector: Denied Partnership

The civil society is the broadest sociological concept. The civil society is a sphere of institutions, organizations and individuals positioned between the family, state and market, a sphere in which people join together of their own free will in order to pursue their common interests. In its simplest form, the civil society is a collection of institutions and organizations bringing people closer to the government and the private sector.

It is following this logic that the Republic of Serbia has supported civil society organizations (csos) in the last 10 years. The best indicator of this is Serbia's budget support through the budget line 481. In view of the economic situation in Serbia, this budget item is considerable and comes to about EUR 40 million a year.

Considering that the role of the civil sector in Serbia depends on the political climate, the state's attitude to the civil sector segment made up of critically-minded (towards society and the political elites) non-governmental organizations (NGOs) can be described as problematic. In other words, the civil society segment systematically concerned with difficult and very unpopular subjects such as human rights and overcoming the past is most often ignored by the state. The NGOs concerned with critical analyses of the extent of Serbia's Europeanization and modernization, its democratic and economic consolidation, the technical aspects of the EU accession process and the state of human rights in Serbia are often targeted by extreme right-wing organizations and some pro-nationalist media outlets, as well as by hooligans, a portion of the Church and an academic elite. Although in most such situations the state chooses to remain silent, the impression is that it does not have a kindly and positive attitude to a portion of the NGO sector in Serbia. In other words, it appears that, 10 years after the democratic changes, the biggest champions among the NGOs of the Eu-

ropean integration process and normalization of the country are regarded as the biggest enemies of society and of the greater portion of its elites.

Consequently, human rights defenders from the NGO sector in Serbia are arguably the most isolated actors of society's democratization at present.

On the other hand, judging by the expenditure under budget line 481, various citizens' associations, associations of anglers, bakers and miners and cultural-artistic societies (particularly in Kosovo) are the pillars of the democratization of Serbia and the mainstay of the civil society in the opinion of the state authorities. A closer look at budget line 481 for 2010 and 2011 shows that the bulk of the resources was spent on supporting hunting societies and organizations mostly concerned with cultural activities of sorts (which is no problem in itself, although Serbia has a ministry of culture and budgets to take care of that). What is particularly problematic is the fact that spending under budget line 481 was especially generous towards political parties and especially miserly towards organizations which are most entitled to be considered the pillar of Serbia's democratization. Further, the majority of funds disbursed under budget line 481 went towards financing activities of the Serbian Orthodox Church – SPC (although the SPC is systemically supported from the budgets of at least three ministries) and, consequently, activities of extreme right-wing organizations such as Dveri, 1389 and Naši. Importantly, the budget line is also used to finance the pensions of SPC priests,<sup>91</sup> which is another absurdity in connection with this budget line.

Given that in each draft budget submitted to parliament these four groups – sports associations, religious communities, political parties and 'other NGOs' – figure collectively, i.e. as budget line 481, it is not possible to establish how much the government is going to earmark for each group. This can only be learned at the end of the budget year from information pertaining to the budget execution. However, at that stage it is too late for a well-argued debate and a wider discussion about the budgetary resources planned as grants to NGOs.

91 *Pravda*, 18 May 2011.

Financing sports associations, religious communities, political parties and 'other NGOs' under different budget lines would make it possible for members of the public, members of parliament and all interested parties to know at the time of proposing and adopting a budget exactly what resources have been allocated to each of these groups.

One also notices, as a relatively recent development, the establishment of NGOs which are close to certain political parties and which receive large sums of money under budget line 481. These NGOs are in the service of the parties which founded them, which they did chiefly to obtain a source of additional funds.

There are NGOs which specialize in subjects such as protection of children and women, protection of the drug-using population, etc. Quite absurdly, the state is not interested in these organizations in a systemic way. As a consequence, a growing number of organizations providing protection to women victims of violence (sos telephones) ran out of money and stopped working during 2011.<sup>92</sup> This attitude towards NGOs which pose no threat to the political matrix in Serbia gives rise to concern because in 2011 alone more than 20 women were killed in circumstances of domestic violence.

The attitudes of a section of the community towards NGOs are best illustrated by several examples from 2011. In the course of the year, there were several instances of direct pressure being brought to bear on NGOs concerned with overcoming the past and analysing the human rights situation. For instance, a number of criminal complaints were filed against the director of the Humanitarian Law Centre, Nataša Kandić, including by Dragoljub Stanković, the deputy war crimes prosecutor. Instead of initiating a public debate about and launching an investigation into allegations made by NGOs – in this case the Humanitarian Law Centre – some state authorities consider it most logical to file criminal complaints against human rights defenders. The case of Ljubiša Diković, chief of the General Staff of the Army of Serbia, was also indicative. After the Humanitarian Law Centre published a document entitled 'The Diković File', the state authorities reacted irrationally and rather aggressively against the Centre.

<sup>92</sup> *Politika*, 28 March 2011.

Nataša Kandić was again threatened with a criminal complaint instead of launching a serious public debate on the contents of the document in which Diković is accused of indirect participation in serious crimes against civilian population.

The weekly *Pečat* has been at the forefront of the anti-NGO campaign ever since its establishment. In its attacks on NGOs, the weekly relies chiefly on its journalist Nikola Vrzić, a 'conspiracy theorist' who shot to prominence while working for the weekly *NIN* during the term of Vojislav Koštunica as prime minister. Vrzić is best remembered for a series of articles about the assassination of prime minister Zoran Đinđić: his third-bullet or 'ice-bullet' theory (suggesting there was another shooter on the scene) put him on the side of a group trying to discredit the trial of the people charged with Đinđić's murder. Vrzić's attitude is best illustrated by an article published in *Pečat* No 163 in 2011. In the article entitled 'How to Change the Serb Psyche', he analyses the work of the Belgrade Centre for Human Rights or more specifically its 2010 report. In the article brimming with insults, he sets out the following thesis under the sub-title 'CIA and NGOs'. He alleges that the Belgrade Centre for Human Rights is financed by '[...] Freedom House and the National Endowment for Democracy, us non-governmental organizations well known for their connections with the us Administration, the us Army and the Central Intelligence Agency (CIA) [...] so let's see who is praised and who is criticized in the 2010 report of the Belgrade Centre for Human Rights that is financed in this way [...]'.<sup>93</sup> Articles of this kind, which have been churned out routinely for nearly 20 years, are forever on the lookout for the enemy, in particular the enemy within. The example given above shows the kind of denunciations *Pečat* makes.

However, the reality in which the NGO sector operates in Serbia is rather different from the image the media (and a portion of the public) has. A close monitoring of the resources coming in from abroad as non-repayable funds (grants to NGOs in Serbia) reveals that the sums are several times smaller than the resources the state spends on the NGOs. According to an analysis published at the end of 2011, the resources made available

<sup>93</sup> *Pečat*, No 163.

to the civil society by foreign sources amount to EUR 10-15 million.<sup>94</sup> In other words, the Serbian state is spending about four times as much as foreign sources on support for the civil society.

Characteristically, the majority of media outlets concerned about the work of some NGOs and maintaining that NGOs are better off financially than the rest of society fail to notice several obvious facts. To begin with, the NGOs financed from abroad since 2000 have been requested to streamline their mode of operation. Actually, the NGOs financed from abroad were most thoroughly controlled by both the state and their donors. The majority of NGOs make detailed financial reports on their work which must be checked by an authorized audit firm. In other words, the work and operation of NGOs financed from foreign sources are far more strictly controlled than NGOs financed by the Republic of Serbia. Furthermore, media only scantily reported the fact that the CSO Code of Ethics, signed by more than CSOs so far, entered into force in 2011.<sup>95</sup>

During 2011, the NGOs and media raised the issue of the NGO sector being divided into clans and influential groups. The issue was raised by NGO activist Dragan Popović in a signed article. The article entitled '*Filozofija nvo palanke*'<sup>96</sup> (the philosophy of an NGO backwater) provoked a stormy public reaction that, unfortunately, turned into a pointless debate. Popović's article deals essentially with divisions between NGOs, authoritarian methods of running NGOs and problems in the donor community. Instead of encouraging a fruitful discussion of the role and strategy of NGOs

94 The exact figure is hard to compute above all because the donors have not yet made a single database concerning the financing of NGOs in Serbia.

95 The CSO Code of Ethics in Serbia determines a set of values and principles to be complied with by the signatory organizations in their work and pursuit of their goals. The document aims to establish a community of organizations which have identified their basic values and their meaning and have agreed to pursue them of their own free will. The community is not a formal community and does not imply associations, networks or coalitions. The community is based on transparent and voluntary acceptance of the same values and principles of work.

96 [http://www.danas.rs/danasrs/dijalog/filozofija\\_nvo\\_palanke.46.html?news\\_id=218877](http://www.danas.rs/danasrs/dijalog/filozofija_nvo_palanke.46.html?news_id=218877).

in the forthcoming period, the whole affair boiled down to recriminations and name-calling.

The media sought to exploit the disagreement among the NGOs by alleging that hundreds of millions of euro were being spent on financing the csos. Thus both tabloids and serious newspapers launched a mini-campaign with a series of texts<sup>97</sup> aiming to prove that NGOs in Serbia are only interested in money from abroad. The opportunity to initiate a debate on the real issue was thus missed. The NGOs accused of media of spending hundreds of millions of euro and leading an easy life are probably the least users of the total resources earmarked for the csos in Serbia.

At almost the same time, the daily *Danas* raised the real issue, namely the spending of state funds earmarked for csos by political parties. The *Danas* article entitled 'The Democratic Party to Found an NGO because of Funds' hit the nail on the head.<sup>98</sup> In a series of articles, the daily demonstrated that in the last few years political parties have established mechanisms for redirecting funds from csos. The daily had come into possession of a document of the DS Vojvodina branch laying down clear instructions (for 2009-11) for an organized mass registration of DS youth boards as NGOs. Even a workshop was organized on Mount Fruška Gora for this purpose. The DS advised its youth sections of Vojvodina municipal boards to establish satellite NGOs in order to obtain as much money from the Serbian budget as possible.

97 'NVO dobijaju 150 miliona evra', *Press*; 'NVO sluga ili kontrolor partija', *Politika*; 'Kako se rimuje CIA i donacija', *Tabloid*; 'Uzeli milijarde napravili minus', *Večerenje novosti*; 'Monopoli i klanovi podelili NVO', *Danas*... July, August 2011.

98 *Danas*, 12 July 2011.



## II – JUDICIARY



## After Reforms

On the eve of the European Commission's new decision on Serbia's candidate status in March 2012, Brussels reiterated its concern about the way reforms were being implemented in the Serbian judicial system. At the same time, this third pillar of power was shaken to its foundations by the growing discontent of all who are supposed to buttress them: numerous judges, prosecutors and lawyers on the one hand and the supreme judicial authority, alias the High Judicial Council (vss), on the other. The lack of political will to reform the judicial system was reflected by the continuing problem of the absence of lustration and by the silence surrounding the illegitimate work of the vss concerning its composition and the procedure for the re-election of judges and prosecutors. In addition, many argue that the adoption of the relevant legislation is contrary to the rule of law. The appalling results of the attempts to seriously reform the country's judicial system include other problems such as termination of high-profile criminal cases due to the expiry of the statute of limitations, payment of huge sums of money by way of compensation for cases lost through mistrial and for violations of rights and/or lawbreaking on the part of state bodies.

### Europe's Warnings

The European Union sent a clear message to Belgrade: the vss is to temporarily suspend revision of the election of judges in order to avoid the obvious problems concerning the validity of its decisions. The demand was made after the EU observers who attend the sessions of the highest judicial authority in Serbia transmitted their critical findings to headquarters. Vesna Rakić Vodinelić, professor of law at the Union faculty, warned that Europe was clearly dissatisfied with the procedure for electing judicial personnel in Serbia. She said that the 'whole thing started when it was realized that the review procedure for the election and re-election of judges before the High Judicial Council was flawed, that is, that it was replete with

illegalities as well as having a good dose of illegitimacy. The biggest problem is that, according to the Constitution, more than half of vss members must be judges. At present there are only four judges out of the total of 11 members. Also, the vss does not operate in a full composition. I think that the heart of the problem is not the ignorance of those charged with implementing the reforms but their disregard. The only conclusion to be drawn from all this is that political influence has been of crucial importance.’<sup>99</sup>

The problems with the vss arouse following the arrest of Judge Blagoje Jakšić and the resignation of Judge Milimir Lukić over the body’s work. Also, objections were also raised to the dual posts of Predrag Dimitrijević member of the vss and dean of the Faculty of Law in Niš. In spite of the quorum problems in the vss, the authorities described the reform of the judiciary system as successful and said that its best effects would not be seen during the first three years.

Negative reactions from European circles continued to arrive after the protector of citizens, Ombudsman Saša Janković, declared that the work of the incomplete vss was illegitimate and recalled that the vss had met in its full composition to revise the re-election of judges only once out of 16 times. Vesna Rakić Vodinelić, professor of law at the Union faculty, warned that Europe was clearly dissatisfied with the procedure for selecting judicial personnel in Serbia. ‘The most important thing to do is to restore Europe’s confidence in the High Judicial Council, otherwise the consequences may be very serious. The European Union may conclude that instead of an expected progress there has been a regress in the reform of the judiciary system in Serbia. To recall, achieving the rule of law is part of the Copenhagen criteria and a condition for a state’s candidate status and admission to the EU. Therefore, these shortcomings need to be made right as soon as possible. However, one should not expect that they can be eliminated in a short period of time because they are very deep and affected by the whole system of work of the High Judicial Council.’<sup>100</sup>

She recalled that the number of judges in Serbia had fallen from 2,400 at the end of 2009 to 1,800 prior to the start of the re-election. On

<sup>99</sup> Radio Free Europe, 16 January 2012, ‘Evropa kritikuje srpsko pravosuđe’.

<sup>100</sup> Ibid.

19 December 2009, 1,530 were re-elected while 830 who were not appealed individually against the decisions. The vss considered the appeals between 15 June 2011 and the end of the year, processing about 40% of them. It made 377 rulings and granted 82 appeals enabling the judges to be reinstated.<sup>101</sup>

For her part, the vss president, Nada Mesarović, insisted that the work of an incomplete vss did not call into question the lawfulness of its proceedings and decisions. Mesarović invoked the opinion of the Constitutional Court of Serbia, which in May 2010 ruled, in connection with the objections made in the Saveljić case regarding the vss's incomplete composition, that that could not affect the lawfulness of its work because the statute prescribes that its decisions are made by majority vote.<sup>102</sup>

Only a few days later, Mesarović stressed in a written statement for the media that she herself had been opposed to proceedings of an incomplete vss and that there was evidence of that in the records of its constitution and work; however, she said she decided to abide by the decision of the Constitutional Court legalizing the work of an incomplete vss: 'In its decision which I invoked, the Constitutional Court gives consideration to the provisions on the work of the Council in the so-called incomplete composition. I did not expect that the Constitutional Court would announce the adoption of a different decision regarding the same provision.' She said that she saw no problem, that she and the vss had been abiding by the decision in force and that they would comply with any new decision of the Constitutional Court whatever one might think of the work of the Constitutional Court. 'Until now my modest knowledge of law has led me to believe that it is up to the Constitutional Court to pronounce on the constitutionality of specific provisions of the Law; now, however, we have all learned that the Constitutional Court has pronounced, for example, on both the past and the present composition of the High Judicial Council although the relevant provisions of the Law have not meanwhile been amended,' she said.<sup>103</sup>

101 Ibid.

102 RTS, 16 January 2012, 'Nepotpuni sastav ne dovodi u pitanje zakonitost'.

103 *Blic*, 18 January 2012, 'Mesarović: "Poštovana odluka Ustavnog suda"'.

In response to this statement the Constitutional Court made the following statement to the public: 'On the occasion of the statement of the president of the High Judicial Council, Nata Mesarović, in which she states that the Constitutional Court of the Republic of Serbia too is of the opinion that the incomplete composition of the High Judicial Council does not affect the legality of its work' and that 'it states its position thereon in the Saveljić case when it deliberated on the objections to the incomplete first composition of the High Judicial Council and took the view that that cannot affect the legality of the work of the vss because the statute provides that the High Council makes decisions by a majority of its members [...] for the sake of complete information the Constitutional Court of Serbia is hereby informing the public that on 28 May 2010 it granted the appeal of Zoran Saveljić and revoked the decision of the High Judicial Council of 25 December 2009 in so far as it terminates that judge's office,' the Constitutional Court says. 'In its said decision the Constitutional Court has pronounced only on the matter of the constitution of the first composition of the High Judicial Council, whereas the Constitutional Court has not pronounced on the legality and legitimacy of the present composition of the High Judicial Council and will do that in its decisions in the matter of the judges' appeals against the decisions of the High Judicial Council,' it says.<sup>104</sup>

At the beginning of March 2011, the vss Electoral Commission announced the names of the six new members of the permanent composition of this body elected by judges' votes. The Commission said that 1,914 judges out of 2,087 had cast their votes. In other words, the new members of the vss won the confidence of 92% of judges.<sup>105</sup>

For its part, the Society of Judges of Serbia said that the election of the six members had largely 'consolidated the negative consequences of the re-election', which, in its opinion, puts the independence of the judiciary in Serbia in jeopardy. This, the Society said in a statement, was accomplished by excluding from the election process for vss members as many as 837 non-reelected judges whose status has not yet been finally decided,

104 <http://www.ustavni.sud.rs> 18 January 2012.

105 *Blic*, 4 March 2011, 'Izabrani članovi Visokog saveta sudstva'.

as well as by including in the process 606 misdemeanour judges in spite of the fact that the Constitutional Court has not yet ruled on the constitutionality of the provision investing misdemeanour judges with the right to vote. The Society also criticized the inadequate representation of judges in terms of the kinds, degrees and numbers of courts from which judges are elected. The Society of Judges of Serbia says: 'The data so far shows clearly that the elections failed to ensure credible results, with as many as four out of six candidates winning the support of about one-quarter of voters from their electoral bases, some as low as 12%, and the only candidate of republic-level courts winning only 55% of votes.' It added that in the vss only one candidate, from the economic judiciary, would be in charge of civil matters which account for 75-80% of all cases in Serbia.<sup>106</sup>

A month after judge Milimir Lukić resigned as member of the vss, the vss decided to start the procedure for the nomination of candidates for elective members from the ranks of appellate court judges. In his letter of resignation, which he tendered at the end of November, judge Lukić criticized the work of the vss and alleged that its members were under pressure from the executive. He charged that in the vss there was no 'rudimentary responsibility for judgments and opinions expressed' and that its members were in the habit of suddenly reversing their positions on whether this or that candidate should be reinstated in judicial office. Because the vss has lost two judge members it obviously lacks a quorum for making decisions; nevertheless, the vss argues that it has a quorum because the lawyer Dejan Ćirić, a vss member from the ranks of lawyers, was authorized to vote at sessions deciding on the objections of non-elected judges. Hearings are no longer held before two commissions of three judges each because each is short of one member, but before one commission. What is problematic, however, is the mode of decision-making. According to the vss rules of procedure, votes may not be cast by members of the first vss composition which carried out the general election of judges and left over 800 of them jobless. But Ćirić is a member of both the first and the permanent composition of the vss, as are three other members: Minister of Justice Snežana Malović, the president of the Supreme Court of Cassation and

106 *Blic*, 5 March 2011, 'Nepravilnosti i nelogičnosti u izboru sudija'.

the High Judicial Council, Nata Mesarović, and the president of the parliamentary Judiciary Committee, Boško Ristić.<sup>107</sup>

Omer Hadžiomerović, vice-president of the Society of Judges of Serbia and judge of the Appellate Court, pointed out that during the review procedure the vss reviews a decision made by another composition, although that decision was made with the participation of four members who are still members of the vss, namely the vss president, the minister, the president of the Judiciary Committee and the lawyer. This, Hadžiomerović said, is not only not in accordance with the law but also contrary to sound logic: why should a person responsible for a decision take part in the review of that very decision? For all the insistence of the Society of Judges of Serbia that the vss rules be amended accordingly and the four members mentioned exempted from the review procedure, this was not done. Instead, the four said publicly that they would not participate and Mesarović informed the Society that the four would not participate, i.e. that they would abstain from voting. Consequently, 7 out of 11 members remain. In order to make a decision, the vss must ensure at least a majority vote, i.e. at least 6 votes. However, because a member resigned and another cannot work because he is in detention – i.e. he is suspended pursuant in consequence of the amendments – the actual number of members is four. The issue, then, is one of arithmetic, not theory. Because the decisions at issue could not have been made if votes had not been cast by people not supposed to vote, i.e. who ought not to have voted, these decisions are deemed not to be in order and lawful, the Society of Judges of Serbia said. The Constitutional Court ruled correctly that the fact that the vss operated in an incomplete composition did not call into question the legality of its decisions, on condition that six members cast their vote that it had a quorum and could vote. However, we are coming to the question of legitimacy. We are challenging not the legality but the legitimacy of that body because the Constitution provides that the vss should have a majority of judges, i.e. that out of 11 members 6 should be judges. Consequently, the whole purpose of that body is to guarantee the independence of the judiciary and that

107 *Politika*, 29 December 2011, Visoki savet sudstva bira novog člana.



judges could put their trust in it – hence the provision that the majority of members should be judges.<sup>108</sup>

At the moment, the vss theoretically numbers five rather than six judges (the suspended judge, Blagoje Jakšić, is considered as being in its ranks though in fact he cannot vote from detention). In mid-January, the state secretary in the Ministry of Justice, Slobodan Homen, said that the election of a new vss member would be completed on 19 January 2012 and that after that the vss would be working in a full composition. He said that the election of the representative of the appellate courts would put a stop to the whole affair.<sup>109</sup>

To recall, a motion was put to the parliament to elect a vss member from the ranks of appellate court judges under summary procedure. The candidate is Miroljub Tomić from the Appellate Court in Kragujevac. The position remained vacant by mid-February 2012 because the motion had not been put on the agenda by that time. Until the parliament decides to finally put the matter on its agenda, the uncertainty will remain regarding both the new candidate for the vss membership and the enforceable decisions of the vss concerning the 800 non-(re)elected judges waiting to see whether there will be any place for them in a reformed or ‘reformed’ Serbian judiciary system.

## **Damage, Compensation and Limitation as an Excuse**

At the beginning of 2011 it was announced that in 2010 the Serbian state had had to pay out more than RSD 3 billion in fines, penalties and compensation for damage as a result of lost litigation. The exact figure, based on Ministry of Finance data, is RSD 3,320,462.022. The Ministry of Finance cited two items on the basis of which the Treasury Administration ordered the payments: the fines and penalties pursuant to court decisions amounted to RSD 1,690,518.511 and the compensation for damage resulting from violations or for damage caused by government bodies to RSD 1,629,943.511. Compensation for damage was paid to, among others,

108 RTV, 17 January 2012, ‘Jedan na jedan’ show.

109 *Blic*, 16 January 2012, ‘Visoki savet sudstva od četvrtka u punom sastavu’.

the families of the victims killed on the Ibar highway on 3 October 1999 (RSD 100 million) and the family of Ivan Stambolić (RSD 25 million). According to the data of the Republic Public Attorney's Office, the Republic Public Prosecutor's Office dealt with 41,085 civil cases in 2010, with the state appearing as plaintiff in only 10% of cases and as respondent in the rest. 'The state is mostly sued by natural persons and less by legal persons in respect of compensation for damage or debt,' the deputy republic public attorney, Savka Mangović, told the daily *Večernje novosti*. 'In 2010, the central register of the Republic Public Prosecutor's Office registered 2,277 new legal actions against the Republic of Serbia, an increase of 461 from the previous year.'<sup>110</sup>

Many of those who did not obtain justice before domestic courts appealed to international courts. A small country, Serbia ranks sixth on the list of states sued by their citizens to the Court of Human Rights in Strasbourg. In the last six years, a total of EUR 700,000 has been paid out to citizens by way of compensation pursuant to judgments of the European Court of Human Rights. Serbia's legal representative Slavoljub Carić says that the Court has received 6,700 petitions from Serbia mostly complaining about the length of the execution procedure. He says that the petitioners include employees of privatized enterprises, non-elected judges and other citizens alleging violations of their rights by the state. In compliance with the last judgment, in connection with an action brought by 350 employees of privatized socially-owned enterprises, the state paid out RDS 1.5 million in damages.<sup>111</sup>

Carić says that the Government has set up a working group to address the problem and that indemnity payments will be affected by the economic crisis and the state of the budget. In his latest report, he warns against the increase in the number of civil actions against the Serbian state but does not yet consider the situation alarming. The majority of petitions were filed by persons seeking to overturn and rescind domestic judgments and to be awarded high compensation. Actions have also been brought by some 120 non-elected judges. Petitions filed with the court

110 *Večernje novosti*, 28 January 2011, 'Greške teške tri milijarde'.

111 RTS, 3 February 2012, 'Po pravdu u Stazbur'.

in Strasbourg are either dismissed or accepted. In the previous year the Court dealt with 56 lawsuits against Serbia, finding for the plaintiffs in 49 cases (for violations of at least one provision of the European Convention on Human Rights) and for the state in seven cases. Carić says this is 'not a bad score for the state'.<sup>112</sup>

The number of petitions against Serbia filed by its citizens with the European Court of Human Rights in Strasbourg is constantly on the increase. The majority of the petitions relate to lengthy judicial proceedings and non-execution of final judgments by domestic courts. Out of a total of 56 judgments concerning Serbia, 49 ascertain at least one violation of provisions of the European Convention on Human Rights.<sup>113</sup>

Expiry of the statute of limitations in judicial proceedings and the rendition of judgments is among the most frequent reasons for Serbian citizens' dissatisfaction and appeals both to national justice institutions and to the Court in Strasbourg. The tardiness of judicial proceedings is attributed chiefly to political influence on the work of the courts. Owing to the ineffectiveness of the judiciary, many people do not live to get satisfaction in court because proceedings literally drag on from generation to generation especially in civil actions (e.g. litigation involving succession or field boundaries). Most often, however, long-drawn-out cases which are closed due to the expiry of the statute of limitations come to public notice when the defendant has a 'political pedigree' and is suspected of major abuses (chiefly of official position) or crimes. In such cases indictments often end up in someone's drawer – belonging either to investigative or judicial authorities. The authorities' neglectful attitude to such cases not doubt carries much (political) weight and is often the cause of the lack of confidence in the Serbian judicial system. The following are some cases in point:

'The Appellate Court in Belgrade has modified the judgment sentencing the former president of the Commercial Court in Belgrade, Goran Kljajević, to a year in prison and acquitting that court's judge, Delinka Đurđević, of the charges in connection with the Post Office Savings Bank case. The court ruled finally that the charges against them were dismissed

112 Ibid.

113 Radio Free Europe, 5 January 2012, 'Raste broj tužbi građana protiv Srbije u Strazburu'.

due to the absolute expiry of the statute of limitations. Kljajević had been sentenced for exceeding his authority in 2001 as the then acting president of the Commercial Court during the emergency administration of the Post Office Savings Bank. Đurđević was acquitted of the charges of passing an unlawful act and of breaking the law in her capacity as judge of that court in order to obtain benefit for J.Ž. and to cause damage to B.S. Considering that the criminal offences alleged against the defendants carry a sentence of imprisonment up to five years, the absolute expiry of the statute of limitations occurred in respect of both, being 10 years from the moment of the commission of the offence, the judgment of the Appellate Court says.<sup>114</sup>

Marko Milošević, son of the former president of the Federal Republic of Yugoslavia and Serbia Slobodan Milošević, was acquitted due to the absolute expiry of the statute of limitations for the claim submitted against him in 2000 by three members of the Popular Movement Otpor. The three members, Momčilo Veljković, Radojko Luković and Nebojša Sokolović, sued Marko Milošević and his thugs in connection with a brawl in the centre of Požarevac on 2 May 2000. In her reasons for the judgement, Judge Gordana Vidojković, said that the case was time-barred, that Otpor had no legal remedy at its disposal, and that by way of compensation the state was to pay Marko Milošević's lawyers several million dinars for representing him in court. The Otpor members will file an initiative for the dismissal of Judge Gordana Vidojković whom they blame for the expiry of the statute of limitations.<sup>115</sup>

A number of trials have become time-barred including those of the former minister of health and official of the Yugoslav United Left (JUL), Leposava Milićević, the former commissioner and later minister for refugees and JUL official, Bratislava Buba Morina, and the former minister of agriculture and former member of the Socialist Party of Serbia (SPS) Main Board, Jovan Babović. Many other trials have dragged on for years. Among the latter, started in 2001, are the proceedings against the former minister of health and SPS member, Milovan Bojić, the former minister of town planning and later of science and a long-time SPS member, Branislav

114 *Blic*, 23 December 2011, 'Optužbe protiv Gorana Kljajevića odbijene zbog zastarelosti'.

115 *Politika*, 14 September 2010, 'Marko Milošević oslobođen zbog zastarelosti tužbe'.

Ivković, and the former director of Politika newspaper publishing house and close friend of Slobodan Milošević's wife Mira Marković, Dragan Hadži Antić.

Former president of the Supreme Court Zoran Ivošević says that he is not surprised that proceedings against top members of the Milošević regime are becoming time-barred because similar things have happened to similar extent before. He says that holders of judicial office are still uncertain about their future and therefore susceptible to influence. 'Quite evidently and clearly the judicial authority has not got [the promised] autonomy and independence and cannot resist the pressure of the political authority; so everything can be explained by this fact and this cause,' Ivošević says. To recall, the SPS is in power again and one of its leaders, Minister for Infrastructure Milutin Mrkonjić said recently that at least five of Milošević's associates or family members are victims of rigged trials and that some have been convicted on trumped-up charges. He named in particular Marko Milošević, Mira Marković, Rade Marković, Mihalj Kertes and Dragoljub Milanović.<sup>116</sup>

The former member of the anti-Milošević movement Otpor, Momčilo Veljković, has said he would file a petition with the court in Strasbourg because Marko Milošević was acquitted three times of charges of beating Otpor activists. He said he had been denied the right to a fair trial within a reasonable time. 'My lawyers will bring an action to the European Court of Human Rights in Strasbourg and claim damages because, in my case, the Serbian judiciary failed to provide and protect my right to a fair trial within a reasonable time. I wish to point out that the Serbian state is already paying for the damage because the legal bill for the action against Marko Milošević, which I estimate at some 15 million dinars, will have to be paid for by the Serbian state.'<sup>117</sup>

The Požarevac Basic Court panel presided over by Vidojković acquitted Marko Milošević for the third time, this time due to the expiry of the statute of limitations. Although it was established that on 2 May 2000 Marko Milošević and his aides and bodyguards beat Momčilo Veljković, Nebojša

116 B92, 20 November 2011, 'Zastarela suđenja čelnicima režima'.

117 *Danas*, 18 November 2011, 'Otporaši se žale sudu u Strazburu'.

Sokolović and Radojko Luković, none of them has been convicted. Following several trials, the proceedings, which were declared time-barred, continued only in respect of Sokolović. The proceedings were discontinued in respect of Veljković in 2006 because he suffered minor bodily harm whereas Luković, who suffered serious injuries, died in a traffic accident in 2008.

The activists' lawyer, Dušan Cvejić, says that there are grounds for seeking ultimate justice in Strasbourg particularly in view of the manner in which the prosecution acted. The court was able to dismiss the charges due to the expiry of the statute of limitations because it classified the offence as infliction of grievous bodily harm rather than inflicting grievous bodily harm with life-threatening consequences, an offence to which the statute of limitations does not apply. Cvejić says that his motion for another examination was dismissed although the one dating from 2000 was performed in a rather curious manner, with Luković and Sokolović practically kidnapped by the police. The Special Court in Belgrade is conducting an investigation against Marko Milošević and his mother Mira Marković, who have been granted asylum in Russia, on suspicion of organizing tobacco smuggling during the 1990s. A separate proceeding is under way against Mira Marković on suspicion of misappropriation of government flats which, lawyers say, will become time-barred in 2012. In connection with the Milošević family, another marathon trial is in progress against persons who tried to protect Milošević in a villa on the night of his arrest on 31 March 2001. The trial opened five years ago, with the statute of limitations expiring in respect of 29 out of 34 defendants.<sup>118</sup>

## **The Legislature: Rehabilitation and Restitution**

A set of six judiciary laws was adopted in September 2011, the most important being the Criminal Code and the Civil Procedure Code. The contents of this legislation were known to the public already in draft form. The legislation was dealt with in last year's report of the Helsinki Committee. The Law on Rehabilitation and especially the Law on Restitution

118 Ibid.

(which are largely inter-related) are for several reasons the subject of great public interest particularly as regards their implementation. Debates on individual paragraphs of these laws continue and some of their provisions have already been challenged internationally.

Under the new legislation on rehabilitation applicants who are not found to be war criminals will have the right to rehabilitation while those who committed war crimes in the Second World War as members of the occupying forces and quisling formation will not. The laws were adopted by 121 deputies of the ruling coalition. The right to rehabilitation attaches to persons regarded as veterans of the war of national liberation in accordance with the law and other regulations; however, it does not attach to those who during the Second World War lost their lives on the territory of Serbia in armed conflict as members of the occupying armed forces and quisling formations. Rehabilitation will not be possible for those who were declared war criminals or participants in war crimes by decision of a military court or by another authority under the control of the National Committee for the Liberation of Yugoslavia from the date of liberation of the place in question, or for those found to be war criminals by a court or another authority of the former Yugoslavia.

However, an exception will be made of those who were rehabilitated by the day of the entry into force of this law, those who are rehabilitated in accordance with this law and those found during the rehabilitation procedure not to have committed and/or participated in the commission of war crimes. The day of liberation of a place will be deemed to be the day on which members of the National Liberation Movement began to effectively exercise power in that place without interruption. Also, the right to rehabilitation will attach to those who were denied a right by a judicial or administrative decision of a Serbian authority or of a military or other Yugoslav authority on condition that they were or are permanently resident in Serbia or had or have Serbian citizenship, as well as to those who were harmed by a decision rendered contrary to the principle of the rule of law and the standards of human rights and freedoms.<sup>119</sup>

119 *Press*, 5 December 2011, 'Usvojen Zakon o rehabilitaciji'.

Rehabilitated persons will have the right to a special length of pensionable service of at least eight years, a monthly cash allowance equivalent to half the average wage in Serbia, health protection, the right to restitution of confiscated property or to indemnity for such property, the right to compensation for material and non-material damage and/or rehabilitative compensation. A person may be rehabilitated by the force of law, where a court acknowledges this fact, or by judicial rehabilitation, where the person is rehabilitated by a court decision. Because the original text of the law was not to the liking of several parties in the ruling coalition, the Government withdrew it from procedure in September. Their objections related to the role of the Ravna Gora Movement in the Second World War and to the right to restitution of persons who were forced to fight on the side of the occupying forces. Courts have so far rendered some 1,500 rulings acknowledging rehabilitation, with higher courts dealing with another 800 claims for rehabilitation.<sup>120</sup>

The adoption of the Law on Rehabilitation has been criticized by several political parties. 'The deputy of the League of Social Democrats of Vojvodina, Aleksandra Jerkov, who did not vote for the law, said that the "law is not aimed against the Hungarians; the intention is to protect the victims of fascism during the Second World War". The adopted law lays down too wide grounds for being rehabilitated and consequently for being granted the right to restitution.'<sup>121</sup> The deputies of the SPS, a member of the ruling coalition, did not vote for the law either. Its representative Meho Omerović said that the party 'does not wish collaborators of the occupying forces and losers in the Second World War to be rehabilitated. That would be a desecration of history and a repeated murder of the victims.'<sup>122</sup>

The draft law drew a sharp reaction from Hungary because the restitution of property is directly linked to rehabilitation. In early October, Hungary threatened to veto Serbia's accession to the European Union. Budapest and the ethnic Hungarians in Serbia did not like the draft law because it ruled out rehabilitation of, and consequently restitution of

120 Ibid.

121 *SETimes*, 7 December 2011, 'Mađari pozdravili novi Zakon o rehabilitaciji'.

122 Ibid.



property to, all who were mobilized by the army of occupation during the Second World War. The adoption of the amended provisions of the Law on Rehabilitation smoothed the tense relations between Belgrade and Budapest.<sup>123</sup> During the Second World War, a great many Hungarians in Serbia were often forcibly mobilized into the Hungarian army units occupying parts of the Serbian province of Vojvodina. Under the current version, rehabilitation and consequently restitution of property will be possible for all who did not commit war crimes.

The amendments, resulting from consultations between the Government and the Alliance of Vojvodina Hungarians, were welcomed by the Hungarian Government. Laszlo Varga of the Alliance of Vojvodina Hungarians (svm), who is a member of parliament, said that the adoption of the law 'redresses the injustice done to the Hungarian community' and that all of the party's demands had been 'met to the last full stop and comma'.<sup>124</sup> He stressed that the gist of the law was that no one who did not commit a war crime during the Second World War would be excluded from the process of restitution and that all who suffered injustice would have the right to take rehabilitation proceedings.<sup>125</sup>

Hungarian State Secretary Zsuzsanna Repas said that she expected that, in accordance with the agreement reached with the svm, the Serbian parliament would soon adopt the amendments to the law (on rehabilitation) which had been characterized in Hungary as discriminatory and based on the principle of collective guilt.<sup>126</sup> Hungary warned Serbia that denying Hungarians the right to restitution of property seized after the Second World War might block Serbia's further progress towards the EU.<sup>127</sup> The agreement having been reached by Serbian President Boris Tadić and svm leader Istvan Pasztor, the Government on 28 October adopted the Draft Law on Rehabilitation designed to clear the way to restitution.

123 Ibid.

124 Ibid.

125 Ibid.

126 MTI Agency.

127 *Blic*, 14 November 2011, 'Mađarska očekuje usvajanje izmena Zakona o rehabilitaciji'.

The Law on Restitution, which provides for restitution of dispossessed property and compensation, and which provides for compensation for damage for owners of nationalized property through natural restitution or government bonds, was adopted by 26 September 2011. The adoption of this law was one of the conditions for Serbia being granted candidate status for membership in the EU. The law, under which all property seized after the Second World War would be subject to restitution, was voted by 117 deputies of the ruling coalition and the opposition Liberal Democratic Party. Twenty-three deputies of the SVM and the Democratic Party of Serbia (DSS) voted against the law.

Serbia expects about 150,000 restitution claims. The property will be restituted in its natural form wherever possible; if not, it will be paid in Serbian government bonds, as well as in restitution advance cash payments. The law does not provide for substitution, which was one of the chief demands of the old owners. The provision that was opposed by Hungary and a number of minorities in Vojvodina states that foreign nationals who served as members of the occupying forces during the war will not have the right to restitution of property.<sup>128</sup> Therefore, checks are envisaged to find out whether a person found to have served in those forces was forcibly mobilized.

If the Public Legal Office establishes the existence of legal impediments, it will deliver its opinion to the Restitution Agency.

The provision for checks on forced mobilizations was the response to the objections of the SVM and the Hungarian state, which threatened to block Serbia's candidacy status. Goran Radosavljević, state secretary in the Ministry of Finance, said that 'they insist that all who were forcibly mobilized during the Second World War should be granted the right to restitution of immovables', adding that there was 'no collective guilt of any people, including the Hungarian, because all boils down to individual responsibility'.<sup>129</sup>

The objects of restitution in the restitution procedure will include immovables, i.e. building and agricultural land, forests, residential and

128 Beta, 26 September 2011, 'Usvojen Zakon o restituciji'.

129 *Večernje novosti*, 8 October 2011, 'Restitucija: Zahtevi u bubnju'.

commercial buildings, flats, movable possessions and enterprises. According to records so far, claims have been filed for 300,000 hectares of agricultural land. The current market value will serve as the basis for compensation while the amount of effective compensation will be known to each owner at the end of 2014. By way of monetary compensation, bonds in euro will be issued early in 2015 totalling EUR 2 billion and bearing 2% interest. There will be a general time limit of 15 years for the payment of bonds in annual instalments to former owners, with those over 65 having a 10-year and those over 70 a 5-year time limit. Maximum compensation per owner is limited to EUR 500,000. Total compensation will be worth about EUR 4.5 billion, of which EUR 2 billion will be in bonds.

The subject of restitution will be property seized under the 'revolution laws' after 9 March 1945 as well as that belonging to the victims of the Holocaust on the territory of Serbia during the Second World War. Rehabilitated persons too will have the right to restitution of property or compensation; they will merely have to produce evidence that rehabilitation proceedings have commenced rather than wait until they are completed. Compensation will also apply to people who concluded contracts of sale with a government body between 1945 and 1958 if it is determined judicially that they were injured on account of the sales price amount, with compensation being reduced by the amount of the sales price they received. This will be regulated in detail by an amendment submitted by the Serbian Renewal Movement (SPO).<sup>130</sup>

In connection with the law, the Ministry of Finance said that the restitution process could last up to half a century and that the prosecuting authorities would check all claimants for guilt. The requirements in respect of foreign nationals are such as to diminish their chances of compensation. Out of some 140,000 restitution claims submitted for tally-keeping, 702 are from Hungary, 488 from Germany, 401 from Austria, 360 from the United States and 330 from Israel.

The state secretary in the Ministry of Finance, Goran Radosavljević, said that foreign nationals who had already submitted the required documents would have to do that again because the purpose of the previous

130 Beta, 26 September 2011, 'Usvojen Zakon o restituciji'.

procedure was merely to establish the number of claims. He expected that the number of aliens seeking restitution would be considerably less because there are a number of conditions they must fulfil. The first is that the claimant does not come from a country which has received compensation after the war under an intergovernmental agreement with Serbia. Secondly, there must be a reciprocity between that country and Serbia; thirdly, the claimant must not be a former member of an occupying force; and fourthly, the claimant must not have received compensation before. Serbia has inherited from the former Yugoslavia 23 signed agreements which are undergoing close scrutiny at the Ministry of Finance.<sup>131</sup>

### **Reactions to Reconstruction of the Past**

In connection with the rehabilitation and restitution laws, the Alliance of Antifascists of Serbia asked Prime Minister Mirko Cvetković to discontinue the process of rehabilitation of Dragoljub Draža Mihailović, leader of the World War Two Ravna Gora Movement. In their letter to Cvetković, it writes that Mihailović's supporters are increasingly making 'utterly un-objective statements' in connection with his rehabilitation. The Alliance is especially critical of 'certain SPO officials' whom it accuses of making every effort to present Mihailović, the Chetnik Ravna Gora Movement and its armed formations otherwise than they were: 'a markedly collaborationist, anti-partisan, terrorist, marauding military and political movement'. It writes that the 'honourable conduct and antifascist combative mood of individuals and small groups of Chetniks, who most often joined the partisan movement, cannot alter the general negative character of the occupier's collaborators who in their struggle against the liberations aspirations of the people were often more inhuman and merciless than the occupier himself. The thousands of documents, photographic records and film reels kept in archives and museums here and all over the world contain credible evidence about the crimes of the Chetnik movement and its collaboration

131 *Večernje novosti*, 8 October 2011, 'Restitucija: Zahtevi u bubnju'.

with the occupying forces in Serbia and Yugoslavia. To deny all that would be a new crime both against the Chetniks' victims and against history.<sup>132</sup>

The Alliance of Antifascists of Serbia finds it 'absolutely incomprehensible' that the Serbian parliament should have adopted two very strange pieces of legislation: the Law on Equal Rights of Partisans and Chetniks and the Law on Rehabilitation. For this reason the Alliance regards as fully justified the initiative of the Republic Committee of the Serbian National Liberation War Veterans' Organization (SUBNOR) that the Government propose to have the laws repealed.<sup>133</sup>

## EU Integration and the Judiciary

The reform of the judicial system and the adopted legislation are under close scrutiny of the European Union. Serbia's European integration will be of key importance for the acceleration of the reform and for the improvement of the statutory provisions. For instance, the Criminal Code was the subject of consideration by the European Parliament's Committee on Foreign Affairs in adopting the draft Resolution on Serbia's European integration. The Resolution was adopted on the same day as the candidate status was granted, 1 March 2012.

The Resolution demands the abolition of the controversial Article 359 of the Criminal Code and of the criminal offence of abuse of office. It demands the discontinuation of all ongoing proceedings under Article 359 and just compensation for persons who were detained without justification and deprived of private property under that Article. The conditions were tightened after, in spite of public assurances by Serbian judicial officials, abolition of the anti-European Article 359 was not included in the Draft Amendments to the Criminal Code that were recently put into parliamentary procedure.

By majority vote (62 against 4), the European Parliament's Committee on Foreign Affairs adopted the Draft Resolution on Serbia extending principled support for its further progress towards European integration

132 *Danas*, 20 March 2011, 'Četnici i partizani se ne mogu izjednačiti'.

133 *Ibid.*

as well as asking Belgrade to improve the process of internal reforms and harmonize its legislation with European law. In point 16 of the Draft Resolution, the European Parliament again called for abolishing Article 359 of the Criminal Code and the criminal offence of abuse of office. The European Parliament said it was seriously concerned about repeated allegations about misuse of Article 359 and of the criminal offence of abuse of office, which result in the freezing of property of enterprises and private persons without justification.

The European Parliament said that the allegations had seriously undermined confidence in the rule of law in Serbia and called on the Belgrade authorities to urgently continue revision of the Criminal Code to make sure that its provisions are harmonized with European standards. In particular, the Draft Resolution calls for the immediate halting of the practice of bringing charges for abuse of office in private firms and companies in majority private ownership, as well as for the immediate suspension of all proceedings started on those grounds. In cases where it is suspected that the duration of detention or of freezing of assets of persons accused under Article 359 was out of proportion to the gravity of offences alleged against them, the European Parliament said, accused persons should be given the right to direct revision of proceedings against them and ensured restitution of property and just compensation.

Other than demanding the abolition of the controversial article and discontinuing ongoing proceedings in this connection, the European Parliament called for the end to the practice of unjustified seizure and freezing of accused persons' property, as well as for compensating persons whose rights have so far been violated by the application of the anti-European Article 359.

According to data of lawyers' associations, nearly 10,000 indictments have been brought in Serbia under Article 359, encompassing a wide range of various offences arbitrarily classified as abuse of office.

# War Crime Trials

War crimes are not subject to the statute of limitations and the same applies to the prosecution of their perpetrators. Unfortunately, this provision, which is contained in all legislations and international criminal law, is a thorn in the side of many of them in the territory of the former Yugoslavia. One of the reasons for trying to push into oblivion war crimes – from those committed during the Second World War to those committed in the recent armed conflicts in the territory of the former Yugoslavia – is the absence of catharsis. Namely, in processing those indicted for war crimes in the territory of the former Yugoslavia, their ethnicity and, in that context, the omnipresent negative connotation of indictments raised either by the Hague Tribunal or by domestic courts are still relevant. If one excludes the (partially) independent undertaking of measures by prosecutor's offices and judicial authorities, such a negative connotation is evident not only in the broader public's reaction, but also in the calculated actions of politicians directed towards the domestic public. Politicians, numerous media, manipulators, war profiteers and speculators with criminal records try to deny the fact that war crimes indictments are a question and that a verdict is an answer.

It is very important therefore that the political elites of the former Yugoslav republics reconcile their views on the prosecution of war crimes suspects and inditees, and the individualization of the perpetrators' accountability.

In addition, they must mutually settle the disputes arising from the armed conflicts, instead of asking a third party – international judges – to say the final word. In pursuing the latter option, one party will always remain unsatisfied, thus contributing to the further tensioning of inter-state and inter-ethnic relations instead of reconciliation to which almost all aspire when speaking at political fora.

## Settlement of the Dispute: Croatia's Claim and Serbia's Counterclaim

At the beginning of 2012, there were some indications that official Zagreb and Belgrade would agree on the fate of their genocide claim and counterclaim submitted to the International Court of Justice in The Hague. Croatian Foreign Minister Vesna Pusic has stated that Zagreb will withdraw its genocide claim against Serbia, since such a claim “enhances basic instincts and that is unethical towards people. In the case of claims you have two options. One option is that you want to solve the problems, including those related to missing persons, looted property and war crimes trials. The other option is that you want to keep a low-intensity conflict going in the region over a longer period”. In her opinion, stability in the region is an existential issue for Zagreb. As for the possible withdrawal of Croatia's genocide claim, she holds that the two countries should reach agreement on all open issues, including those related to missing persons, looted property and war crimes processing.<sup>134</sup>

The new Croatian Prime Minister, Zoran Milanovic, has also stated that “any further talk about the faith of the claim against Serbia will depend on the fulfilment of the conditions set by Croatia in it. The fulfilment of those conditions is a prerequisite for any further talk about the faith of this claim”. In his opinion, the Serbo-Croatian relations are now solid, but there is a large scope for their improvement, which is in mutual interest. He emphasized: “There was a war twenty years ago and we were attacked. Serbia represents the space where they speak a similar, mutually understandable language and there is also a significant scope for Croatian firms. This is in our interest, without great pathos and emotions – as the neighbours and partners, we can work together and respect each other; we don't need anything else. It will be great if we could achieve this”.<sup>135</sup>

Serbian Justice Minister Snezana Malovic has said that she regards the statements by the Croatian head of diplomacy, Vesna Pusic, as offering a hand of reconciliation as well as an extraordinary gesture and a clear

134 Blic, 31 December 2011, “Hrvatska povlači tužbu protiv Srbije za genocid”.

135 Beta, 5 January 2012, “Novi hrvatski premijer o sudbini tužbe protiv Srbije”.



message that Serbia and Croatia can deal with their outstanding issues through dialogue. She has pointed out that Serbia will be constructive in solving the problems with Croatia. It is important to reach agreement in the interest of the citizens of Serbia and Croatia. Then the “withdrawal of genocide claims will be realistic in itself”. She has also added that the reconciliation process cannot be completed until the disputable issues, such as those related to war crimes, looted property and tenancy rights, are settled.<sup>136</sup>

Savo Strbac, Director of the Veritas Information-Documentation Centre, opposes the mutual withdrawal of Croatia and Serbia’s genocide claims because, in his opinion, such a deal will only mean that the problem has been temporarily “swept under the carpet”. He points out that “for the future and for the reconciliation of Croats and Serbs, whose relations are especially burdened by the genocide issue, the ruling by the International Court of Justice in The Hague, whatever it might be, would be better than any out-of-court agreement reached by the Serbian and Croatian elites”. He also holds that the statement made by the Croatian Foreign Minister, Vesna Pusic, that Zagreb will withdraw its claim against Serbia “has been taken out of context to some extent. There were also such indications in the past, but Croatian officials used to say that they would support the mutual withdrawal of claims should they get whatever they requested in the court. However, they never said what they would do with the conditions set in Serbia’s claim”.<sup>137</sup>

The International Court of Justice in The Hague authorized Croatia’s submission of an additional pleading to Serbia’s counterclaim relating to Croatia’s genocide claim, and set 30 August 2012 as the time-limit for filing that pleading. In the Court’s press release it is stated that after an indication that Croatia wished to present its views, this country was authorized to submit an additional pleading concerning Serbia’s counterclaim in writing. Croatia filed a claim against Serbia on 2 July 1999 accusing Serbia of being responsible for ethnic cleansing committed against Croatian citizens, “a form of genocide which resulted in large numbers of Croatian

136 *Danas*, 8 January 2012, “Malovićeva za dogovor sa Hrvatskom”.

137 *Blic*, 2 January 2012, “Štrbac protiv povlačenja tužbi Hrvatske i Srbije”.

citizens being displaced, killed and tortured". Serbia first tried to challenge the jurisdiction of the UN court in this dispute, because at the time of the submission of Croatia's claim the former Federal Republic of Yugoslavia, that is, Serbia, was not a member of the world organization. However, the Court rejected such an argument and Serbia then submitted a counterclaim in January 2010, accusing Croatia of genocidal actions and the ethnical cleansing of more than 230000 Serbs during Operation Storm.<sup>138</sup>

Vojin Dimitrijevic, a professor of international law, says that there is a possibility that Serbia and Croatia withdraw their mutual genocide claims filed before the International Court of Justice, but only if they establish a confidence-based relationship and reach agreement on this issue. He emphasizes that "it has been known for a long time that Croatia's claim and Serbia's counterclaim filed before the International Court of Justice are meaningless, since neither party can hope to be successful due to the fact that there is no court in Serbia or Croatia which has delivered its judgement on the crime of genocide in the Croatian territory. The situation is like this due to a lack of confidence. Neither side can be sure that if it withdraws the genocide claim the other side will do the same. As soon as Vesna Pusic indicated that Croatia would withdraw its claim, we could hear voices in Belgrade that Serbia could not do the same thing. Some of them even claimed that Ante Pavelic could also be tried for his crimes, although this is impossible because they had been committed before the Convention on the Prevention and Punishment of the Crime of Genocide came into force".<sup>139</sup> In his opinion, Serbia and Croatia should agree on all disputable issues and then simultaneously withdraw their claims, which is not impossible. Dimitrijevic also points out that the issues mentioned by Vesna Pusic as the requirements for Croatia's withdrawal of its claim (missing persons, looted property, war crimes) do not refer to genocide.<sup>140</sup>

An agreement between Belgrade and Zagreb on the simultaneous withdrawal of their claims is hindered not only due to the lack of confidence, but also due to the fact that nobody wants to take that risk, not because

138 Kurir, 27 January 2012, "Rok za kontratužbu Hrvatske do 30. avgusta".

139 Danas, 4 January 2012, "Obe tužbe su besmislene".

140 Ibid.

of the International Court of Justice, but because of the reaction of the general public in their countries. Croatia submitted its claim against the then Federal Republic of Yugoslavia to the highest UN court in July 1999, while Serbia filed its counterclaim with this court in January 2010. At the end of 2010, the Croatian authorities filed a pleading to the counterclaim, while Belgrade submitted a supplement to its counterclaim last November. If Belgrade and Zagreb do not withdraw the mutual genocide claims, the main oral hearing before the Hague court make take place in 2013.<sup>141</sup>

### **Arrest Warrants and Court Confusion**

Regional cooperation between prosecutor's offices and judicial authorities in the prosecution of war crimes indictees and suspects in the territory of the former Yugoslav republics is still problematic. Professional cooperation between prosecutors and court investigators in the region is still burdened by the recent past, especially the differences in its interpretation. The lists of the indicted (or convicted in absentia) of Serbia's War Crimes Prosecutor's Office contain the names of persons against whom arrest warrants were issued during Slobodan Milosevic's regime. The most disputable indictments are those raised by the Military Court during the 1990s which have not yet been revised and arrest warrants are still effective.

**Purda case.** The Croatian citizen from Vukovar, against whom the Serbian judicial authorities issued an arrest warrant after being indicted for a war crime, was arrested at the Orasje border crossing in Bosnia and Herzegovina. B&H Court spokesman Selma Hadzic stated that the Court ordered that Purda should be held in custody for 18 days and that within this period the Serbian judicial authorities should submit to Sarajevo the formal request for his extradition, supported by all necessary documents. According to her, there are no obstacles to his extradition to Serbia, since he is not a citizen of Bosnia and Herzegovina. Purda was arrested under an Interpol arrest warrant on suspicion of "committing a criminal act of the war crime against the infirm and wounded, while extradition detention,

141 Ibid.

prescribed by the B&H Court for such cases, cannot last longer than 30 days".<sup>142</sup>

The Serbian Ministry of Justice submitted to the competent bodies in Bosnia and Herzegovina a request for the extradition of Tihomir Purda who is wanted by Serbia on suspicion of committing a war crime against the wounded and sick in Borovo Selo in Croatia, in November 1991. He is suspected that, together with two other persons, he participated in the killing and inhumane treatment of the wounded and sick in 1991. Justice Minister Snezana Malovic explained that the competent Croatian authorities informed her Ministry that they would not prosecute Purda and thereafter, as it was announced, Serbia submitted a request for his extradition.

Minister Malovic also said that the "processing of war crimes is our obligation and duty, since determining the truth and processing those responsible for crimes are a prerequisite for the reconciliation process in the region. We owe the truth to the victims and their families". She also turned attention to the fact that Serbia had submitted to Croatia the lists of a few dozens of persons wanted by Serbia on the basis of the verdicts passed by former military courts. Observing the agreement reached at the meeting of the Mixed Commission, the Serbian side confirmed its commitment to full cooperation with the Croatian state authorities. Malovic stated that the "War Crimes Prosecutor's Office has determined that there is a sufficient degree of suspicion that Purda has committed the war crime with which he is charged and I am convinced that the Serbian judicial authorities will act professionally in the Purda case, so that the truth can be determined, as has been done so far". She has also pointed out that she expects that the competent authorities in Bosnia and Herzegovina will make the decision to extradite Purda to Serbia as soon as possible, bearing in mind the severity of the crime.<sup>143</sup>

Croatia subsequently became involved in this case, after the protest of Vukovar veterans accusing the state authorities of failing to react adequately. The relevant ministries announced themselves only thereafter. Justice Minister Drazen Bosnjakovic stated that the Government and

142 Večernje novosti, 6 January 2011, "Uhvaćen Tihomir Purda".

143 Večernje novosti, 21 January 2011, "Upućen zahtev za izručenje Purde".

relevant ministries would do their best to have Purda return to Croatia as soon as possible, since the investigation has shown that he is innocent”.<sup>144</sup> The Croatian judicial authorities have decided on the basis of the testimonies of the witnesses that there are no grounds for Purda’s prosecution or extradition to Serbia. Thereafter, Deputy Prosecutor Bruno Vekarić stated that “Serbia’s War Crimes Prosecutor’s Office dropped charges against Croatian citizen Tihomir Purda and two other persons suspected of war crimes in Vukovar in 1991”. He explained that the Prosecutor’s Office has brought such a decision due to the lack of evidence, since the investigation had not been adequately carried out. Apart from Purda, the Prosecutor’s Office also dropped charges against Danko Maslov and Petar Janjić Tromblon.

**Vucurević case.** The wartime mayor of Trebinje and one of the founders of the Serbian Democratic Party in Bosnia and Herzegovina, Božidar Vucurević, was arrested at the Karakaj border crossing between Bosnia and Herzegovina and Serbia. The close collaborator of Radovan Karadžić was arrested under an arrest warrant issued by Croatia for shelling Dubrovnik in the early 1990s when he served as mayor of Trebinje. According to the indictment raised by the District Prosecutor’s Office in Dubrovnik, in September 1991, Vucurović ordered the mobilization of Territorial Defence members and the formation of special police units. It is further stated that these units were included in the Yugoslav People’s Army, which attacked the Republic of Croatia from the territories of Herzegovina and Montenegro and, until 26 October 1991, temporarily occupied the territory stretching from Prevlaka to Ston, while Dubrovnik was held under total blockade.

After his arrest, Vucurević said that he was glad that this finally happened because he “will have a chance to prove that he is not responsible for the crimes committed in the territory of Dubrovnik”. The Serbian Democratic Party (SDS) has requested the Serbian authorities to immediately release the wartime mayor of Trebinje and one of the founders of that political party, Božidar Vucurević, as well as to stop arresting innocent Serbs under Croatian arrest warrants.

144 Večernje novosti, 29 January 2011, “Hrvatska: Ministri očekuju oslobađanje Purde”.

In its press release, the SDS has stated that, by fabricating indictments against those who had defended the Serbian people, Croatia tries to “hide its own crimes and ethnic cleansing against Serbs”.<sup>145</sup> According to its press release, the Serbian authorities – which have demonstrated their readiness to drop charges against the perpetrators of crimes against the Serbian people, such as Ejup Ganic, Tihomir Purda, Ilija Jurisic and others – are requested to behave like Sarajevo and Zagreb. It is emphasized that they should protect innocent Serbs against prosecution instead of arresting them.<sup>146</sup>

The SDS called on the President of the Republic of Srpska (RS), Miroslav Dodik, Serbian member of the B&H Presidency Nebojsa Radmanovic and other Serbian officials in the B&H institutions to immediately react and ultimately request Belgrade to release Vucurevic and provide him with legal and financial logistics, so that he could be released as soon as possible.<sup>147</sup>

Vucurevic denied any responsibility. He said: “I didn’t order any attack on Dubrovnik and have no stains on my soul.” He also pointed out that the Hague Tribunal acquitted him of all charges.<sup>148</sup>

His arrest sparked a protest in Trebinje under the slogan “Freedom for Vucurevic”, which rallied a large number of citizens. According to his ally and friend Gojko Klickovic, who was the wartime Prime Minister of the Republic of Srpska, “the indictment raised by Croatia is transparent and politically motivated, so that the most realistic and only fair solution is to release him from detention as soon as possible”.<sup>149</sup>

On 11 September 2011, the Trial Chamber of the Belgrade Higher Court’s War Crimes Department brought the decision that Vozidar Vucurovic could be extradited to Croatia and Bosnia and Herzegovina. In the meantime, he escaped to Trebinje, since he was released pending the end of the extradition proceedings. Police Director Milorad Veljovic said that

145 TVB92, 4 April 2011, “Vučureviću određen pritvor”.

146 Ibid.

147 Ibid.

148 Ibid.

149 Večernje novosti, 5 April 2011, “Hrvati mi neće suditi”.

he had no information about Bozidar Vucurevic's escape and that the "police had no obligation or court order to check Vucurevic's movement".<sup>150</sup>

Dusica Ristic, spokeswoman for the Higher Court in Belgrado, has stated that she has "no official information that Vucurevic left Serbia". She has stated that on 17 June, after the expiry of the detention period, Vucurevic was forbidden to leave the territory of Serbia. The investigative judge took his identity card, but not his passport, since he did not have it. However, this court obtained the guarantee from Bosnia and Herzegovina that its authorities would not issue him a new passport until the end of the extradition proceedings or, more exactly, until the final decision was made concerning the requests of Bosnia and Herzegovina and Croatia. She also pointed out that Vucurevic was obliged to report to the court twice a week, excluding the period when he was hospitalized and then released to receive treatment at home on 5 September.<sup>151</sup>

Bozidar Vucurevic himself revealed how he had escaped at a press conference in Trebinje: "I came to Bosnia and Herzegovina by regular bus service from Belgrade on Friday night. I crossed the state border without documents and without any problem. Nobody asked me to show any document".<sup>152</sup> He did not want to reveal at which border crossing he had entered Bosnia and Herzegovina, or the owner of the bus which had carried him there. He says that he is not afraid of being arrested and tried in Bosnia and Herzegovina: "I can hardly wait to appear before it. Bosnia and Herzegovina is my state and I wish to be tried there. I would rather be buried than go on trial in Dubrovnik. They have already sentenced me to death". He has also stated that he is not a Serbian citizen and that Serbia "has no authority to arrest him, or issue an arrest warrant".<sup>153</sup>

On the basis of the report by the Serbian Ministry of the Interior that Vucurevic is not in the territory of Serbia and thus not accessible to the domestic judicial authorities, the Court of Appeals has changed its earlier

150 TVB92, 11 September 2011, "Sud: 'Vučurević može biti izručen'".

151 Ibid.

152 Večernje novosti, 13 September 2011, "Vučurević: 'Radije pod zemlju, nego u Dubrovnik'".

153 Ibid.

decision that all requirements for his extradition to the judicial authorities of Bosnia and Herzegovina and Croatia have been met. The Court of Appeals has brought the final decision that the requirements for the extradition of the wartime mayor of Trebinje Bozidar Vucurevic to Bosnia and Herzegovina or Croatia have not been met, since he is not in the territory of Serbia, said Court spokesman Mirjana Piljic.<sup>154</sup>

## Disputable Indictments and the Abandonment of Trial

The arrest of Tihomir Pirda has again triggered an avalanche of reactions due to acting on Serbian arrest warrants issued by the military courts of the former Yugoslav People's Army. Such indictments and arrest warrants have already been disputed, like in the case of the former Bosnia and Herzegovina Army General **Jovan Divjak**, who was arrested in Vienna and held in custody pending extradition proceedings. He is suspected of committing war crimes against the members of the Yugoslav People's Army in Dobrovoljacka Street in Sarajevo.

After spending six days in an Austrian prison, Divjak was released on bail. A court in Korneuburg turned down the request for Jovan Divjak's extradition to Serbia because he would not have a fair trial in that country. According to the court decision, the significant denial of his right of defence makes his extradition to the Serbian authorities impermissible. The court also pointed out that the Hague Tribunal did not find enough evidence to support the claim that he had committed war crimes so as to launch an investigation into the former Bosnia and Herzegovina General in Serbia".<sup>155</sup>

It is interesting to note that the Montenegrin Association of 1990 War Veterans has called on Serbia to withdraw its arrest warrant against the former Bosnia and Herzegovina General Jovan Divjak. In their statement it is emphasized as follows: "Instead of issuing arrest warrants Serbia should

154 *Večernje novosti*, 5 December 2011, "Apelacioni sud: Nema uslova za izručenje Vučurevića".

155 Blic, 29 July 2011, "Divjak pušten na slobodu".



deal with its unreadiness to resist political patronage for war crimes committed against the members of the Serbian people. The issuance of arrest warrants against Agim Ceku, Hasim Taci, Ejup Ganic, Tihomir Purda and Jovan Divjak, their arrest and subsequent release humiliate Serbia and make national heroes out of war criminals". It is also stated that the prosecution and sanctioning of persons charged with war crimes should be left to their own countries, under the supervision of European institutions and with the assistance of the prosecutor's offices and courts of the countries whose citizens were the victims of those crimes. The events related to Serbian arrest warrants have shown that in official Serbia law, justice and truth are subjected to the opinion of political leaders from the outside and the fuss and pressures from Croatia, Bosnia and Herzegovina and so-called Kosovo".<sup>156</sup>

After the resolution of the "Purda case" and emphasizing that Serbia's war crimes indictments had been issued by former military courts, the Croatian Assembly adopted the Law on the Invalidity of Serbian Indictments by majority vote. The Government also proposed a declaration claiming that Serbia has violated the sovereignty of Croatia. In that text, Serbia was called upon to conclude an inter-state agreement regulating the competence in processing war crimes against humanity and genocide. The Croatian Government initiated the adoption of the law on the invalidity of the indictments raised by the Yugoslav People's Army and SFRY due to the latest indictments raised against 44 Croatian citizens, including several wartime leaders, for the war crimes and genocide committed in the territory of Vukovar in 1991.<sup>157</sup>

The European Union has warned Croatia that, due to the Law on Invalidity, it could have problems and that the processing of war crimes in Croatia would be regarded as an issue of special significance during the monitoring of the European Commission. There have also been warnings that Croatia could have problems during the process of ratification of the

156 Blic, 5 March 2011, "Udruženje učesnika ratova: Srbija da povuče optužnicu protiv Divjaka".

157 Press, 21 October 2011, "Sabor usvojio zakon o ništavosti srpskih optužnica".

Accession Agreement if such a law were interpreted as the law that would aggravate war crimes processing and related cooperation in the region.<sup>158</sup>

Slobodan Homen, State Secretary in the Ministry of Justice, has stated that “all arrest warrants issued by Serbia against those suspected of war crimes will be revised”. He has explained that the War Crimes’ Prosecutor’s Office has the task to check absolutely all evidence against suspects, which had been collected by the military judiciary that was dissolved in 2004. A little before its abolition, the military judiciary activated such cases, some of which were even 12 years old, and submitted them for investigation, which created a real hodgepodge. Homen also emphasized that “during the war in the former Yugoslavia confessions were also acquired by suspects in camps and in front of cameras, so that such confessions should certainly be checked. The checking of evidence and arrest warrants is also needed for the credibility of our country, as well as due to the fact that all perpetrators of war crimes should be brought to justice.<sup>159</sup> His statement probably refers to several arrests made abroad under Serbian arrest warrants which ended ingloriously. For example, the cases of General Jovan Divjak, Tihomir Purda and Ejup Ganić, a member of the wartime Presidency of Bosnia and Herzegovina. All these cases have been assessed within an international framework as “diplomatic scandals”, so that the domestic judicial authorities have decided to review all cases left by military courts.”<sup>160</sup>

Deputy War Crimes Prosecutor Bruno Vekarić has stated that the “Prosecutor’s Office supports the initiative of the Ministry of Justice that such a situation should be clarified and that the cases must be revised”.<sup>161</sup>

Croatia, for example, revised its cases, so that the number of war crimes suspects was reduced from 2000 to 950, but their number was increased again to 1200. In Serbia, according to the War Crimes Prosecutor’s Office, the investigation of 105 persons is requested: four persons in four cases related to war crimes committed in Croatia, 24 persons in four cases

158 TVB92, 22 October 2011, “EU: Zbog Zakona Hrvatska u problemu”; source: Jutarnji list.hr.

159 Večernje novosti, 21 March 2011, “Poternice na proveru”.

160 Ibid.

161 Ibid.

related to war crimes committed in Bosnia and Herzegovina (including the Dobrovoljacka and Zvornik cases), and 77 persons in five cases related to crimes committed in Kosovo.<sup>162</sup>

Sinisa Vasic, President of the Belgrade Court's War Crimes Chamber, points out: "We often have a situation that we must convince the media that we have passed the verdict on the basis of evidence, we may believe in something or not, but evidence is something else. Courts are, so to say, a reactive body and, in contrast to the police that deal with discovery and the Prosecutor's Office that deals with prosecution, they deal with the conduct of proceedings; we handle cases which come to us. Consequently, we have no possibility to choose or model the persons who will be tried, or the cases that will be handled. We simply act on the evidence and facts, which have in the courtroom and are presented before the trial chamber. A good thing about war crimes is that they are not subject to the statute of limitations. A bad thing about those proceedings is that they also include witnesses, that is, people, whose memories fade over time, unfortunately get sick and so on. An indictment is a question and a verdict is its answer. If a question is adequately asked, based on something that is called evidence, the verdict will certainly be good."<sup>163</sup>

## **The Revision of History and Rehabilitation Through Judicial Proceedings**

All rehabilitation processes, especially those conducted over the past decade, have mostly been meant to revise history. The Serbian Anti-Fascist Alliance and numerous individuals have publicly condemned such falsification, but the policy has not been changed. There is no doubt that the best example is the search for the remains of Chetnik commander Dragošlav Mihailovic (and his rehabilitation process). This has become state priority where State Secretary Slobodan Homen has especially distinguished himself.

<sup>162</sup> Ibid.

<sup>163</sup> Vreme, 14 April 2011, "Ustanička ulica".

The past events are either forged or presented without any credible and authentic documents. When he was the Foreign Minister, Vuk Draskovic succeeded in equalizing Chetniks and Partisans – by law. Regular courts have been turned into “political courts”, starting systematically to rehabilitate everybody for whom such a request has been made. In more than 90 per cent of cases only two data have to be provided from the Serbian Archives so as to obtain a certificate of rehabilitation – when the person to be rehabilitated joined some formation, usually the Chetnik one, and a copy of the verdict passed by a “Communist court”.

About 1300 persons have so far been rehabilitated with the justification that they have been convicted or executed for “ideological reasons”. The court has not checked other documents in the file of the person to be rehabilitated. In his article published in weekly *Vreme* Dr Djordje Stankovic emphasizes that they have checked the rehabilitated persons on a sampling basis and have found out that 14 out of 76 rehabilitated persons are war criminals! All trials have been conducted without defence witnesses, while the atmosphere in the courtroom has been emotionally charged. Revision is one, political issue, while textbooks are the other, state issue related to upbringing and education, where politics, pedagogy and science overlap.<sup>164</sup>

Stankovic emphasizes that in the current interpretation of historical facts there are so many foreign and fashionable “theories”, individual experiments and residues of the old and entrenched that it is impossible to make any academic classification within the scope of science itself. He holds that if our “past is as it is”, it is only the image of our one-time reality. If our attitude towards variable political matrices changes in one way or another, we will have an uncertain past and the science dealing with it will be ignored in a society with a low level of political culture and general education. In this way, people are doomed to repeat this past in its worst form, if they have not already started repeating it!”<sup>165</sup>

164 Ibid.

165 *Vreme*, 14 April 2011, “Iz ličnog ugla – revizija i rehabilitacija”, author: Professor Dr Djordje Stankovic, “Smrt istorije”.

## The Hague Tribunal: No Influence on the Society

After the arrest of the last two Hague fugitives – Ratko Mladic on 26 May and Goran Hadzic a little less than two months later, on 20 July – Serbia removed two serious long-standing obstacles in its European integration process. The beginning of 2011 did not seem to promise such decisive moments in Serbia's cooperation with The Hague, since Ratko Mladic's arrest was still a vital prerequisite for its EU candidate status. Immediately after the New Year holidays, Belgrade began preparations for the February visit of the Hague Chief Prosecutor. During his previous visit in November 2010, Brammertz requested the Action Team for Cooperation with the Hague Tribunal to have the operatives of the police, Security and Intelligence Agency (BIA) and Military Security Agency (VBA) simultaneously work on more tracks and follow more trails. On that occasion, Brammertz also made a number of comments saying that the judiciary was late in processing Ratko Mladic's accomplices and pronouncing their verdict, while those aiding Radovan Karadzic did not even sit in the dock, since their case was subject to the statute of limitations.

Brammertz's February visit was more or less a routine one, since Belgrade did not do anything that would reverse his decision to submit a negative report to the UN Security Council at its June session on Serbia's cooperation with the Hague Tribunal. On the eve of Brammertz's visit, the authorities tried, as a rule, to demonstrate their commitment to finding the fugitives by organizing, say, still another search of the apartment of Mladic's son Darko. This was also done on 31 January 2011. The police again searched various apartments in Belgrade in search for Hague Tribunal fugitive Ratko Mladic. The media reported that during the past years similar actions were organized only as a show before some event being important for Serbia's European integration. At that moment, such

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an event was the submission of 2483 answers to the European Commission's Questionnaire<sup>166</sup> prior to its assessment of Serbia's candidacy of EU membership.<sup>167</sup>

The Prosecutor's Office rejected such claims insisting that the search for Mladic was the country's "number one" task. Deputy War Crimes Prosecutor Bruno Vekaric said that they were satisfied with the search, but did not mention what had been found. Vekaric also rejected any link between this search and the submission of the Questionnaire answers to Brussels: "If you are malicious, you can say that this is the reason behind every search that was publicly covered in such way. We are too serious to put on a show like some others. Accordingly, the search for the fugitives costs this state too much and we cannot emit some messages in such a way".<sup>168</sup>

Brammertz was given assurances that 10000 people were engaged in searching for Ratko Mladic and Goran Hadzic every day. Military analyst Aleksandar Radic said that the statement given by War Crimes Prosecutor Vladimir Vukcevic was not serious and added that "it is far from being true that in search for the Hague fugitives so many people comb through Serbia on a daily basis".<sup>169</sup>

Although in his contacts with the officials of the Serbian judiciary Brammertz kept saying that cooperation between Serbia and The Hague was satisfactory in every aspect except the most important one – Mladic and Hadzic are still at large – he still diplomatically "expressed his hope" that there would be a reason for a favourable assessment of this cooperation before the submission of his June report to the UN Security Council.

In April, during the continuation of the trial for illegal possession of weapons seized in one search of Mladic's house, his wife Bosiljka repeated that her husband was probably dead.<sup>170</sup> In June 2010, this suspicion was formalized by the Mladic family lawyers, who filed a request to declare the

166 "Pretnes kuće Darka Mladića", B92, 31 January 2011.

167 "Srbija predala odgovore na Upitnik", B92, 31 January 2011

168 "Pretnes kuće Darka Mladića", B92, Tanjug, 31 January 2011.

169 "Mladića juri 10.000 ljudi", *Pravda*, 23 February 2011

170 "Pres", "Alo", "Kurir", "Moj Ratko je mrtav", "Bosa ožalila muža", "Najviše bih volela da znam gde je Ratko", *Press, Alo, Kurir*, 6 April 2011.

wartime commander of the Republic of Srpska Army dead. The lawyer of the Mladic family, Milos Saljic, said that the family “decided to take this step because there has been no evidence that Mladic is still alive since February 2003. In the meantime, his family suffers tremendous pressure”.<sup>171</sup>

The media maintained continuous tension through speculations and spinned and piecemeal (half-)information about the search for Ratko Mladic. To this end, the weekend cottage of Radoslav Tepavcevic, a former member of the Security and Intelligence Agency, was searched because it was allegedly assumed that it was one of Mladic’s hiding places. Naturally, there was no trace of Mladic.

In the meantime, the trial of Mladic’s accomplices ended in their acquittal in April.<sup>172</sup> The Trial Chamber presided by Judge Dejan Garic acquitted them after the trial that lasted more than four years. In July 2011, the Court of Appeals abolished the verdict and ordered a retrial due to the violation of the provisions of criminal procedure and unclear justification of the verdict. The retrial of the accused for hiding Mladic during the period 2002-2006 started at the First Basic Court in Belgrade, before the new Trial Chamber presided by Judge Tatjana Stefanovic, on 21 December 2011. It was also announced that Ratko Mladic would testify via video-link from The Hague in the continuation of the trial.<sup>173</sup>

In May, Chief Prosecutor Serge Brammertz paid another visit to Belgrade in May, to check the situation once again before completing his report for the UN Security Council session. Brammertz’s basic message could be reduced to one yet substantive sentence – there is no EU membership candidacy without Ratko Mladic being in The Hague.

The Serbian political leadership used Brammertz’s visit to acquaint him with its new strategy: in the search for Ratko Mladic and Goran Hadzic the police will have greater powers as well as larger search teams at its disposal. It was also announced that the Ministry of the Interior would supervise all communications, which meant that the police was practically authorized to secretly follow and listen to telephone conversations of the

171 “Ratko Mladić nije živ?”, *Kurir*, 17 June 2010.

172 “Od generala ni traga”, *Večernje novosti*, 2 April 2011.

173 “Novo suđenje Mladićevim jatacima”, RTS, 21 December 2011.

accomplices and all other persons suspected of hiding Mladic and Hadzic, or aiding them in hiding. The media stated that “Brammertz was not completely disappointed when he left Belgrade, since the state authorities acquainted him with the latest actions taken by the Ministry of the Interior”.<sup>174</sup>

Regardless of all assurances from Belgrade, Brammertz sent his report to the UN Security Council with a clear message – Serbia’s strategy to arrest the fugitives is unsuccessful. His report also emphasized that Serbia’s strategy was completely unsuccessful and that Serbia should critically reconsider all steps taken so far, reassess its strategy and operating methods and immediately remove all operational deficiencies.<sup>175</sup> It further stated that “if cooperation is not significantly improved, the fugitives will not be arrested. The Serbian Government must translate the readiness to arrest the fugitives it has expressed into concrete action and tangible ‘results’”. This was the most “critical” report on the Belgrade authorities with a clear message: “Serbia must act urgently to secure that the refugees are brought to trial without further delay”.<sup>176</sup>

### **Ratko Mladic: EU Candidacy Bid**

Immediately after Brammertz’s May visit, the media began to prepare the ground for Ratko Mladic’s arrest, which took place a few days later. After his talk with the Chairman of the European Commission, Jose Manuel Baroso, President Boris Tadic stated: “I believe that Serbia can complete its cooperation with the Hague Tribunal within the time-limit anticipated within the scope of our process of obtaining EU candidate status and the date for the beginning of negotiations”.<sup>177</sup> He also said that “the search for the Hague indictees Ratko Mladic and Goran Hadzic has been carried out using all state resources since the beginning of the mandate of the current

174 “Haški istražitelj i novi tim policajaca tražiće Ratka Mladića”, *Blic*, 11 May 2011.

175 “Bramerc: Srbija ne ulaže dovoljno napora da uhvati haške begunce”, *Beta*, *Blic*, 19 May 2011.

176 Ibid.

177 “Uzbuna u tajnim službama”, “Večernje novosti”, 21 May 2011



government”, and added that he “believes that they will be arrested in due time if they are in Serbia”. Among other things, he said that this “may happen tomorrow or within a month, or within a year or two. In any case, we are working very intensively to close this page in our history by arresting war crimes indictees who have greatly darkened our history. As the Chairman of the National Security Council, I am doing my best to complete our cooperation with the Hague Tribunal”.<sup>178</sup>

Brussels was also sending messages to the Serbian public, such as the following one (according to a *Pravda* source from Brussels): “If Serbia responds clearly to the Hague request concerning the arrest of Ratko Mladic and Goran Hadzic by 6 June, Hague Tribunal Chief Prosecutor Serge Brammertz is prepared to change his report to the UN Security Council on Serbia’s cooperation with the Tribunal.”<sup>179</sup>

Ratko Mladic was arrested in the village of Lazarevo in Banat on 26 May 2011. In making up the mosaic about Ratko Mladic’s long-standing hiding and “hiding”, it is clear that the security agencies and army and police bodies could have arrested Mladic much earlier. The news on his arrest was confirmed by Serbian President Boris Tadic in his direct tv address to the nation: “I hold that today we have ended a difficult period of our history and have removed the stain from the face of Serbia and the members of our nation wherever they live. The BIA units, coordinated by the National Security Council, have made this country safer and it has been ensured that Serbia’s credibility can be increased to a higher level... Mladic’s arrest opens all doors to Serbia for obtaining EU candidate status and beginning EU membership negotiations. This confirms that the report of by Hague Tribunal Prosecutor Serge Brammertz has come to nothing”.<sup>180</sup>

After Mladic’s arrest, the media dealt with various tidbits. So, for example, *Blic* daily quoted 20-year old student R.R. from Zrenjanin saying that Mladic had worked as a builder: “He was an ordinary manual worker. A builder. We worked together and I am shocked. I can’t believe that Mi-

178 “Uzbuna tajnim službama”, “Tadić: Hapšenje možda i sutra”, *Večernje novosti*, 21 May 2011.

179 “Srbija do 6. juna da locira Mladića”, *Pravda*, 21-22 May 2011.

180 “Tadić: Skinuli smo ljagu sa Srbije”, *Blic*, *Blic Online*, 26/27 May 2011.

lorad Komadic is actually Ratko Mladic". He said that he had worked on a building in the new industrial zone in Zrenjanin and that he met Ratko Mladic or Milorad Komadic last July (2010) at a construction site in this new industrial zone Zrenjanin where construction work is also financed by the European Union".<sup>181</sup>

At the same time, the official explanations about Ratko Mladic's arrest provoked numerous comments and doubts concerning the credibility of the "official version". Tomislav Nikolic, leader of the Serbian Progressive Party, was convinced that this "action was prepared for a long time" and that the "Serbian President probably wanted to 'make the nation happy' because he fulfilled one more task". "We'll see... there are many questions that need to be asked... who saw that man yesterday and recognized him? Did the Serbian authorities know where Ratko was hiding all the time, what decided that he should be arrested just today".<sup>182</sup>

President Boris Tadic said the following for CNN: "I hear many comments on Ratko Mladic's arrest and, when the comment that we knew where Ratko Mladic was hiding for years in question, I can say using an undiplomatic word – that is rubbish."<sup>183</sup>

Mladić's arrest coincided with the visit of EU Foreign Affairs Commissioner Catherine Ashton to Belgrade. Mladic was actually extradited at the moment which enabled Serbia to remain eligible for EU candidate status, neutralize the hitherto most negative report by Hague Tribunal Chief Prosecutor Serge Brammertz and unblock the process of ratification of the Association and Stabilization Agreement by the Parliaments of EU countries.

Zoran Dragisic, a professor at the Faculty of Security, rejected the claim that the arrest was a coincidence: "One should be naïve to believe that the authorities did not know where Mladic was hiding and that they did not calculate with the date of his arrest. It is possible that the top leadership

181 "General Ratko radio kao nadničar na građevini", *Blic*, 27 May 2011.

182 "Nikolić: Nisu uspjeli da nam Mladića predstavljaju kao zločinca", *FoNet, Tanjug, Blic*, 26 May 2011.

183 "Tadić za CNN: Navodi da je vlast Srbije znala gdje je Mladić su glupost", *Tanjug, Vijesti, Kurir*, 27 May 2011.

knew nothing, but in that case Tadic should ask himself the question who could have known that and has not informed him”.<sup>184</sup>

There is no doubt that, like in the case of Radovan Karadzic and Goran Hadzic, many details and facts relating to the hiding and arrest of Ratko Mladic will require a certain temporal, political and historical distance, since many undisclosed facts will have serious consequences for the political elite in Serbia and probably for the region as well.

During the routine judicial procedure, from the arrest of Ratko Mladic to his extradition to The Hague, the media mostly transmitted the statements by the War Crimes Prosecutor's Office, Mladic's lawyer Milos Saljic and, to some extent, Mladic's wife Bosiljka and son Darko. Upon Mladic's arrival in the Special Court detention facility, the public was supplied with plenty of information, whether credible or tabloid, about his wish to have fresh strawberries, tv set and works by Russian classic authors, his demand to be examined by Health Minister Zoran Stankovic, a pathologist, and Speaker of Serbian Parliament Slavica Djukic Dejanovic, a psychiatrist, as well as about the famous bottles of wine featuring the images of Mladic and Karadzic on the labels, kept by Special War Crimes Prosecutor Vladimir Vukcevic in order to celebrate the arrest of these Hague refugees since the time of Carla del Ponte.

Ratko Mladic's arrest provoked the protest of his supporters in Belgrade on 29 May. It was organized by the Serbian Radical Party (SRS) and attended by about 15000 citizens. It ended in rioting in front of the National Assembly. The police took into custody 111 rioters, including 34 underage persons.<sup>185</sup> The Serbian Ministry of the Interior stated that 180 persons were taken into police custody, 32 policemen and 11 protesters were injured during rioting and five official cars were damaged.<sup>186</sup>

On 27 May 2011, the Trial Chamber of the Hague Tribunal approved the request of the Prosecutor's Office to extend the indictment against Ratko Mladic charged with 11 counts of genocide, crimes against humanity, and the violation of the laws and customs of war. The new indictment

184 Ibid.

185 Tanjug, *Vijesti*, 29 May 2011.

186 RTS, "Neredi u centru Beograda", 29 May 2011

exempted Mladic's responsibility for the execution of 30 Muslims in the village of Bisina (near Sekovici). However, the greatest difference between the two indictments lies in the fact that General Mladic is not charged with being a co-accomplice any more. Instead, he is now directly accused of genocide and the new indictment contains more details about when Mladic could stop the killing of civilians in Srebrenica in 1995... The previous indictment also included the responsibility for a campaign of shelling and sniping attacks on Sarajevo. The new indictment does not mention cruel treatment and inhumane acts in connection with the siege of Sarajevo any more. The Prosecutor's Office provides precise testimonies and statements against the accused, and the photos and video recordings from Srebrenica.<sup>187</sup>

The State Secretary in the Ministry of Justice, Slobodan Homen, said that it would have been better if Mladic had stood trial in Belgrade: "In my opinion, it would have been better if he could have been tried in Belgrade. Had he been arrested, or had he surrendered himself ten years ago, the trial in Belgrade might have been possible. Today, under the Law on Cooperation with the ICTY and in accordance with Serbia's international obligations, the Hague Tribunal is the only address for determining his responsibility".<sup>188</sup>

Ratko Mladic was extradited to The Hague on 31 May 2011. More than 300 policemen and gendarmes participated in his extradition, including the use of strong security measures. Thus, for security reasons, two columns of escorted armoured vehicles first feigned Mladic's transfer from the Special Court to the airport. The plane took off from the Belgrade airport around 5.30 pm. Dressed in civilian clothes and tie, and without handcuffs, Mladic was accompanied by the representatives of the Serbian Ministry of Justice.

Apart from undergoing the routine reception procedure in the Scheveningen Detention Unit, Mladic was additionally examined due to his poor health. In expectation of Mladic's first court appearance, the Belgrade

187 "Nova optužnica protiv Ratka Mladića", *Blic*, 31 May 2011.

188 "Homen: Bilo bi bolje da se Mladiću sudi u Beogradu", *Pravda*, 31 May 2011.

daily *Pravda* wrote that he suffered from lymph nodes cancer and gave a pessimistic prognosis for treatment success.<sup>189</sup>

At Mladic's first appearance before the Tribunal on 3 June, after acquainting him with the rules of courtroom procedure, the Trial Chamber concluded that there were no obstacles to his initial hearing. Speaking slowly, however, Mladic said that he was very sick: "Your honour, I am a very sick man... I need more time to understand what was read. Please be patient".<sup>190</sup>

To the judge's question whether he received a copy of the indictment in his language, Mladic answered that he was not familiar with the indictment and that he did not want "a single letter or sentence of that indictment be read to him". He added that he wanted to "reject those obnoxious charges" and thus needed more than a month for the "monstrous words of which he did not hear nor can he understand them".<sup>191</sup>

Mladic threatened to stop taking food: "I made the life's mistake of not committing suicide. But, since I am here, I want you to meet my demands and immediately ensure adequate medical care for myself as well the visit of my wife and son and the lawyer. In the opposite, I will stop taking my medication and food you bring to me."<sup>192</sup>

Mladic asked the Tribunal to help him pay his lawyers, since he had no enough money. He also said that should the Tribunal fail to pay his lawyers, he would have no defence and would be "forced to go on a hunger strike".<sup>193</sup>

Mladic's second appearance before the Tribunal ended up in an incident – he first refused to enter a plea and then listen to the indictment counts. He said: "To make a long story short, I request that two lawyers attend my trial – Milos Saljic and Alexander Mezyaev. Saljic was a military judge for many years, highly competent. I ask you kindly that Alexander Mezyaev be allowed to come. I don't know him personally, but I would like

189 "Mladić umire do septembra", *Pravda*, 3 June 2011.

190 "Ratko Mladić prvi put u sudnici Haškog tribunala", *Pravda*, 3 June 2011.

191 "Ratko Mladić prvi put u sudnici Haškog tribunala", *Pravda*, 3 June 2011

192 "Mladić preti da će prestati da uzima hranu i lekove", *Blic*, 6 June 2011.

193 Ibid.

him to come so that we meet and that he, my son and I draft the concept of my defence. As for other lawyers, I'm not asking for them and I don't need them. It is no use for you to try imposing a lawyer on me through the Registry".<sup>194</sup>

Since Mladic did not allow Judge Alphons Orie to read the indictment, the Trial Chamber ordered his removal from the courtroom. Mladic's lawyer Milos Saljic commented on his client's behaviour claiming that "he demonstrated that he would not allow to be incorrectly treated". He also said that the "trial may begin in about a year and a half" should the defence team be appointed and should the status conference begin.<sup>195</sup>

Due to Mladic's poor health, he was more often in the hospital than in the Hague courtroom. On 17 November, Mladic was also examined by a team of Serbian doctors. Thereafter, there were some media speculations that the Tribunal would reduce the number of war crimes charges against him in order to speed up the trial due to his poor health. One of Mladic's defence lawyers, Branko Lukic, claims that the "Prosecutor's Office dropped about five per cent of indictment counts due to the lack of evidence".<sup>196</sup>

In the meantime, Mladic rejected the claim that he was guilty of the murder of Bosniak civilians in Bisina in 1995 – the crime with which the Prosecutor's Office supplemented the earlier indictment against him, stating that the Serbian military forces executed more than 30 civilians in this village near Sekovici.

All world media reported that Ratko Mladic was arrested and this was probably their last sensational event concerning Serbia. The Serbian media did not deal more significantly with the indictment counts and crimes with which Mladic is charged. They were more interested in the details and bizzarities of Mladic's arrest and first reactions after having appeared in public after so many years. The nationalist bloc reacted sharply to his arrest and accused the Government of treason. However, it was more than

194 "Mladić izbačen iz sudnice", *Pres*, 5 July 2011.

195 "General uspaničio Hag", *Pravda*, 6 July 2011

196 "Mladiću umanjuju optužnicu", *Kurir*, 20 November 2011.

evident that this arrest was arranged because of Serbia's EU candidacy for which Mladic's arrest was one of the key requirements.

### Goran Hadzic: In Mladic's Shadow

After Mladic's extradition to the Hague Tribunal, the arrest of Goran Hadzic was only a matter of time. On 19 July, one day prior to his arrest, the daily newspaper *Pravda* carried an article entitled "The Authorities Negotiate with Hadzic" in which it was stated that this Hague indictee was accessible to the Serbian authorities.<sup>197</sup> This was the announcement of his arrest. Otherwise, the arrest of Goran Hadzic was not covered by the media so much as in the case of Ratko Mladic. The headlines in the media were as follows: "Goran Hadzic Arrested", "The Fall of the Last Hague Fugitive", "Goran Hadzic Arrested While Waiting for an Accomplice to Bring Him Money", "The Writing of *Pravda* Confirmed: Goran Hadzic Arrested". However, his arrest did not come as a great surprise to the residents of Krusedol where BIA members allegedly organized the ambush against Hadzic. The residents of Krusedol told the *Blic* reporter that "they were seeing the police in the village for the past three days".<sup>198</sup>

President Tadic then said: "I want to confirm once again that by arresting Goran Hadzic the legal duty of the Republic of Serbia as well as our moral duty have been accomplished... I wish to preclude all possible speculations due to our bad experience with the arrest of Ratko Mladic – Serbia did not know where Goran Hadzic was. Like in the previous cases, our Security and Intelligence Agency and the members of the Ministry of the Interior have carried out their duties in accordance with law."<sup>199</sup>

While expecting Hadzic's extradition, the media recalled his political career – he started out as a warehouse clerk in the Slavonian village of Pacetin and progressed to the position of President of the self-proclaimed

197 "Vlast pregovara sa Hadžićem", *Pravda*, 19 July 2011.

198 "Meštani Krušedola o hapšenju Hadžića: Već tri dana u selu vidamo policiju", *Blic Online*, 20 July 2011.

199 "Tadić: Srbija završila sva najteža poglavlja sa Haškim tribunalom", *Politika*, 21 July 2011.

Autonomous Province of Slavonia, Baranja and Western Srem, as well as his escape from his home in Novi Sad house seven years ago, after receiving information about his arrest only a few hours earlier.

In a special supplement to NIN magazine devoted to Hadzic's arrest it is stated, inter alia, that he could be a very inconvenient and dangerous witness because he was close to "both sides" – the Croatian police and the top officials of Serbia's secret service, Jovica Stanisic, Frenki Simatovic and Police General Radovan Stojcic Badza, as well as Zeljko Raznatovic Arkan, leader of the paramilitary force known as the Serbian Volunteer Guard. Among other things, NIN turns attention to the book written by the war-time Croatian Police Minister Josip Boljkovac "The Truth Must Come Out" in which he says that "Hadzic was part of the network of people from the Croatian and Serbian side whose job was to provoke conflict and in that role he cooperated the Croatian authorities". NIN finishes the excerpt from the book "The Truth Must Come Out" by quoting Boljkovac's symptomatic question without a full answer: "How long did Goran Hadzic work for us? It is still early to disclose that".<sup>200</sup>

While Mladic's extradition procedure lasted a few days, Hadzic himself decided to shorten this process and renounced the right to appeal against his extradition. While Karadzic and Mladic were escaping justice by using false identities, Hadzic was leading a double life – he had the lawful wife and son in Novi Sad and common-law wife and daughter in the village of Bobota near Vukovar. Prior to his extradition to The Hague he was visited by both families. In view of the fact that he was also hiding in Russia, the media speculated that he also had a love affair there, but this only remained speculation.

On 22 July, Hadzic was transferred to The Hague and at his first appearance in the courtroom on 25 July he rejected to enter a plea, requesting a 30-day delay until the appointment of a permanent defence lawyer. On 24 August, he pleaded not guilty to all 14 indictment counts of crimes against the non-Serb population in eastern Slavonia from 1991 to 1992.

In Serbia Hadzic's arrest was regarded as the fulfilment of all obligations towards the Hague Tribunal. However, Serge Brammertz stated that

200 "Opasan svedok", Special NIN Supplement, "Kraj haškog duga", 21 July 2011.



all states constituting the former Yugoslavia should continue their cooperation even after the end of the Hague Tribunal mandate: "They must now bring to justice the many perpetrators of the Srebrenica crime being at lower command positions. There are still some of those who are responsible for crimes in Srebrenica, but are at large... We requested the Serbian authorities to investigate who had been involved in hiding and aiding the persons indicted by the Hague Tribunal, such as Mladic, Karadzic and Hadzic while being fugitives. We believe that we will also get an answer how Mladic managed to hide himself for 16 years. Therefore, we Serbia's statement that it will carry out an investigation and legally persecute all Ratko Mladic's accomplices while he was on the run, and expect that the authorities will give priority to this issue. We are also glad that we will obtain additional information on how Goran Hadzic could avoid justice over the past seven years. He disappeared under suspicious circumstances, shortly after the arrest warrant was sent to Belgrade".<sup>201</sup>

War Crimes Prosecutor Vladimir Vukcevic confirmed Serbia's obligation to identify all those responsible for hiding Mladic and Hadzic and how: "The problem of their accomplices is the problem of our competent bodies, including this Prosecutor's Office. It is a technical problem, rather than a substantive one. We will inform Brammertz about all our actions like before."<sup>202</sup>

The new trial of Mladic's accomplices, charged with helping him escape and hide from 2002 to 2006, started on 21 December 2011, since the Court of Appeals in Belgrade abolished the verdict of acquittal passed in December 2010.

## **Vojislav Seselj: A Buffoon**

The beginning of 2011 was marked by speculations that the Hague Tribunal could release Vojislav Seselj in March because he asked to be granted temporary release and the hearing devoted to his request was set for 7 and 8 March, after the presentation of evidence to support his

201 "Bramerc: Mora da se otkrije ko je 16 godina krio Ratka Mladića", 1 August 2011.

202 "Vukčević: Znaćemo ko je krio Mladića", *Kurir*, 10 November 2011.

indictment. These speculations were more political than legal in view of the fact that it was counted on Seselj's possible return in the context of change and the redistribution of power on the Serbian political scene.

Zoran Krasic, head of Vojislav Seselj's defence team, stated:

"I expect a not guilty verdict and Seselj's return to the country, since the Prosecutor's Office failed to prove his guilt. On 26 February 2003, at his initial appearance before the court, Vojislav Seselj said that all charges against him were false and that the Prosecutor's Office would bring false witnesses. He declassified the whole concept of the Prosecutor's Office in the case where even 11 prosecutors have been changed since the beginning of the proceedings".<sup>203</sup> In the meantime, Seselj brought charges against Timothy McFadden, the former Scheveningen Detention Unit Commanding Officer, for disclosing information about the situation in the Detention Unit to the American Embassy in The Netherlands, which was revealed by the whistleblowing website Wikileaks. Seselj appealed to Patrick Robinson, President of the International Criminal Tribunal for the Former Yugoslavia.

Seselj also indirectly continued his political involvement. His message sent to his party followers and the Serbian public in early March was that "Serbia is approaching its turning point and must decide whether it will continue following the path that leads to its destruction and the destruction of its people, or will turn to its national interest and traditional friends." He also said that the "Serbian Radical Party is the only political party in Serbia that is ready to raise up the country" and concluded that the "policies of the Serbian Progressive Party and Democratic Party are identical".<sup>204</sup>

On 7 March, referring to Rule 98 bis of the Tribunal's Rule of Procedure and Evidence, Seselj requested to be acquitted on all counts of the indictment, claiming that the Prosecutor's Office had no evidence to pass a guilty verdict against him. He also asked to be paid compensation for all the years spent in detention. On 4 May, the Trial Chamber of the Hague Tribunal rejected Seselj's request, whereby Judge Jean-Claude An-

203 "Odluka o Šešelju posle martovske rasprave", *Politika*, 16 February 2011.

204 "Šešelji: SRS hoće da uspravi Srbiju", *Danas*, 5-6 March 2011.

tonetti issued a dissenting opinion in which he asked for Seselj's acquittal on charges of expelling people from Hrtkovci. The Trial Chamber argued that the Prosecution presented enough evidence on all nine counts of the indictment for crimes committed in Croatia, Vojvodina and Bosnia and Herzegovina from 1991 to 1993.

As for the situation following the Trial Chamber's decision, there were views that it would be better for Seselj to give up defending himself and collecting further evidence, since this would extend his stay behind the bars in The Hague. However, should he agree to the pronouncement of the verdict, he would be sentenced to no more than eight years, which he already spent in detention.

At the end of May, Seselj was approved 140000 euros as compensation for paying his legal team, although he requested 1.3 million euros. The officials of the Hague Tribunal denied that Seselj would receive multi-million euro compensation for spending eight years in detention.

In early July, Seselj was tried again for the contempt of court because he did not observe the order to remove the documents disclosing the identities of protected witnesses from his website. The verdict was passed on the last day of October – Seselj was pronounced guilty and sentenced to 18 months' imprisonment. The aggravating circumstance was the lack of remorse. Otherwise, Seselj was already sentenced twice for the concept of court.

At the end of December, Chief Hague Prosecutor Serge Brammertz admitted that the Seselj trial – which has been going on for nine years – “is not an example of how international law should function”.<sup>205</sup>

In early 2012, Seselj's health condition was worsened a few times, so that he underwent surgery. The officials of the Tribunal confirmed that in early March 2012 he was transferred to the hospital and operated on. Thus, his closing argument had to be postponed. On 12 March, the Trial Chamber of the Hague Tribunal ordered that Vojislav Seselj be examined by three court-appointed specialist doctors and called on Seselj to cooperate with them.

205 “Bramerc: “Greška sa Šešeljem”, *Pres*, 9 December 2011.

On 12 March 2012, however, Vojislav Šešelj delivered his closing argument, summing up the complete ideology of the Serbian Radical Party (and beyond).

### **Šešelj: The Hague Tribunal Is Illegal**

The Hague – In his closing argument before the Tribunal, SRS leader Vojislav Seselj said that there was no legal basis for his conviction and requested to be released from detention in which he was held since 2003.

“There is no legal basis for a guilty verdict. But you do not need a legal basis”, said Seselj, who is accused of crimes against Croats and Muslims in Croatia, Vojvodina and Bosnia and Herzegovina during the period 1991-1993.

Referring to the Prosecution’s demand to be sentenced to 28 years in prison, Seselj said that “there is no chance of serving out the sentence, if convicted”.

“Bearing in mind what kind of an enemy of the USA, NATO and the EU I am, and how much I hate the Hague Tribunal, the only appropriate sentence would be life imprisonment. That is the only sentence I could serve to the end, if convicted.”

Seselj also said that he expected that the judges would act not professionally and according to law, but as requested by their “masters”.

“I demand that you terminate my detention with the argument that there is no any reason for it. There is no danger that I will run away – where can I run away and why? There is no danger that I will influence the witnesses, since they all were heard a long time ago.” Seselj also said to the judges that he did not expect that his demand would be heeded.

He asked: “Where have you seen that detention lasts nine years?”

The accused emphasized that he was very satisfied with the trial because he “proved that the Hague Tribunal is illegal and anti-Serbian and that it resorts to lies and the dirtiest manipulations, that it did not contribute to justice, but to injustice, and that it is an instrument of the new world order, which is worse than Hitler’s Nazism”.

“My glory awaits me and the political triumph awaits the Serbian Radical Party at the upcoming elections... The SRS is more important to me than my life”, said Seselj and added that “if he dies soon” he will continue to fight against the Tribunal from his grave.

Seselj also claimed that the “indictment was based on lies”, renouncing any link between SRS volunteers sent by him to fight in Croatia and Bosnia and Herzegovina and the crimes committed there.

He said that “there was nowhere any campaign of persecution” against non-Serbs, especially not in the village of Hrtkovci in Vojvodina in the spring of 1992, as it is claimed in the indictment.

Šešelj claimed that he supported a “humane exchange of the population”, which was also supported by Croatian President Franjo Tudjan and the President of FR Yugoslavia, Dobrica Cosic.

The leader of the Radicals reiterated his view that Macedonia, Montenegro, Bosnia and Herzegovina, as well as the greater part of Croatia were “Serbian lands” and that their population consisted mostly of Serbs belonging to different faiths.

“The thesis of the indictment that the defence of western Serbs and aiding this defence was a criminal enterprise is unsustainable”, said Seselj. He reiterated that the Serbs living in Croatia and Bosnia and Herzegovina opposed the illegal secession of those republics which, in his opinion, was a real joint criminal enterprise.

He also claimed that the war was caused by the Croatian and Muslim leaders who wanted to break up Yugoslavia, while Serbs fought to preserve it.

Upon completion of Seselj’s closing argument, the trial, which started in November 2007, was also finished. Seselj was held in detention since February 2003 when he voluntarily surrendered himself to the Tribunal.

Presiding Judge Jean-Claude Antonetti said at the end of the trial that the verdict would be pronounced later (B92, 20 March).

## **Veselin Šljivančanin**

Pursuant to the decision of the Hague Tribunal, Veselin Sljivancanin, the former officer of the Yugoslav People's Army, was released from prison on 6 July, before the expiry of his term of sentence, since he served two-thirds of his 10-year term. Sljivancanin was arrested in Serbia and extradited to The Hague in 2003. After his release, he returned to Belgrade.

The Prosecutor's Office charged Sljivancanin with the persecution, extermination, murder, torture and inhumane treatment of Croats and other non-Serbs that found refuge in the Vukovar hospital after the fall of this town on 18 November 1991. According to the indictment, in the morning of 20 November, Sljivancanin carried out the triage of the wounded and sick, and about 190 of them were transported on buses to the Vukovar army barracks and then to the Ovcara farm where they were handed over to the members of the local Territorial Defence, who executed them at the nearby place called Grabovo that night.

The President of the Hague Tribunal, Patrick Robinson, stated in the decision on his release that Sljivancanin expressed his "remorse for the horrible events that took place not only in Vukovar, but also throughout the former Yugoslavia" and his compassion with the families of victims, especially those from Vukovar. However, as it was also stated in Robinson's decision, Sljivancanin "did not express any remorse for his crimes because he does not link the destiny of victims and his own actions".<sup>206</sup> Sljivancanin claims that "his participation in the war not nationally motivated".<sup>207</sup>

## **Momčilo Perišić: The First Senior Army Officer Before the Tribunal**

On 6 September, the Trial Chamber of the Hague Tribunal sentenced the former Chief of Staff of the Yugoslav Army for aiding and abetting the crimes committed in Zagreb and Bosnia and Herzegovina during the period 1993-1995 to 27 years' imprisonment in the first instance. Perisic was

206 "Oslobođen Veselin Šljivančanin", Beta, Sense, 7 July 2011.

207 Ibid.

the first highest-ranking army officer to be convicted of war crimes in Bosnia and Herzegovina and Croatia – for aiding and abetting crimes committed by the armies of other countries in other countries, as well as for bearing command responsibility for them. However, according to the decision of the Trial Chamber, the evidence does not prove beyond reasonable doubt that Perisic could reasonably anticipate that the Army of the Republic of Srpska would carry out systematic extermination in Srebrenica.

The Trial Chamber also determined that Perisic did not have effective control over Ratko Mladic, or any other officer from the 30th cadre centre of the Army of the Republic of Srpska, but did have effective control over the officers of the Army of the Republic of Serbian Krajina, who fired missiles on Zagreb in May 1995.

In its closing argument, the Prosecutor's Office demanded life imprisonment for Perisic. On the other hand, Perisic's lawyer Novak Lukic pointed out that the Prosecutor's Office did not prove without reasonable doubt that Perisic bore command responsibility for failing to prevent the firing of missiles on Zagreb in May 1995. Lukic also claims that there is no element of Perisic's command responsibility or link with the subordinates designated as the perpetrators of this crime.

Momcilo Perisic's defence lawyers announced that they would appeal against the verdict. About ten days later they demanded from the Tribunal to approve them additional time to prepare an appeal. In their appeal to the Tribunal, they stated that they wanted to thoroughly analyze the verdict written on 573 pages, as well as Judge Moloto's 35-page dissenting opinion, annexes and 4,925 footnotes. Perisic's lawyers Novak Lukic and Gregor Guy-Smith stated: "Since General Perisic is the only accused in this case, each paragraph and each footnote refer only to him".<sup>208</sup>

Sasa Obradovic, Serbia's legal representative before the International Court of Justice, said that the verdict against Perisic was the first verdict of the Hague Tribunal that mentioned Serbia's role in atrocities committed in Sarajevo and Srebrenica. He also stated that "General Perisic was accused of acting in his official capacity as Chief of Staff of the Yugoslav Army."<sup>209</sup>

208 "Perišić traži još vremena za žalbu", *Večernje novosti*, 16 September 2011.

209 "Šutanovac: Žao mi je zbog prevelike kazne", *Blic Online*, 6 September 2011.

Defence Minister Dragan Sutanovac describes Perisic's verdict as "too grave... that takes us back to the past and reminds us of those times, creates certain problems and makes one sick in the stomach".<sup>210</sup> Dusan Ignjatovic, Director of the Serbian Government's Office for Cooperation with the Hague Tribunal, said that it was "very significant" for Serbia that in the verdict against the former Chief of Staff of the Yugoslav Army, Momcilo Perisic, it was not stated that he was superior to the Army of the Republic of Srpska and its commander Ratko Mladic, and that the "Trial Chamber acquitted Perisic of aiding extermination in Srebrenica".<sup>211</sup> The Professor of International Law and Director of the Belgrade Centre for Human Rights, Vojin Dimitrijevic, said that nothing changed substantively by the verdict against Perisic in The Hague, since he was sentenced for abetting crimes and not for genocide.

In an analysis made by Radio Free Europe, it is pointed out that despite the fact that Perisic was not convicted for command responsibility for genocide in Srebrenica, it was proved that there existed close links between the Army of FR Yugoslavia and the Army of the Republic of Srpska and Army of Serbian Krajina, designated as direct perpetrators of crimes. Lawyer Srdja Popovic stated that the "verdict demonstrated the participation of the then Yugoslav People's Army (regardless of how it is legally qualified) and the elaborate way of concealing this participation. And this compromises both the Yugoslav People's Army and Serbia regardless of the legal consequences. You know, we have been faced with this problem for a long time, a decade. We really do not want to know anything about the facts, nor do we want to make any moral judgement concerning the behaviour of that regime and the Serbian army. We are reluctant to think about that, we think uncritically."<sup>212</sup>

210 "Šutanovac žali zbog presude", Beta, Tanjug, 6 September 2011.

211 Ibid.

212 "Presuda Perišiću kompromituje i JNA i Srbiju", Radio Free Europe, 7 September 2011.



## **Vlastimir Đorđević: Responsibility for the Expulsion of Albanians**

Retired Serbian police General Vlastimir Djordjevic (62) was pronounced guilty of crimes committed against Kosovo Albanians in 1999. On 23 February 2011, he was sentenced to 27 years' imprisonment. He was pronounced guilty on all counts of the indictment, including the forced movement, deportation, murder and persecution of Kosovo Albanians during the first six months of 1999, when he was the Head of the Public Security Department of Serbia's Interior Ministry and Aide to the Interior Minister. Those criminal acts were qualified as crimes against humanity and violations of the laws and customs of war. Djordjevic was found responsible for the expulsion of hundreds of thousands of Kosovo Albanians, as well as for the murder of at least 724 Albanian civilians and burying of their bodies in mass graves in Batajnica, Petrovo Selo near Kladovo and a location near Lake Perucac in the vicinity of Bajina Basta. As determined by the Hague Tribunal, the hiding of these bodies was ordered by then Yugoslav President Slobodan Milosevic in order to cover up the crime. After many years of hiding, General Djordjevic was arrested in Budva on 17 June 2007 and the Montenegrin authorities extradited him to the Tribunal. His trial lasted from 27 January 2009 until the presentation of the final arguments in July 2010.

## **Verdict for *Operation Storm***

The Hague Tribunal sentenced two Croatian Generals, Ante Gotovina and Mladen Markac, to 24 years' and 18 years' imprisonment respectively, while Operation Storm, which was launched in August 1995, was qualified as a joint criminal enterprise led by then Croatian President Franjo Tudjman, the aim of which was the permanent and forcible expulsion of the Serb population from the Krajina region in Croatia. The third General, Ivan Cermak, was acquitted on all counts of the indictment. All three of them were tried for crimes committed against Krajina Serbs during and after Operation Storm in 1995.

Gotovina and Markac were pronounced guilty of persecution, deportation, plunder of public and private property, wanton destruction, crimes

against humanity, violations of the laws and customs of war, inhumane acts and cruel treatment. Apart from Franjo Tudjman, identified as most responsible for these crimes by the Trial Chamber, and three Generals, the verdict also included then Defence Minister Gojko Susak and Croatian Army Chiefs of Staff Janko Bobetko and Zvonimir Cervenko.

The Trial Chamber determined that Franjo Tudjman, who was the main political and military leader of Croatia before, during and after the indictment period, was the key member of a joint criminal enterprise. Tudjman intended to repopulate Krajina with Croats and ensure that his ideas were transformed into official policy and action through his influential position as Croatian President and supreme commander of the armed forces. The Trial Chamber also found that the members of the joint criminal enterprise included Gojko Susak, the then Minister of Defence and Tudjman's close associate, and Croatian Army Chief of Staff Zvonimir Cervenko.

The verdict against the Croatian Generals and the judgement of the Trial Chamber that Operation Storm was a premeditated criminal enterprise led by Franjo Tudjman provoked strong reactions in Croatia, while Serbian citizens expressed their approval and support. At the same time, Serbia's top officials made restrained comments. As for this verdict, Serbian President Boris Tadic stated that the "Hague Tribunal acted in accordance with law. If we have the verdicts appropriate to the committed crime, we then have a greater chance and assumptions for reconciliation among the citizens in the region of South East Europe."<sup>213</sup> Justice Minister Snezana Malovic stated that "determining the truth, which was not talked about for more than a decade, before an international court can be a turning point toward improving relations between Serbs and Croats... and partial satisfaction for the victims and their families, since we cannot compensate them for their losses". She also said that the "verdict instills hope that in some other cases, such as those against the leaders of the Kosovo Liberation Army, the truth will also be determined, which has not been done so far."<sup>214</sup> Serbian Deputy War Crimes Prosecutor Bruno Vekaric stated that the "verdict of the Generals may have an indirect impact on the claim and counterclaim filed by Croatia and Serbia before the International Court of Justice."<sup>215</sup>

<sup>213</sup> "Blic", Tema dana, 16 April 2011.

<sup>214</sup> Ibid.

<sup>215</sup> Ibid.

# Crime: A Devastating Growth

The fact that crime of all kinds in all spheres of life is an everyday occurrence in Serbia is borne out by the front-page headlines in most Serbian daily newspapers. Unfortunately, the public reacts only sporadically when particularly shocked by the brutality of a crime or by the numbers and young age of perpetrators of certain serious crimes. Large scandals occasionally draw reaction from state bodies charged with suppressing and punishing crime, and that only after a scandal is reported by the media and linked to a politician or a group of politicians (which happens especially ahead of an election). However, trials of particularly well-connected culprits from political, financial or entertainment circles take years to complete and end mostly in mild punishments or acquittals, or in bargains between the judicial authorities and the accused on the domestic 'justice exchange'. What is more, thanks to rotten political compromises, the background, malpractices and complicity in crime of many persons has conveniently been 'forgotten'.

## **The number of juvenile delinquents grows**

Statistics show unrelentingly that the percentage of minors among offenders is on the rise in Serbia. Police figures released in 2011 and indicating that the age of perpetrators of criminal offences is falling all the time gives rise to serious concern. The year 2011 abounded with instances confirming that young people in Serbia are increasingly manifesting a disposition towards violence and that deviant behaviour can set in at any age. The following are but a few instances of such behaviour:

'The police have still not identified the assailants who at the end of last year beat up Vilma Grebenarović, the professor at the Twelfth Belgrade Grammar School in Belgrade's Voždovac district, although more than 30 of the School's pupils have been interviewed. The police are inclined to suspect that the brutal attack on the professor was carried out by pupils from

the Twelfth Grammar School themselves and that their dissatisfaction with their geography marks was the most likely motive for the attack. Professor Grebenarović was beaten by two attackers at the end of the afternoon shift in the parking area of the Twelfth Grammar School on 20 December 2011.'

Between January and November 2010, 425 'incidents of security concern' were registered in Belgrade's educational institutions and their vicinity, an increase of 19% from the same period the year before. The police said they were concerned by the ever younger age of first-time offenders among children and by the growing intensity of violence manifested by young people during the commission of offences. This is partly due to the ready availability of drugs and their accessibility to minors, as well as to the fact that people have their first experience of narcotics at an ever younger age.<sup>216</sup>

Peer violence in schools is highly widespread and is far more pronounced in primary than in secondary schools, according to a survey conducted by the Protector of Citizens and the Young Advisors Panel on child protection in schools. The survey encompassed a total of 1257 respondents in 72 Serbian schools – 37 primary and 35 secondary schools. The Protector of Citizens' professional service's independent adviser on the rights of the child, Snežana Nešić, said that frequent, occasional or rare peer violence had been complained of by as many as 73% of respondents. Because peer violence was far more pronounced in primary than in secondary schools, nearly 90% of primary school pupils questioned reported having had direct or indirect experience of peer violence, compared with 60% of their secondary school opposite numbers.

Regarding teacher violence against pupils, the survey cites 23% of primary and secondary school pupils having witnessed such violence in some form or another. Unlike peer violence, teacher violence was more in evidence in secondary schools, indicating that teaching staff were more inclined to be violent against older children. As many as 60% of respondents said they believed no steps had been taken in their schools to reduce, suppress or eliminate violence. The survey results also show that regulations on child protection against violence at school were least implemented

216 *Politika*, 8 January 2011, 'Sve mlađi i sve agresivniji'.

regarding the obligation of schools to set up teams for protection against violence, bullying and neglect, with as many as 70% of primary and secondary school pupils saying their school did not have such a team or they were not aware of its existence.<sup>217</sup>

Shocking headlines such as 'Pupil Sticks Knife in Mate's Chest', 'Knifed in School Desk', 'Both Chalk and Knife in Use', 'Pupil Fires Shots in Classroom' are descriptive of only the tip of the iceberg regarding violence to which Serbian pupils are exposed. With only the most brutal of incidents meriting coverage by the media, police records show that in the first eight months of 2011 alone, 28 pupils were seriously and as many as 209 lightly injured in schools. Even a case of attempted murder was registered. In Novi Pazar, A.T. aged 14 inflicted knife wounds on a peer near their primary school. A month earlier, luckily no one was hurt when in Paraćin a secondary school pupil fired shots in the classroom. Later in the year, a sixth-year pupil tried to impress his mates in the same way in Valjevo. As it turned out, the boy was only 12 years old and already had a police record. The year before, a primary school pupil from Novi Pazar died of wounds after being stabbed by a peer.

The Head of the Republic Education Inspectorate, Velimir Tmušić, said that 'violence in schools is on the rise, which, unfortunately, can be said of society as a whole. This is why the state must address these problems in real earnest.' He added, 'Not a day passes without our receiving a number of reports. Many of the incidents are not even brought to our attention and are dealt with at the school or local inspectorate level. The parents are shifting the responsibility on the school, the school on the parents, and both on the media. The combination of causes of violence is very complex. There are more violent incidents in primary than in secondary schools, though we've also received reports [of incidents] even from nursery schools.' Fights usually break out between peers from the same class, but also between classes and between school sports fan groups. Raids on schools by older sports fans in order to bully pupils have also been report-

217 *Vreme*, 15 December 2011, 'Sve više nasilja u školama'.

ed.<sup>218</sup> The psychologist Vladimir Nešić says that the community obviously lacks an adequate response to the increasing violence among minors.<sup>219</sup>

The panel discussion 'Zajedno protiv nasilja – na istoj strani' (Together against violence – on the same side) highlighted the alarming situation concerning the increase of violence among children. Significantly, on the very first day an SOS line was introduced for victims and witnesses of school violence, operators received reports from 16 people, who also stressed the need for the state and society as a whole to address the problem.<sup>220</sup> Participants in the discussion noted increasing reports of violence and mass brawls among third-year primary school pupils. They also urged the state and society at large to join in the fight against violence.

The prospects for the prevention and suppression of crime among Serbia's youngest population are best indicated by the 'achievements' of the so-called 'systemic re-education'. For instance, representatives of the nongovernmental organization Helsinki Committee said that about two-thirds of juvenile delinquents revert to crime after serving their sentences. They also said that the state was not interested in solving the problem. The Helsinki Committee's Ivan Kuzminović warned that juvenile delinquents resumed their criminal activities very soon after serving their sentences and that in large cities such as Belgrade and Novi Sad 100% of delinquents were recidivists. 'Our overall impression after visiting several establishments for juvenile delinquents is that the state is totally uninterested in that group and has no strategy at all. On the other hand, if resocialization has any chance of success at all, it is precisely among minors,' he said. Kuzminović said that for the past 10 years the Ministry of Justice had been trying to transfer prison doctors from its jurisdiction to the jurisdiction of the Ministry of Health. The Helsinki Committee's Ljiljana Palibrk said that Serbia was short of juvenile judges and that those who worked neglected their duty to revise every six months their punishment decisions relating to juvenile delinquents. She said that 'in 90% of cases they [juvenile judges] do not make so much as a phone call. Also, health workers from

218 *Večerenje novosti*, 18 November 2011, 'Osnovci sve nasilniji'.

219 Ibid.

220 *Blic*, 9 December 2011, 'Prvog dana 16 prijava liniji SOS za nasilje u školama'.

nearby health establishments are known to have refused to attend to inmates in need of their services.’ Kuzminović said that a new facility would be completed this year as part of the institution in Kruševac thanks to EU funds. He added that the levels of accommodation, food and staff competence at both existing institutions were very low with no prospects of improvement.<sup>221</sup>

## Human trafficking

This kind of serious crime is also on the increase. Although it is not necessarily linked to juvenile crime, minors are its victims in a very large number of cases. Official statistics say that more than 30 persons were arrested and 21 criminal complaints made in connection with human trafficking in the first nine months of 2011. According to some sources, 76 victims of human trafficking were identified. This kind of crime was the third most frequent after trafficking in weapons and drugs.

These are only a few of the more brutal cases: ‘There is this horrible case of the girl from Ada. Taking advantage of her poor financial situation, a girl from Kikinda recruited her and took her to Bosnia and Herzegovina for the purpose of sexual exploitation. In Subotica, a criminal complaint was filed against two women, Serbian and Slovenian citizens, on suspicion of promising work to a deaf and mute girl and taking her to Italy. The case of the underage resident of Novi Sad suffering from cerebral palsy, who was exploited by his next of kin for begging, has also received publicity,’ said Siniša Hrgić, Chief of the Novi Sad Police Department’s section for aliens, illegal immigration and human trafficking suppression.<sup>222</sup>

Human trafficking, which was first detected in these regions in the late 1980s, flourished during the following decade. On account of the former Yugoslavia’s higher living standards and its Western orientation, Serbia was in the beginning the final destination for women from Eastern Europe. However, the situation changed drastically during the 1990s, with Serbia becoming first a country of transit and then a country of origin

221 B92, 25 January 2012.

222 *Večernje novosti*, 18 October 2011. ‘Srbi sve češće žrtve trgovine ljudima.’

regarding victims. Women forced to work as prostitutes continue to be the main victims of trafficking in humans. Other than being exploited for sexual and work purposes, people are also the victims of forced marriages and illegal adoption. The majority of victims fall prey to an international or domestic human trafficking ring through someone from their immediate environment. Minors were sold by their parents in as many as 13.39% per cent of cases, whereas in 16.51% per cent of cases girls were sold by their boyfriends and even their husbands. Relatives were involved in 6.25% and friends in 4% of human trafficking transactions. Victims were often lured by human traffickers through newspaper advertisements promising work abroad.<sup>223</sup>

The father of a 14-year-old Roma girl who spent four years in servitude in Sweden admitted to selling his daughter for €1000 because he was without money. Swedish media identified the man as a Serbian citizen named Jovan Novakov, aged 59. The 'customers' were both Serbian and Swedish citizens: Lajoš Šarkević, 49, and Mara Bogdanov, 45, made a present of the unfortunate girl to their handicapped son Gosta Šarkević, aged 25. The girl was brutally beaten, raped and bullied. She never left the flat without being escorted by her 'fiancée' or 'mother-in-law'. Swedish newspapers reported that relations within the family were 'queer' and that the girl was happy to be finally rid of her servitude. The Swedish Prosecutor's Office was expected to bring an indictment.<sup>224</sup>

It is recalled that in May 2010, the daily *Politika* reported that out of a total of 127 victims of human trafficking 59 were minors including 15 under 14 years of age. The daily also wrote that children accounted for every second identified victim of human trafficking in Serbia. Also, it wrote, the number of child victims of this kind of crime was on the increase for a number of years though, unlike in the past, they were the pray of individuals rather than organized criminal groups. Finally, according to the Serbian Ministry of Interior (MUP), nearly one-fourth of underage victims of human trafficking – six boys and nine girls – were under 14 years of age. There were 24 girls and nine boys among the victims aged 14 to 18. The

<sup>223</sup> Ibid.

<sup>224</sup> *Večernje novosti*, 11 November 2011, 'Prodao sam ćerku Šveđanima za 1. 000 evra'.



majority of the girls under 18 were forced to work as prostitutes; they were first employed in catering and then offered a pay increase on condition they provided sexual services as well.

Because proceedings against perpetrators take too long, victims are prevented from leaving their traumatic experiences behind and resuming control of their lives. Although elsewhere in the world human trafficking is characterized as organized crime, Serbia has had no operational analysis for a number of years that would enable the Prosecutor for Organized Crime to characterize human trafficking as an offence committed by a organized criminal group, the MUP said in its statement. Serbia still lacks a budget line for providing funds to be used for the purpose of suppressing human trafficking; instead, it relies on unsustainable payments and on donations from international organizations, thus letting the latter assume control of the anti-trafficking effort in Serbia.<sup>225</sup>

### **The case of Brice Taton**

At the end of January 2012, the trial of several persons charged with the particularly brutal murder of the French citizen Brice Taton, aged 29, in the centre of Belgrade in September 2009 got its epilogue in regular procedure. By its final judgement, the Appellate Court halved the sentences originally imposed on the four principal defendants charged with organizing the crime. Due to its brutality and the age of both the perpetrators and the victim, the crime had appalled and shocked the public both at home and abroad. To recall, on 17 September 2009, Taton was mercilessly beaten with baseball bats and iron rods in the garden of a cafe in downtown Belgrade on the eve of a football match between the home side Partizan and Toulouse. He later died of the wounds in the Emergency Department in Belgrade.

The ringleaders and organizers of the murder, Đorđe Prelić and Dejan Puzigaća, were initially sentenced to 35 and 32 years respectively. The Appellate Court reduced the sentences to 15 and 14 years respectively. The two have been at large ever since the incident and are wanted by the

225 Radio Pančevo, 18 October 2011, '*Danas je Evropski dan protiv trgovine ljudima*.

Interpol. The sentences of the two other organizers of the crime, Ljubomir Marković and Ivan Grković, were also halved from 30 years in prison. The Appellate Court also decided to halve the first-instance sentences imposed on all the other defendants. It concluded that although the Higher Court in Belgrade had correctly established all the facts of relevance to the determination of the sentences, 'the purpose of punishment is fully achieved also by the sentences determined in this way'. (!) The indictment encompassed 14 persons who were sentenced to a total of 240 years in prison.

The Taton family's lawyer, Slobodan Ružić, quoted the dead man's parents as saying they 'regard the accused the real culprits for the murder of their son. They had been expecting that the sentences would not be altered. I think this is clearly a compromise decision by the court, which sought to reconcile the interests of the state, those of the accused and those of the Taton family, something which the law does not permit. After confirming the facts of the case as established by the court of first instance, the sentences for a crime of this kind ought not to have been reduced.'<sup>226</sup>

The French youth's parents, Alain and Suzanne Taton, were reported shocked by the final judgment of the Belgrade Appellate Court. 'We're at a loss for words. We've had enough of everything, all we wish is for all this to come to an end,' the mother, Suzanne Taton, told the Belgrade daily *Blic*.

## Organized crime

In contrast to most countries where the line between individual crime, that is, criminals without powerful backers, and organized criminal groups is clearly defined, in Serbia it is hard to tell who supports whom (if at all) in criminal activities of all kinds. Owing primarily to the deplorable performance of the prosecuting authorities and the courts, the various connections and interests as well as the political background of treacherous murders, assassinations, corruption scandals and major plunders of public funds remain mostly the subject of guesswork and speculation. It is an open secret that prosecutors and judges are largely under the influence

<sup>226</sup> *Blic*, 27 January 2012, 'Roditelji Brisa Tatona šokirani presudom'.

and control of powerful politicians, tycoons and criminals both individually and collectively because they all know too much about each other. This is why the public remains rightly sceptical when, from time to time, it is announced with great fanfare that this or that large criminal network is going to be unravelled and the culprits brought to justice.

For instance, there is very little to show for the thunderously announced criminal proceedings against the leading figures from the Slobodan Milosevic regime. Only very few of them have been sentenced finally so far because many criminal complaints have been rejected, investigations have been suspended, cases have become time-barred and a few trials have dragged out interminably. In 2011, Serbian media reported that only the former chiefs of State Security (DB) and Customs, Radomir Marković and Mihalj Kertes, had been sentenced by final judgement.

It will be recalled that the prosecutor's offices were flooded with criminal complaints soon after the overthrow of Slobodan Milošević. Among the first was that lodged in 2001 by the then Ministry of Finance against 16 ministers accused of embezzlement and diverting public funds. Among those suspected were Branislav Ivković, Tomica Milenković, Arandjel Markičević, Dragoljub Janković, Vlajko Stojiljković, Borislav Milačić, Zoran Krasić, Milovan Bojić, Leposava Milićević and Slobodan Čerović. The ministers were suspected of diverting 2.673 billion dinars from the republic budget and illegally spending 1.573 billion dinars. It was also alleged that just over 1 billion dinars had been diverted from the solidarity fund.

The outcome as far as this complaint is concerned is far from impressive. Several of the cases are pending with not a single final judgement. The cases against Bojić, Milačić, Čerović and Ivković are among these. Among those who have escaped justice are the former Commissioner for Refugees Bratislava Buba Morina and the former Minister of Transport and Communications Ratko Marčetić.<sup>227</sup>

Concerning Bojić, within days of the October 5 overthrow, the new authorities alleged that at the Dedinje Institute for Cardiovascular Diseases he had a secret strongbox for foreign currency from which money was paid to individuals subject to his approval. Invoking his parliamen-

227 *Blic*, 9 January 2011, 'Ruka pravde ne doseže Miloševićeve perjanice'.

tary immunity, Bojić managed to put the case on hold for a while. As part of its search for the money stolen by the Milošević regime, the then ruling Democratic Opposition of Serbia succeeded in having the Swiss bank accounts belonging to Bojić and several other close associates of Milošević blocked. However, the accounts were soon unblocked because Serbia had failed to submit the information requested by Switzerland. Kertes is also one of the accused in one of the notorious long-drawn-out trials. The accused are 10 former officials belonging to the Socialist Party of Serbia (SPS) and the Yugoslav United Left (JUL), with the former Serbian Government secretary Živka 'Cica' Knežević at their head. They are accused of illegally allocating flats from the Serbia Fund, one of which was presented to the nurse of the grandson of Slobodan Milošević and his wife Mira Marković.

The criminal prosecution of Mira Marković could have come under the statute of limitation on 13 October 2011 had not the prosecution reclassified the offence and charged the former JUL president with abuse of office instead of with unlawful mediation. The trial will therefore resume at the end of February.<sup>228</sup>

Several other trials are in progress involving members of the Milošević family and Milošević's former associates, including on charges of illegal purchase of the villa at 34 Užička Street in the district of Dedinje. Milošević's son Marko is yet to answer for the severe beating of three members of the Otpor (Resistance) organization in the centre of Požarevac in May 2000. The trial of 35 persons charged with obstructing Milošević's arrest at the end of March and the beginning of April 2001 is also still in progress. Justice is yet to be served regarding an investigation against Marko Milošević and his wife Mira Marković over alleged cigarette smuggling.<sup>229</sup>

Of those charged with obstructing Milošević's arrest, only five are still on trial. They are the president of the Sloboda association Bogoljub Bjelica, the former SPS MP Ratko Zečević, Siniša Vučinić, Saša Matić and Dejan Đikić. The others were released on statute of limitations grounds because the indictment was brought only five years after the event. The trial, which started in 2006, is not finished yet. Serbian Orthodox Church Bishop Pa-

228 Ibid.

229 Ibid.

homije, charged with sexually molesting four boys, was among those who escaped justice thanks to the inefficiency of the domestic judiciary. This case in particular aroused the most public indignation.<sup>230</sup>

A book published by the Biljana Kovačević Vučo Fund, *Zloupotrebljene institucije: Ko je ko u Srbiji 1987.-2000.* [The Abused Institutions: Who's Who in Serbia 1987-2000] contains the names of 1400 persons from various spheres of society – including politics, the Academy of Sciences and Arts (SANU), the Church, the Army, the media and the show business – whose services Slobodan Milošević used to accomplish his political and war aims. The book was signed by the late Kovačević-Vučo, the well-known human rights champion and anti-war activist, and Dušan Bogdanović. On more than 300 pages, the book lists names which are more or less well known. Some of the persons named have been completely forgotten, others have never been known to the public at large, and some others are still highly influential.

Bogdanović said, 'We're sorry that the book contains no information on what they have been doing since 2000 though, as you leaf through it, you can find the names of those sitting in the government, in Parliament, people calling the shots in the Academy of Sciences, in the media, the judiciary...Such information would have made plain that there has practically been no discontinuity in the political biographies of the most prominent people from that era.'<sup>231</sup> Asked to say how influential Milošević's people were at present, Sonja Biserko, the president of the Helsinki Committee for Human Rights, said, 'Let me only mention the name of Dobrica Ćosić, who still occupies public media space. His line is crucial in defining the narrative about the past. He still shapes public opinion.' Milošević's men, she warned, are to be found in every institution of society, among the tycoons, all of them are there. 'The point is not that they should all be removed, but that they should really dissociate themselves from that project and from that policy. Up till now, we've not seen that happen. You see, the arrest of Mladić was accompanied with texts extolling his contribution to the creation of Republika Srpska. After serving her Hague sentence Biljana

230 *Večernje novosti*, 21 November 2011, 'Miloševićevi ljudi izbegli pravdu'.

231 Radio Slobodna Evropa, 29 June 2011, 'Gde su danas ključni Miloševićevi ljudi'.

Plavšić was welcomed back as a woman who had sacrificed herself for the war aim of creating Republika Srpska.<sup>232</sup>

### **Investigation into the political background to the assassination of Zoran Đinđić**

There were fresh attempts during 2011 to throw light on the political background to Zoran Đinđić's assassination. In spite of the promises of the present government to uncover those who ordered the murder of the Serbian prime minister more than eight years ago, long prison sentences have been imposed only on executors from the ranks of the Special Operations Unit (JSO) and the 'Zemun gang' – Milorad 'Legija' Ulemek, the former JSO commander, and Zvezdan Jovanović. The question who issued the order for the assassination is still unanswered. Admittedly, a breakthrough has been made in the investigation thanks to the determination of the Đinđić family and their legal counsel Srđa Popović and the evidence of the 'Zemun gang insiders' and members Miloš Simović and Sretko Kalinić. It will be recalled that the JSO mutiny which preceded the assassination has been linked to the act, i.e. to its political background. What is no doubt important at this moment is that the liquidation of the prime minister has not been shelved in the manner of the murders of the prominent journalists Dada Vujasinović and Slavko Ćuruvija, among others.

At the commemoration of the eighth anniversary of the assassination, Zoran Đinđić's sister Gordana Đinđić Filipović said, 'We hope that the investigation will be followed through until its conclusion. We wouldn't have set this in motion if we do not hope that all who took part in Zoran's murder will be uncovered and convicted. We shall see whether what's going on at the moment is merely going through the motions. One ought not to have allowed eight years to pass before starting the proceedings. They ought to have been completed long ago because everything there is to know is known.' She also said, 'But there was no will. I believe that the prosecution could have obtained the evidence easily and punished

232 Ibid.

the culprits long ago. The undeniable injustice of this is that the truth has not been told for eight years. Even if this investigation does not bear fruit, we will never give up, not until the culprits for Zoran's murder are punished.'<sup>233</sup> Đinđić's mother, Mila Đinđić, said that for her the current investigation was a sign that '...We are coming awake suddenly. Eight years on, it's as hard for me as it was on the first day. But what keeps me going is the resolve to see those who gave the order brought before a court of law. In recent days there's been a flurry of activity regarding the investigation into Zoran's murder. It is high time the perpetrators were identified. All we can hope for is that those making the promises will deliver.'<sup>234</sup>

At the middle of December 2011, Đinđić's mother and sister lodged a criminal complaint against the former Đinđić government members, Nebojša Čović and Velimir Ilić, accusing them of complicity in the assassination. The contents of the criminal complaint were made public on the Peščanik (B92) website by their lawyer Srđa Popović. The two politicians are accused of 'failing to report the preparations for the commission of the criminal offence of attack on constitutional order'. Čović is also accused of 'committing, in combination with persons already finally convicted of this offence, the criminal offence of instigation of the assassination of a representative of the highest state bodies'. Popović further alleges that, 'at the beginning of February 2003, Velimir Ilić, the president of the New Serbia party, received a letter from Milorad Ulemek, the former commander of the Special Operations Unit, in which he was invited to join in a nationwide revolt modelled on October 5. In the letter, Ulemek explained to Ilić that they would replace the present government, which he described as submissive and condescending, with people who would take account of the national dignity.' 'After learning that Ulemek was preparing an attack on constitutional order, [Ilić] informed Nebojša Čović, the then Serbian Deputy Prime Minister, of the contents of the letter', Popović wrote. 'By knowingly failing to report this to the competent state authorities, both have committed the criminal offence of failure to report (Article 308 of the

233 *Blic*, 13 March 2011, Mila Đinđić: 'Boli me što još ne znam ko je naredio ubistvo mog Zorana'.

234 *Ibid*.

Criminal Code) preparations for committing the criminal offence of attack on the constitutional order (Article 311 of the Criminal Code), which is prosecuted ex officio and punishable by more than five years in prison', wrote Popović.<sup>235</sup>

On 18 January 2012, the Prosecutor's Office for Organized Crime received from Popović a supplement to the criminal complaint against Velimir Ilić and Nebojša Čović on suspicion of complicity in the assassination of Zoran Đinđić. The Prosecutor for Organized Crime, Miljko Radisavljević, said that the supplement would be taken into consideration and stressed that the Prosecutor's Office was investigating the allegations made by Popović on behalf of Đinđić's mother and sister in the criminal complaint lodged on 15 December 2011. In the supplement to the criminal complaint, Popović analyses the public statements made by Ilić and Čović after the lodging of the criminal complaint against them. Popović argues that the several public statements made by the two following the lodging of the criminal complaint have merely 'amplified the suspicions against them, given that the statements contain an unusual amount of patent untruths'. In these statements, he contends, they first contradict each other and then themselves, as well as making statements which are completely illogical and contrary to certain factual findings by the court.<sup>236</sup>

In September 2011, Popović said that the person identified by the member of the 'Zemun gang', Miloš Simović, as the orderer of the assassination and referred to by the nickname 'Ćoravi' [one-eyed] or 'Ćoki' was actually Nebojša Čović. Čović dismissed the allegation as 'absurd'. Simović, who had been sentenced in absentia to 30 years in prison for his part in the assassination, made a written statement to the Prosecutor's Office for Organized Crime a year and a half ago, following his arrest, in which he states that the assassination was commissioned by a man from government nicknamed 'Ćoravi' and 'Ćoki'. He allegedly gives in the statement the first name and surname of that man. When asked to whom the nicknames referred, Popović replied that Simović had 'made it clear that the person in question is Čović'. Čović dismissed this grave accusation. 'The worst thing

235 B92, 15 December 2011, 'Čović i Ilić na sudu zbog Đinđića'.

236 *Večernje novosti*, 18 January 2012, 'Radisavljević: Dopuna prijave protiv Čovića i Ilića'.



is to reply to absurd tales and insinuations. If lawyer Srđa Popović did actually say that, then he'd most certainly instructed Miloš Simović to say such a thing. After all my experiences with Dejan 'Bagzi' Milenković, and now this thing too, I've nothing more to say on this subject.<sup>237</sup>

In March 2011, Serbian media announced that criminal proceedings would be instituted against the former prime minister of the so-called Serb Krajina, Borislav Mikelić, Milorad 'Legija' Ulemek, Milorad Bracanović, senior DB officials and members of the JSO command on suspicion of involvement in the JSO mutiny and in connection with the political background to the Đinđić assassination. It was announced that other witnesses would be interviewed in connection with the investigation including the leader of the Democratic Party of Serbia (DSS), Vojislav Koštunica, and the then DB chiefs, Goran Petrović and Zoran Mijatović. According to the evidence collected so far, the object of the mutiny was to cause a political crisis leading to the formation of a new, 'patriotic' government.<sup>238</sup>

In May 2011, the Special Prosecutor in charge of the pre-trial proceedings, Miljko Radisavljević, said that the JSO mutiny was a prelude to the assassination, with Ulemek and the late 'Zemun gang' leader, Dušan Spasojević, playing the leading part.<sup>239</sup> Radisavljević confirmed that Koštunica would be examined during the pre-trial proceedings in connection with the political background to the assassination. Koštunica said that neither he nor his party bore any responsibility concerning the matter and did not say whether he would comply with a summons.<sup>240</sup>

On 12 September 2011, the Special Court for Organized Crime started a retrial of the 'Zemun gang' members Miloš Simović and Sretko Kalinić in connection with the assassination. After being sentenced in absentia to 30 years in prison each, they were arrested in Croatia and extradited to Serbia. Their evidence regarding the political background to the assassination had been highly anticipated. Simović told the court that all he knew

237 Press online, 20 September 2011, 'Popović: Čović iza atentata, Čović: Besmislene optužbe'.

238 *Blic*, 11 March 2011, 'Koštunica će biti saslušan u vezi sa ubistvom Đinđića'.

239 *Danas*, 11 May 2011, 'Zemunci mnogo znaju o ubistvu Đinđića'.

240 *Politika*, 15 March 2011, 'Sud će zvati Koštunicu'.

about the political background and the JSO mutiny he had already told the Special Prosecutor and that the names of some people involved in the assassination were not listed in the indictment. He also admitted to being himself party to the conspiracy to murder the prime minister.

During the retrial, Simović made the following statement: 'I'm sure that proceedings regarding the political background to the assassination will be started soon and that the enigma will be solved. Other than Milorad 'Legija' Ulemek and the late Dušan Spasojević and Mile Luković, only my brother Aleksandar and I know all who stand behind the Đinđić assassination. I've talked about this with the prosecution and it is now up to the state to face the truth. I'm here and I believe that the truth will come to the surface.' He said that he knew that there had been political obstructions aimed at discontinuing the investigation into the assassination. He added that the Prosecutor's Office now knew everything, that the 'ball is in its court', and that the state was now to show whether the judiciary was independent or not. Simović said that his brother was justified in not wanting to discuss the background to the assassination because he feared for his life, adding that he too would not like to talk about that before the court prior to being confronted with the protected witnesses.<sup>241</sup>

'Calm and self-possessed, Miloš Simović and Sretko Kalinić, members of the 'Zemun gang', heard out the Special Court's retrial sentence whereby they were condemned to 30 years in prison each for taking part in the assassination of the Serbian prime minister, Zoran Đinđić, on 12 March 2003.'<sup>242</sup>

Thus the political background to the Đinđić assassination remains still uncovered and it is hard to predict when it will be.

241 *Politika*, 13 September 2011, 'Simović: U atentat na Đinđića umešani su ljudi koji nisu na optužnici.'

242 *Danas*, 24 October 2011, 'Po 30 godina za učešće u ubistvu Zorana Đinđića.'

## New indictments in the Šarić case

In 2001 new proceedings were instituted against the Serbian-Montenegrin narco boss, Darko Šarić, and his accomplices, members of an organized narcotics smuggling group. Šarić, for whom a 'red' wanted notice has been issued on suspicion of organizing the smuggling of 2.8 tonnes of cocaine from Uruguay, escaped from Montenegro early in 2010. On 13 April 2010, the Special Prosecutor's Office for Organized Crime brought the first indictment charging Šarić and 19 other suspects with the smuggling of 2.5 tonnes of cocaine from South America. The Special Prosecutor for Organized Crime, Miljko Radisavljević, said that the Šarić gang was the best-organized criminal group that has ever been processed in Serbia.

The second indictment against Šarić and his associates, Radisavljević said, was in connection with the smuggling of more than 3.5 tonnes of cocaine seized in several raids in Italy, Brazil and Uruguay. On 24 March 2011, Šarić and the accomplices were charged with the smuggling of 1.1 tonnes of cocaine from Brazil in 2008. Prior to that, on 1 March, an indictment was brought on suspicion of money laundering. The Prosecutor's Office moved for a joinder of proceedings regarding the smuggling charges in order to join the current and future proceedings after all these indictments take effect.<sup>243</sup>

In October 2011, the Prosecutor's Office for Organized Crime brought a fourth indictment against Darko Šarić over drugs trafficking. Šarić is charged with the smuggling of 990 kg of cocaine, which was part of a 2.1 tonnes shipment seized on the ship Maui in Uruguay in October 2009. After Serbia, Italy issued an arrest warrant for Darko Šarić in 2011 on suspicion of running Serbian-Montenegrin smuggling gangs which had for several years been doing business with gangs in Milan and certain criminal groups in northern Italy and selling narcotics in quantities not under 200 kg.<sup>244</sup>

The trial of Duško Šarić, Darko's brother and member of his criminal group, started in Bijelo Polje in July 2011 on suspicion of involvement in

243 *Glas javnosti*, 2 April 2011, 'Podignute još dve optužnice protiv Darka Šarića'.

244 *Večernje novosti*, 19 October 2011, 'Četvrta optužnica protiv Darka Šarića'.

cocaine smuggling. The elder Šarić, who is at large, is on trial in absentia in Serbia on charges of smuggling cocaine from South America. Duško Šarić is charged with setting up a criminal organization, illegal production of and trafficking in narcotics, and money laundering. He was arrested in Montenegro in October 2010 pursuant to a wanted notice issued by Italy. Because the conditions for his extradition to Italy could not be met, the Italian prosecuting authorities made available the records of the case and the evidence against Duško Šarić to Montenegro.<sup>245</sup>

Early in February 2012, Serbian and Montenegrin media reported that the South African police were on the trail of the fugitive narco boss Darko Šarić. The spokesman for the South African organized crime squad, McIntosh Polela, was quoted as saying that the African police had located a person suspected of being the fugitive narco boss Dako Šarić and were going to make checks with the Interpol and the police in Serbia and Montenegro with a view to establishing the identity of that person. Polela told the Podgorica daily *Dani* that the person in question was staying most probably in the vicinity of Cape Town. Polela said that the person had not been arrested and was under surveillance, adding that further steps would be taken once checks with the Interpol and the Serbian and Montenegrin authorities had been made.<sup>246</sup>

## **The state legalizes crime – the case of Svetlana Ražnatović**

The deal made with Svetlana Ražnatović, who ‘bought’ for €1.5 million an anklet transmitter that enabled her to serve her eight-month sentence in her luxurious villa in Belgrade’s posh Dedinje district, provoked a public outcry. The deal was branded by many as a ‘legalization of crime’ that will adversely affect general crime prevention and shake the public’s belief that crime does not pay. The critics also charge that other convicts had been discriminated against by this arrangement.

245 B92, 17 July 2011, ‘Počinje suđenje Dušku Šariću.’

246 Blic online, 3 February 2012, ‘*Dani*: Južnoafrička policija veruje da je locirala Šarića.’

Svetlana 'Ceca' Ražnatović, 38, was charged with fraud involving the transfer of soccer players that brought her several million euro in profits. Specifically, the Higher Prosecutor's Office in Belgrade brought an indictment in late March 2011 charging her with the unlawful transfer of 10 players of the Obilić football club and the illegal possession of 11 pistols. Her sister Lidija Veličković Očokoljić was charged under the same indictment. Ražnatović, the widow of Željko 'Arkan' Ražnatović, was charged with abuse of office over an extended period of time and of illegal possession of weapons, while her sister was charged with abuse over an extended period of time. By selling the football players, the prosecution charged, Ražnatović and Očokoljić obtained an unlawful material benefit to the value of DEM 4,100,000 and \$3,480,000.

'The Higher Prosecutor's Office brought the indictment in spite of political pressures, following the public statement of Minister of Justice Snežana Malović who said that no one may be exempt. According to the daily *Blic*, Dragan 'Palma' Marković, the leader of the United Serbia party, was among the persons who tried to protect the popular folk singer against being tried. During the investigation, Ražnatović defended herself by saying that decisions concerning the club had been made by her husband until he was shot dead on 15 January 2000. Regarding the weapons found in the villa across from the Red Star stadium she had occupied for seven years, she said that her late husband had forbidden her to enter the room in question, that the key to the room had been lost and that therefore she did not know what was inside.'<sup>247</sup>

In mid-April 2011, Ražnatović made a plea bargain with the Higher Prosecutor's Office: she admitted to unlawfully appropriating the funds obtained by selling the players to foreign clubs in return for a year in home detention and a fine amounting to €1.5 million. The plea bargain with the Higher Prosecutor's Office was then forwarded to the Higher Court in Belgrade. As part of the same deal, Ražnatović's sister admitted to being party to the transfer fraud and was sentenced to six months in home detention. After bringing the indictment, the Higher Prosecutor's Office ordered a financial investigation against Ražnatović and her associates to find out

247 *Blic*, 29 March 2011, 'Podignuta optužnica protiv Cece'.

whether her property exceeded the lawfully earned income. After that, owing to suspicions about the lawfulness of the transfers, it requested several extensions of and additions to the investigation, which was completed in June 2011 and ended in the deal mentioned above.

The spokesman for the Prosecutor's Office, Tomo Zorić, said that the 'arrangement with Svetlana Ražnatović is a big victory for the Prosecutor's Office for Organized Crime'. He pointed out that the sum of €1.5 million that Ražnatović was to pay after the sentence became final would be paid into the Serbian budget. Zorić said that the sum 'casts into the shade all similar measures undertaken by the judiciary to date' and pointed out that he was talking about 'ready money rather than property and other effects which require safekeeping and auctioning'. Zorić said that the Prosecutor's Office would in the future too go for plea-bargaining as an achievement of modern democracy in developed countries.<sup>248</sup>

Nonetheless, the fact that Ražnatović is to pay into the budget a smaller sum than the one she was charged with, which made it possible for her to pocket €800,000 as a result of the deal with the Prosecutor's Office, provoked much public criticism.

The Minister of Interior, Ivica Dačić, said that the procedure whereby the Prosecutor's Office reached the deal with Svetlana Ražnatović should also be used to obtain admissions of guilt from other persons who denied abusing their office during the Obilić transfers. 'I guess this is an institution introduced into our legislature on the model of certain other legislatures, and I think that this is only the beginning of implementing such a procedure,' he said and denied any involvement by the Ministry of Interior.<sup>249</sup>

Ražnatović was sentenced to nine months in home detention for the abuse of office over an extended period of time in connection with the 10 transfers and to an additional three months for illegal possession of weapons. Given that she had already spent four months in prison, the home detention sentence was reduced to a total of eight months.

248 *Kurir*, 12 April 2011, 'Zorić o nagodbi sa Cecom : "Velika pobjeda tužilaštva"'.

249 *Ibid.*

The director of the Administration for Execution of Criminal Sanctions, Milan Obradović, explained: 'Persons sentenced to home imprisonment must wear an electronic anklet transmitter which is attached to an ankle and controlled on a monitor at the operations centre twenty-four hours a day.'<sup>250</sup> Commenting on the plea bargain between Ražnatović and the Prosecutor's Office, the Faculty of Law professor, Milan Škulić, said that as a rule the amounts of money involved in such arrangements are somewhat lower than those adjudicated in judicial proceeding because there must be a motive to accept the arrangement on the part of the accused. On the other hand, the state favours the other party in some way because it economizes on state funds, though what is very important is that the arrangement should not be at the expense of equity.'<sup>251</sup>

The opinion of the majority of readers of the daily *Alo* who reacted angrily on the daily's website was that by making the deal with the singer the state had sent a message to all criminals in Serbia that they can do as they please and then serve their sentences in their luxurious villas. Most of them observed that during her eight-month stay in her 'cell' spreading on some 700 square metres in her Dedinje villa, she would be able to use a computer, watch television and receive guests as she had done before and that the black plastic anklet would be the only reminder to her that she was serving a sentence. Many associated Ražnatović's deal with the titles of two of her hit songs referring to stealing and loss of face, 'Da sam krala, krala sam!' and 'Bruka, a meni je muka.'<sup>252</sup>

The lawyer and former judge of the Belgrade District Court, Slobodan Batrićević, said that any arrangement not obligating Ražnatović to return the whole sum mentioned in the indictment would lie outside the principles of criminal law. He said, 'The law enjoins the making of the so-called restitution, that is, eliminating the harmful consequences of the criminal act, if any. In this case, this means that the unlawful material gain amounting to €2.3 million has to be returned. One should not be able to

250 *Pravda*, 12 April 2011, 'Čeka ide ukućni pritvor'.

251 *Ibid.*

252 *Alo*, 13 April 2011, 'Čeka u "čeliji" od 700 kvadrata'.

profit from the commission of criminal acts because that would be unconstitutional, unlawful and immoral,' said Batrićević.<sup>253</sup>

The professor of the law of civil procedure, Dr Vesna Rakić Vodinelić, believes that the Prosecutor's Office owes many an explanation in this particular case, as well as regarding the application of the new institute in general. 'The investigation against Ražnatović lasted eight years, with the Prosecutor's Office claiming until recently that it had collected all the evidence. If so, why did it opt for plea bargaining instead of going to law. This also raises the question of discrimination, considering that so far the public has been informed repeatedly that deals have been made with well-known and well-off people. Further, the Prosecutor's Office's motives in settling for a sum of €1.5 million are not clear, given that the damage exceeds that sum.'<sup>254</sup>

The criminal law professor, Dr Ljubiša Lazarević, warned that the state must not let the belief spread that people with money can buy out their guilt. 'A bad practice is being introduced in this way, and this is going to have a negative impact on the effects of general prevention, that is, on the perception of the citizens that perpetrators of criminal offences will be punished,' he said.<sup>255</sup>

The guilty plea bargain struck between Ražnatović and her sister Veličković Oćokoljić on one hand and the Higher Prosecutor's Office in Belgrade on the other was approved by the Higher Court on 9 May 2011. The sisters told the court that they had entered into their arrangement with the Prosecutor's Office of their own free will and without delusion on their part, as well as that they were well aware that they had no right of appeal.<sup>256</sup> 'At the end of June Svetlana Ražnatović and Lidija Veličković Oćokoljić formally began to serve their home detention services when the transmitters were attached to their ankles. They spent the first day of their detention with friends, and the transmitter did not interfere with Ražnatović's habit of getting out of bed around noon. She drank her first

253 *Blic*, 14 April 2011, 'Nagodba sa Cecom je legalizacija kriminala'.

254 *Blic*, 14 April 2011, 'Nagodba sa Cecom je legalizacija kriminala'.

255 *Ibid*.

256 *Blic*, 9 May 2011, 'Sud prihvatio nagodbu sa Cecom'.



cup of coffee in the company of her sister, watching a romantic comedy TV show. Ceca wasn't in the mood to work out in the home fitness gym, take a swim in the swimming pool or play computer games, something she often does. She spent most of the day in the day room watching television and reading newspapers...'<sup>257</sup> Ražnatović's house detention sentence ran out on 22 February 2012.

### **The arrest of Željko 'Arkan' Ražnatović's killer**

Dobrosav Gavrić, who has been convicted of shooting Željko 'Arkan' Ražnatović, was arrested in South Africa. The local daily *The New Age* reported that he would appear in court on charges of possession of narcotics. The newspaper wrote that Gavrić had been identified during a police investigation into the murder of a man in Cape Town linked to organized crime in March 2011. Following the shootout, in which Gavrić was wounded, the police stopped his car. Had the police not found cocaine in his pocket, his identity would not have been discovered, the paper wrote adding that Gavrić was charged with possession of narcotics. Serbia is expected to request his extradition so that he may serve his prison sentence.<sup>258</sup> 'We expect that Dobrosav Gavrić will be extradited to Serbia within the next three months. An extradition request with evidence confirming that he was finally sentenced here will be sent by the end of the week,' said Slobodan Homen, Secretary of State at the Ministry of Justice. The Belgrade daily *Blic* writes, citing local South African media, that Gavrić gave himself up to an elite police unit called the Hawks.<sup>259</sup>

'The chances of Dobrosav Gavrić, the killer of Željko 'Arkan' Ražnatović, being granted asylum in the South African Republic are almost nil, said a source at the Cape Town court that is to decide his status. South African media quote a judge as saying that Gavrić meets none of the requirements

257 *Večernje novosti*, 22 June 2011, 'Cecin prvi "robijaški" dan'.

258 *B92*, 14 December 2011, 'Uhapšen Arkanov ubica Gavrić'.

259 *Blic*, 28 December 2011, 'Homen: Čekamo izručenje Gavrića iz Južne Afrike'.

for being granted refugee status, given that he is a convicted murderer and entered the country on false documents.’<sup>260</sup>

‘Dobrosav Gavrić, who was convicted of the murder of Željko Ražnatović in 2000, will most probably not be extradited to Serbia for at least two years, South African authorities said. Captain Paul Hendrix, who is in charge of the Gavrić case, said that the extradition procedure lasts at least two years and that Ražnatović’s killer would remain in Cape Town for a long time even in the case of an extradition decision being taken.

Hendrix confirmed that the South African authorities were increasingly seriously considering the possibility of extraditing Gavrić after all, in spite of his political asylum application, because he had violated the Immigration Act by forging his documents. Other than that, he said, he has no connections with the South African Republic since he has no immovables registered in his name.’<sup>261</sup>

It will be recalled that Željko ‘Arkan’ Ražnatović, who was charged by the Hague tribunal with crimes against humanity committed in the Bosnia was in 1992-5, was shot dead in the lobby of the Belgrade Hotel Intercontinental on 15 January 2000. His friends Milenko ‘Manda’ Mandić and Dragan ‘Garo’ Garić, a former employee of the Federal MUP, were also killed in the incident. Gavrić and his aide Milan Đuričić were arrested in 2001 and sentenced in October 2006 to 30 and 35 years in prison for killing and plotting to kill Ražnatović. Having been released in October 2003 to defend themselves from freedom, they escaped in October 2006 and have been on the run ever since. The third defendant charged with Ražnatović’s murder, Dragan Nikolić, was sentenced to 30 years. The court established that it was Gavrić who fired the shots that killed Ražnatović and his two friends.

260 Press on line, 19 January 2012, ‘Gavrić nepoželjan u Južnoj Africi’.

261 Press, 15 January 2012, ‘Gavrić neće biti izručen još dve godine’.

## Corruption: A Pressing Problem

In spite of the fact that several investigations were started and scandals reported during 2011, the performance of the legislative, executive and judicial branches in the fight against corruption leaves much to be desired. The European Union officials who are watching Serbia's progress in reforms on the road to European integration, including the efforts to suppress and limit so-called systemic corruption, have no cause to be satisfied. What is more, in 2011 Serbia actually regressed: it fell eight places to 86th in a corruption index ranking of a total of 183 countries. Serbia slid from an index of 3.5 in 2010 to 3.3, to join Bulgaria, Sri Lanka, Panama and Jamaica.<sup>262</sup>

The will, particularly political will, to suppress corruption in Serbia is lacking though much lip service is paid to this goal. The lack of political will is due to the fact that the roots of the worst corruption, something no one is yet willing to diagnose let alone prevent and cure, lies precisely in the domain of politics or in direct and indirect nexus with politics and power. Serbia's reality is that the people at the top levels of government or those involved in any way in the institutions at all levels cannot be expected to fight corruption earnestly and resolutely. The political parties – both in government and in opposition – are not prepared to disclose their sources of finance and to make transparent their financial infrastructures and money flows. Like concentric water ripples, this attitude spreads from the top levels of government to the political parties and back.

The non-governmental sector, institutions and analysts have been pointing out the need for transparency on the part of the state bodies and institutions, for reduction of systemic corruption, and for strengthening of independent institutions such as the State Auditor, the Anti-Corruption Agency, the Commissioner for information of public importance and others. The president of Transparency Serbia, Vladimir Goati, said that the 'fight against political corruption is a neglected topic in Serbia' and

262 Annual Report, Transparency International, Beta, Tanjug.

that 'its regulation represents the most difficult stretch on the road to the European Union'.<sup>263</sup> He pointed out that millions of euros were involved and that the 'fight against corruption has only reached an "intermediate to low level" which encompasses former presidents and members of management boards of public enterprises' but not the key players – the politicians.<sup>264</sup>

On the other hand, every now and then government representatives announce that the fight against corruption is making good progress and promise actions, exposure of new scandals, arrests and indictments. For instance, the Secretary of State at the Ministry of Justice, Slobodan Homen, early in the year announced that 'a new strategy and action plan for the fight against corruption will be prepared in collaboration with non-governmental organizations, involving amendment of certain existing laws concerning the fight against corruption'.<sup>265</sup> Homen added that the strategy would be a 'serious document without which further progress in the fight against corruption will not be possible'. However, he gave no schedules.<sup>266</sup>

At the end of April 2011, the director of the Anti-Corruption Agency, Zorana Marković, was somewhat more specific: she said that the preparation of the strategy would commence after the May-Day holidays and that the document would be drawn up by a working group comprising representatives of the ministries of justice and interior, the Prosecutor's Office, the Anti-Corruption Agency, Transparency Serbia and the non-governmental sector.<sup>267</sup> Pointing out that the 'EU has recommended Serbia to adopt a new strategy because the existing one from 2005 was found to be out of date', she said she was sure that the 'working group will manage to complete the strategy by the end of the year and thus satisfy this requirement of the EU'.<sup>268</sup>

263 *Pravda*, 5 July 2011, 'Goati: Političari sabotiraju borbu protiv korupcije'.

264 *Ibid.*

265 *www.b92.net/linfo/vesti*, Nova strategija protiv korupcije, 30. mart 2011.

266 *Ibid.*

267 *Press*, 29 April 2011, 'EU: Stop za korupciju'.

268 *Ibid.*

However, nothing had been done by January 2012, when Homen again announced the adoption of the strategy – this time by March 2012. On that occasion he said, ‘We must concern ourselves with preventing corruption; in this connection, the new strategy for the fight against corruption, which I expect will be adopted by March, must lay down clear indicators and ways of preventing corruption.’<sup>269</sup>

After answering the European Commission’s Questionnaire regarding Serbia’s application for candidate status, Serbia was asked to answer 64 additional questions, most of which pertained to corruption. Concrete results in the fight against corruption at the very top are among the highest priorities the EU wants Belgrade to comply with. This is why Serbia’s top officials have repeatedly been told by Brussels that Serbia is expected to show earnestness and resolve in fighting corruption and organized crime by, for example, placing under arrest highly-placed officials in respect of whom there is evidence of involvement in corruption scandals.

The Report on compliance with obligations and commitments by Serbia commends the Serbian political leaders for their cooperation and identifies reform of the judiciary and adoption and implementation of effective anti-corruption legislation as tasks which still remain to be carried out by the Belgrade authorities in order to bring the monitoring process to a conclusion.<sup>270</sup> However, save for a few investigations commenced and arrests made in connection with scandals already made public, little progress was made throughout 2011, particularly regarding the creation of prerequisites for preventing and suppressing systemic corruption, something the EU expects, among other things.

This state of affairs was repeatedly criticized by the Anti-Corruption Council and the president of this government body, Verica Barać. In the past eight years, the Council had submitted to the Government more than 70 reports, analyses, initiatives and recommendations concerning the combination of government and tycoons. In spite of this, the Government responded only on five occasions and failed to take any concrete action to prevent corruption.

269 *Blic*, 8. January 2012, ‘Srbija nema šefa podzemlja’.

270 *Beta*, *Politika*, 22 January 2012, ‘Korupcija i pravosuđe – bolna mesta’.

Barać pointed out that the 'Government is now talking about adopting a new strategy, without having made any analysis of the implementation of the existing one. They are simply behaving as if the document adopted by the parliament six years ago does not exist. How much damage has the country suffered because the (existing) Anti-Corruption Strategy has not been implemented for six years and because the combination of government and big capital survives to this day? It is even stronger than it was when the Strategy was adopted.'<sup>271</sup>

The asset declarations made at the beginning of 2011 showed that politics was a lucrative business, provided the information submitted to the Anti-Corruption Agency was correct and nothing was withheld or remained outside controlled money flows.

During 2011, a period when public sector pay and pensions were frozen due to economic crisis, more than 2,500 officials 'admitted' to increasing the value of their property by at least €3,500. In other words, in a time of crisis, their total 'earnings' exceeded €8 million. According to the Anti-Corruption Agency, by the end of January 2,605 officials had notified changes in their personal assets and earnings exceeding the average annual pay in Serbia, accounting for just over 10% of officials who made their assets declarations in the course of the year.<sup>272</sup>

The number of officials in Serbia is estimated at some 16,000. The conclusion to be drawn from the fact that so many people have managed to increase their property in a year of general crisis is that politics is a very profitable business in Serbia. Before the onset of the crisis, the number of businessmen who succeeded in merely preserving what they had two years previously, let alone making profits, was very small. The director of the Anti-Corruption Agency, Zorana Marković, observed that the line between becoming rich and unjust enrichment was very thin, and that Serbia had no legislation on the origin of property. The Agency, Marković said, has no authority to investigate where a person got his or her money from.<sup>273</sup>

271 *Blic*, 3 April 2011, 'Od 70 zahteva, Vlada odgovorila samo na pet'.

272 *Dnevnik*, 12 February 2011, 'Narod bedan, imovinske karte političara debljaju'.

273 *Ibid.*

The Minister of Justice, Snežana Malović, said in June 2011, after being nominated coordinator for the fight against corruption, that ‘all relevant state bodies and institutions will be requested to intensify their activities and to investigate, within a short time frame, all controversial public procurements and other corruptive practices in society’. She stressed that she would insist on the ‘completion of the pre-trial proceedings that have been discussed publicly. We owe society a reply regarding the specific cases mentioned because that’s our obligation. I’m going to see to it that these cases are clarified.’<sup>274</sup>

### Scandals, dismissals, arrests, suicide

**The ‘Kofer’ (Suitcase) scandal**, which held promise that a case of corruption at the political top would at last be exposed, ended in a judgement of acquittal at the beginning of 2011. The Belgrade Appellate Court finally acquitted of the charges the former vice-governor of the National Bank of Serbia (NBS), Dejan Simić, and the Socialist Party of Serbia (SPS) official, Vladan Zagrađanin, for taking bribes in return for restoring the operating licence of the Credit-Export Bank.<sup>275</sup> By upholding the May 2010 judgment of the Higher Court in Belgrade and dismissing the appeal of the Prosecutor’s Office as unfounded, the Serbian judiciary closed the chapter on the five-year-old scandal. ‘The Appellate Court found that the court of first instance made a correct factual determination and correctly concluded that there was no proof of Simić and Zagrađanin having committed the criminal offences alleged against them,’ the decision read.<sup>276</sup>

It will be recalled that Simić was charged with asking a representative of TBI Group for 2 million EUR in bribes in order to secure to the company the NBS’s financial leasing operating licence. Zagrađanin was charged with helping Simić to get in touch with TBI Group’s representative, Vladimir Cizelj.

274 Tanjug, 4 June 2011.

275 Tanjug, *Blic*, 8 February 2011, ‘Oslobođeni akteri afere “Kofer”’.

276 Ibid.

Considering the status of the persons involved, the scandal was viewed from the beginning as a high-profile political affair. A number of persons were asked to give evidence during the proceedings including the minister of the interior, Ivica Dačić, the then resigned NBS governor, Radovan Jelašić, and the director of the Credit-Export Bank, Sekula Pjevčević. The Higher Court judicial panel, presided over by judge Danko Laušević, found that existence of the criminal offence alleged against Simić and Zagrađanin had not been proved. The judicial panel said that there was also no proof that Simić asked anyone from TBI Group, including Cizelj, to give him money. Also, it was established that Simić did not pick up the briefcase containing €100,000 that had been brought into his flat. Simić was arrested on 11 January 2006 on suspicion of taking €100,000 in bribes brought into his Belgrade flat in a 'suitcase' by Zagrađanin. This is why the scandal came to be known by the name 'Kofer'. The public's reaction to the judgement of acquittal was summed up in the sardonic question: 'And whatever happened with that little suitcase?'

At the beginning of 2012 it was informally announced that Zagrađanin would publish a book provisionally titled *Izdaja* (The Betrayal). The daily *Alo*, which made the announcement and also hinted that the background to the scandal would come to light, wrote that Zagrađanin's book of essays in diary form would largely deal with the key events connected with the scandal. Zagrađanin was the former SPS director.<sup>277</sup>

When, in mid-February 2001, Prime Minister Mirko Cvetković relieved of office the deputy prime minister and minister of economy and regional development, Mladan Dinkić, it appeared that the matter of the many scandals linked to Dinkić would finally be raised. However, the president of the Anti-Corruption Council, Verica Barać, was not optimistic: as it turned out later she had every reason not to be.

Barać said at the time, 'I think that, rather than there being a clamp-down on corruption and other kinds of crime, some other group of people will now take up the pursuit of unlawful activities. State business deals will go on being clinched in procedures which are not transparent and subject to public control, and which are the breeding ground for ever-new

<sup>277</sup> *Alo*, 10 February 2012, "'Izdaja" bivšeg direktora SPS'.



financial scandals.’<sup>278</sup> In her opinion, the purchase and sale of the National Savings Bank was the ‘biggest thing’ hushed up by Dinkić. ‘It is still unknown whether the state reserves were withdrawn from the Euroaxis Bank. There’s also the matter of the National Saving Bank’s premises occupying 12,500 square metres. Although the Serbian Government had decided to sell the entire premises, someone made the decision to sell only half,’ she said and added that the ‘whole relevant documentation is rather very well concealed.’<sup>279</sup>

Barać believes that Dinkić is also partly to blame for the ‘Satellite’ scandal, saying there is evidence that he was instrumental in ‘putting and keeping in force’ the contract on renting a spy satellite that the former defence minister, Prvoslav Davinić, signed with the Israeli firm Imageset in 2005. Barać also believes that the controversial sale of Mobtel and the transfer of money to Cyprus, about which the Government ‘has been hiding the truth for four years,’ could also be traced to Dinkić.<sup>280</sup>

## The health sector

In mid-2011, it appeared that there would be progress in the fight against corruption in the health sector, which had been identified in numerous surveys as a hotbed of corruption. The newly-appointed special advisor to the minister of health, Ljubiša Milanović, said in June that ‘corruption in the health sector has exceeded the critical level’ and announced that investigations and anti-corruption measures would follow soon. Milanović, a member of the Serbian People’s Party and the former chief of the police anti-corruption squad POSKOK, said that a ‘white telephone’ line would be made available for citizens wishing to report cases of corruption in the health sectors. He also said that one day of the week would be reserved for contacts with them. Milanović stressed that he ex-

278 *Danas*, 16 February 2011, ‘Dinkić smenjen, afere ostale’.

279 *Ibid.*

280 *Ibid.*

pected that the 'Ministry of Health will cooperate with the Prosecutor's Office and the police in fighting corruption.'<sup>281</sup>

However, by the end of the year it had become evident that the public's expectations had been mere wishful thinking and that the announced turnaround would not be worthy of mention. Milanović accused the appropriate state authorities, particularly the Special Prosecutor's Office, the Security-Intelligence Agency (BIA) and the Ministry of Justice, of obstructing the fight against corruption and of dealing with the problem 'more theoretically than practically'.<sup>282</sup>

Speaking on the morning programme of Radio Television Serbia, Milanović said that his fight against this widespread evil in Serbia was in vain because he did not have the support of the prosecuting authorities and the police. Asked why he did not request assistance from Minister of Interior Iвица Dačić, Milanović replied, 'What's the use of asking him for anything – he has no clout in the police at all? Why, I have more clout there than he has!'<sup>283</sup>

Milanović identified as the main problem in the fight against corruption an influential 'political structure'. When asked by the host to name that structure, he replied, 'Why, the office of President (of Serbia Boris) Tadić – that's the fundamental problem in our society and no one dare say this in public'.<sup>284</sup> Milanović also recalled the scandal involving the purchase of vaccines against the new swine influenza (A-H1N1), suggesting that the ongoing criminal proceedings were selective. He said that 'it's an open secret that the [original] criminal complaint encompassed more persons [then actually charged]! Prosecutor (Miljko) Radisavljević sent the criminal complaint back so that it may be corrected and eight names left out... Only three of the names remained. How come the complaint does not include the name of the then minister [of health] Tomica Milosavljević?!'<sup>285</sup>

281 Tanjug, TV B 92, 10 June 2011.

282 *Blic*, 14 December 2011, 'Savetnik ministra na RTS optužio BIA i tužioce'; RTS, 13 December 2011. <http://www.youtube.com/watch?v=f4fxTQAjgDA>.

283 *Ibid*.

284 RTS, 13 December 2011 <http://www.youtube.com/watch?v=f4fxTQAjgDA>.

285 *Ibid*.

Milanović recalled that Minister of Justice Snežana Malović had declared Milosavljević not guilty at the very start of the criminal proceedings.<sup>286</sup> The outcome of the interview came in less than a month: Ljubiša Milanović resigned and the complete background to the affair remained unclear. Milanović said later that his decision to offer his resignation had been ‘preceded by a talk with the minister of health, who told him he had been instructed from the top to get him out of the way because of his recent public remarks criticizing the work of the Prosecutor’s Office’. Milanović said that ‘Minister Stanković was given instructions from the top to remove me. The instructions from the office of President Boris Tadić were passed to Stanković by Mlađan Dinkić, and the minister passed all that to me. I didn’t want to work under such circumstances.’<sup>287</sup>

Minister of Health Zoran Stanković denied that Milanović had been dismissed; the office of the Serbian president brushed aside Milanović’s allegations as ‘absolutely untrue’ and declined any comment; and the president of United Regions of Serbia, Mlađan Dinkić, reacted in the same vein.<sup>288</sup>

Stanković admitted that ‘corruption in the health sector is very pronounced. Cooperation among all state bodies is necessary because the Ministry has no capacity to deal with all these problems on its own’. He said that he had asked the judicial authorities for a list of all proceedings concerning abuses in the health sector. ‘The Ministry has forwarded to the appropriate authorities the complete documentation pertaining to the purchase of the vaccines against the new influenza type,’ he said, adding that he ‘could no longer keep insisting that the case be processed.’<sup>289</sup>

Not long after that, there was a leak from the police that an investigation into the vaccines purchase had ‘secured material evidence against eight persons whose activities during the vaccines procurement procedure can be qualified as a criminal offence’. A source from the Ministry of Interior (MUP) said at the time, ‘Whether investigative proceedings will be in-

286 Ibid.

287 *Blic*, 5 January 2012, ‘Milanović: Tadić i Dinkić su tražili moju smenu’.

288 Ibid.

289 *Blic*, Beta, 17 July 2011, ‘Ministar zdravlja priznao da je korupcija izražena’.

stituted against all these persons will be known in the next few days. The Special Prosecutor's Office for organized crime will have the last word on who will be subject to investigation. The pre-trial proceedings are completed and the Organized Crime Suppression Service (SBPOK) has transmitted the case to the Prosecutor's Office.'<sup>290</sup>

Only a few days later, on 14 August, the public received signals that 'something was about to happen' from Minister Dačić, when he said that 'One may expect this case to be fully clarified. The investigation was started more than a year ago and is still ongoing.'<sup>291</sup> On 19 September, the director of the Republic Health Insurance Fund (RZZO), Svetlana Vukajlović, was arrested. The police also arrested the directors of two companies, Vladimir Gravar of Jugohemija farmacija and Ljubomir Pavićević of Detap. It is suspected that the purchase of the 857,000 doses of vaccine, of which only 154,000 were used, caused €1.6 million worth of damage to the state budget. In connection with the fraud, the former minister of health, Tomica Milosavljević, and the epidemiologist Predrag Kon were questioned at the beginning of August. On the same evening that Vukajlović was arrested, Milosavljević said that he had nothing to do with the tender procedure and that it had been conducted by the Republic Health Insurance Fund, subject to the decision of the Government.<sup>292</sup>

The president of the Anti-Corruption Council, Verica Barač, said that the 'controversial purchase of the vaccines, in connection with which former RZZO director Svetlana Vukajlović was arrested, could not have been effected without the knowledge of the minister of health, who, as the then departmental minister, is surely more responsible than Vukajlović'. Barač said that Vukajlović's arrest 'has the least to do with the fight against corruption, and more to do with the coming elections and a possible squaring of accounts between connected persons involved in corruption in the health sector.'<sup>293</sup> She said that when a scandal is exposed 'as a rule some-

290 *Blic*, 11 August 2011, 'Sumnjivi uvoz vakcina za svinjski grip organizovalo osmoro ljudi'.

291 *Blic*, 14 August 2011, 'Dačić: Istraga o nabavci vakcina traje više od godinu dana'.

292 *Tanjug*, 19 September 2011.

293 *FoNet*, *NIN*, *Blic*, 20 September 2011, 'Baraćeva: "Milosavljević odgovorniji od Vukajlovićeve za nabavku vakcina"'.

one further down the ladder, like Vukajlović, is sacrificed'. She also said that she 'did not expect the arrests of the bigger players, including the minister, but only of someone with lesser responsibility'.<sup>294</sup>

The former director of Jugohemija, Smiljka Mileusnić-Adžić, was arrested following a request for an extension of the investigation. The vaccines were imported by Jugohemija, which Mileusnić-Adžić led until 2009.

Another scandal in the health sector was at the focus of public attention during 2011: a group of doctors at the Institute of Oncology and Radiology of Serbia and representatives of pharmaceutical companies went on trial before the Special Court in Belgrade on charges of taking bribes. The former director of the Institute, Dr Nenad Borojević, was named as the leader of a group which allegedly rigged tenders for the procurement of cytostatics during 2007-9. The accused are also the head of the Oncologic Pediatric Ward, Zoran Bekić, the director of the Institute's dispensary, Ivana Popović, the assistant director of the Institute of Health Care, Zoran Tomašević, the managing director of the Roche pharmaceutical firm, Vojislav Petrović, the director of the oncology sector of PharmaSwiss, Andreja Soretić, and two employees of Astra Zeneka company, Predrag Marinković and Ana Matović. They were all arrested at the end of June 2010 in a police action codenamed 'Kraba' (Crab). Borojević, Tomašević, Bekić and Popović were kept in detention. An employee of Merck pharmaceutical company, Jasmina Gutović, admitted to giving bribes and made a guilty plea bargain with the Prosecutor's Office for Organized Crime. The bargain was incorporated in the indictment.

The principal defendant, Nenad Borojević, was subjected to electronic surveillance for a time, then returned to the District Prison, then equipped with an electronic transmitter and finally put on restricted liberty. Borojević was found hanging from a tree in Belgrade's Košutnjak Park on 10 January 2012. The trial of the rest of the accused in connection with the 'Cytostatics' scandal is pending.

The arrest of the former director of the Kolubara Mining Basin, Dragan Tomić, which had been unofficially hinted at for months, was among the actions undertaken by the police and the judiciary. Tomić was arrested

294 Ibid.

on 3 October 2011 while trying to cross the Serbian-Macedonian border with the alleged object of escaping to Greece. While Tomić was being tracked, several police squads arrested the remaining 16 incumbent and former Kolubara officials and owners of private firms suspected of fraud to the amount of €12 million.<sup>295</sup>

Following questioning lasting several hours, the Belgrade Special Court on 6 October ordered that Tomić and the rest be remanded in custody for up to one month in connection with the fraud, as well as initiating an investigation against them on suspicion of causing more than €10 million worth of damage to the company, the Court's spokeswoman Maja Kovačević Tomić told Tanjug news agency.<sup>296</sup>

## Public procurements

Instances of corruption which are most often encountered by members of the public in their everyday life permeate the health service, the police, the education system and, to a lesser extent, the judiciary. However, the most financially dramatic and damaging forms of corruption are to be found in the public sector, the ministries, state-owned companies and public enterprises, institutions... This high-level, systemic corruption has been identified as one of the more serious obstacles on Serbia's road to European integration.

The EU is keenly interested in the announced amendments to the Law on Public Procurement. At home, the professional community has severely criticized the Government as their proposer and warned the parliament against adopting the amendments. For instance, Article 1 of the draft envisages the abolition of the Public Procurement Office (UJN) and the setting up of a new body – the Office for Centralized Public Procurement. The new office, which would be established within six months from the adoption of the amended law, would take over only two of the 19 functions being performed by the present UJN. The remaining 17, including public procurement control, would pass into the hands of the Ministry of

295 *Blic*, 4 October 2011, 'Bivši direktor "Kolubare" pokušao da pobegne iz Srbije'.

296 *Blic*, Tanjug, 6 October 2011, 'Tomić sa saradnicima u pritvoru zbog "Kolubare"'.

Finance. The two responsibilities to be taken over by the new office are the portal and the preparation of competition models, leaving the Ministry of Finance in charge of crucial functions such as control.<sup>297</sup>

Experts commissioned by Brussels argue that the amendments would diminish control of public procurements, facilitate corruption and make it more difficult to detect it, while facilitating possible political influence on the tendering procedure. The director in the European Commission's Directorate General for Enlargement, Pierre Morel, said that the proposed amendments were incompatible with the challenge of reforming public procurements with regard to transparency, efficiency and procedure simplification.<sup>298</sup>

In a letter cited by the daily *Blic*, Mirel warned that bringing public procurements into compliance with European directives was a crucial element in the process of Serbia's accession to the EU and that the European Commission was watching the process with particular attention. The letter was addressed to Transparency Serbia and to the Coalition for Supervision of Public Finances on 8 December 2011.<sup>299</sup>

Danilo Pejović of Transparency Serbia said that 'it is quite clear that these amendments would further weaken the already weak control exercised the Office – for which we have requested additional authority, – as well as that control would further be reduced only to the Budget Inspectorate and the State Audit Institution (DRI). The office would be made part of a major ordering party such as the Ministry of Finance, which incorporates, for example, the Tobacco Administration and the Customs Administration. That would be a clear conflict of interests.'<sup>300</sup>

Thanks to great resistance from the domestic professional community and strong objections from the EU, the envisaged amendments to the Law on Public Procurement were not adopted by the end of 2011 in spite of several announcements that they would. Therefore, as of the conclusion

297 *Danas*, 28 December 2011, 'Ipak se usvaja zakon o javnim nabavkama?'

298 *Blic*, 15 December 2011, 'Vlada stvara šanse za korupciju.'

299 Ibid.

300 Ibid.

of this report, 17 February 2012, the draft continues to be listed as an 'act pending' before the Serbian parliament.<sup>301</sup>

At home, the existence of systemic corruption was indirectly confirmed, among others, by the director of the Public Procurement Office, Predrag Jovanović. In summing up the year 2011, he said that budget beneficiaries and public enterprises had continued to violate public procurement regulations and that the Budget Inspectorate and the DRI had been notified thereof. The DRI established that in 2010 'most irregularities concerning the spending of budgetary resources occurred in the conduct of public procurements' he said, adding that 'this will also be shown in the state auditors' 2011 report'.<sup>302</sup>

The omissions, violations, irregularities and malversations were attributed to Putevi Srbije, the Gradsko stambeno public housing enterprise in Belgrade, the PTT Serbia public enterprise, the Kolubara Mining Basin, the Ministry of Agriculture, Trade, Forestry and Water Management and others.

Data of the Public Procurement Office for the first half of 2011 show that Putevi Srbije conducted a public competition under an urgent procedure without any legal justification. The competition was for the preparation of documentation for the construction of the Belgrade ring road section between the Dobanovci clover-leaf interchange and Bubanj potok, worth RSD618 million.

Gradsko stambeno took recourse to the so-called procedure of urgency to commission general building maintenance works worth RSD350 million for the whole year. Where large sums are involved, urgent procurements are normally only made for specific periods of time pending a more transparent procedure, which was not done in this particular case.

The PTT Serbia public enterprise executed the procurement of security and fire prevention services worth some RSD146 million although it invited only one tenderer. By violating the principle of equality of tenderers and of the obligation to ensure competition, the enterprise violated the fundamental principles of public procurement. PTT Serbia also procured

301 <http://www.parlament.rs/akti/zakoni-u-proceduri/zakoni-u-proceduri.1037.html>.

302 Beta, *Blic*, 6 January 2012, 'Jovanović: "Kršenje propisa u javnim nabavkama i u 2011"'.



accident insurance services for its employees (worth RSD6.8 million) under an urgent procedure although there was no legal justification for it.

Similar practices of circumventing regulations were employed by the Kolubara Mining Basin in the procurement of equipment worth RSD74.4 million, and by the Ministry of Agriculture, Trade, Forestry and Water Management, in procuring computers worth RSD18 million for its Veterinary Directorate.

Interestingly, the director of the Public Procurement Office, Predrag Jovanović, said that the 'Office has no information about what action the Budget Inspectorate takes in response to the reports it receives concerning public procurement irregularities'.<sup>303</sup> The Budget Inspectorate is namely a part of the Ministry of Finance, which directly calls into question the principle of independence and impartiality in the control of public procurements. The amendments to the Law on Public Procurement, which were adopted by the Government at the end of 2011, envisage the incorporation of the Public Procurement Office in the Ministry of Finance.

The president of the DRI Council, Radoslav Sretenović, believes that the number of institutions concerned with public procurement control is not as important as the need to tighten the relevant penal provisions, i.e. to increase the misdemeanour fines, introduce criminal responsibility for unlawful practices in this field, and extend the period of statutory limitation to three years.<sup>304</sup> In summing up the audits for 2010, Sretenović said that regulations were violated by seven ministries.

He said that the fact that 'no complains have so far been lodged against the ministers does not mean that there will be none: work is in hand on them. There is no doubt that omissions occurred in all the controlled ministries and that complaints will be lodged; however, it is not known whether they will be lodged against a minister, a state secretary or a third responsible person.'<sup>305</sup>

The State Audit Institution issued positive opinions on only two out of 46 audits of financial reports on 2010 final budget accounts in seven min-

303 Ibid. Ibid.

304 Ibid.

305 *Blic*, agencies, 29. decembar 2011, 'DRI: Zakon kršilo sedam ministarstava'.

istries, in the provincial government in Vojvodina, 13 municipalities, 19 public enterprises and five government institutions.

The programme director of Transparency Serbia, Nemanja Nenadić, said the report of the State Audit Institution highlighted a big problem in public enterprises. In his opinion, the 'problems concerning public enterprises, regardless of whether they are subsidized or operate at a profit, are due to insufficient control and strong political influence on their operation.'<sup>306</sup>

## Media corruption

In September, the Anti-Corruption Council published a Report on Pressures on and Control of Media in Serbia. Owing to the highly critical nature of the Report, the majority of the media outlets, particularly print media, did not publish even the most elementary information contained in the report. The Council says it has '[...] gathered data on the basis of which it can be concluded that the media in Serbia are exposed to strong political pressure and, therefore, a full control has been established over them.'<sup>307</sup> It stresses that 'There is no longer a medium from which the public can get complete and objective information because, under strong pressure from political circles, the media pass over certain events in silence or report on them selectively and partially.'<sup>308</sup>

The Report names the media in question and exposes their financial-business connections with the public sector and the authorities. The Council's analysis encompasses all the government ministries, certain republic public enterprises and certain City public utility companies, as well as agencies and other state bodies.

On the basis of extensive documentation the Anti-Corruption Council points to three major problems in the media sector: lack of transparency in media ownership; economic influence the state institutions exert

306 Ibid.

307 'Izveštaj o pritiscima i kontroli medija u Srbiji', Anti-Corruption Council of the Serbian Government, 19 September 2011.

308 Ibid.

on the work of the media through various types of budgetary payments; the problem of the RTS public broadcasting service which, instead of being a public service, has the role of the service of political parties and ruling elites, and the consequence of all this is that the media are closed due to numerous problems encountered in Serbia, including the problem of corruption.<sup>309</sup>

The Council found that among the 30 most significant analysed media in Serbia (including 12 daily papers, seven weeklies, six TV stations and five radio stations), as many as 18 do not have sufficiently transparent ownership structures. The reason for this is chiefly the presence of off-shore companies in the media ownership structure, whose primary purpose is to hide the real media owners and to conceal the interests of such media from the public in this way. 'The state institutions in Serbia spend huge budget funds for advertising and promotion, whereby they make their personal and party promotion, which at the annual level exceeds €15 million on a sample of the 50 most significant institutions,' the Council says.<sup>310</sup>

*Telekom Serbia*, the Ministry of Environment and Spatial Planning, the Agency for Privatization, the Ministry of Economy and Regional Development, the Ministry of Health and the Ministry of Agriculture, Trade, Forestry and Water Management paid the biggest amounts of money to the media, the Council reports. Therefore, it says, it was 'almost impossible to find an analytical text or an investigative approach by journalists when reporting on the work of these institutions'.<sup>311</sup>

In addition to the €15 million mentioned above, the media are believed to have received, from various sources, an additional €21-25 million, though there are no complete, comparatively verifiable data to substantiate this. 'In any case, if you compare it with the total advertising market figure of about €160 million, it can be concluded that approximately one quarter of their income comes from the state institutions,' the Council writes. Public relations agencies, marketing and production agen-

309 Ibid.

310 Ibid.

311 Ibid.

cies, mainly owned by party activists and persons related to them, play a special role in funding media and keeping them in economic dependence and uncertainty, it writes. The state authorities exercise special influence through RTS which, instead of being a public service to the citizens, is a service of political structures and productions which are closely connected with top officials of the parties in power, it writes.<sup>312</sup>

The Council further writes, 'Nowadays, the media owners and politicians use media exclusively as a means for the creation of public opinion for the purpose of achieving the most favourable rating and election results of political parties, and also for making certain individuals' personal profits'. In conclusion, it writes, 'Consequently there is no critical approach to the work of the state authorities in most of the media, and it is impossible to find investigative journalistic texts and contributions in the media, except in rare cases when it suits a part of a party or business elite.'<sup>313</sup>

312 Ibid.

313 Ibid.

## Conclusions and recommendations

Not only because of the demands of the European Union and the obligations undertaken in the process of European integration, but above all for the sake of an honest attitude to its own citizens, the Government must both resolutely and sincerely take serious and purpose-serving steps towards suppressing systemic corruption and corruption in general.

This primarily necessitates:

- control of the work of state bodies and public enterprises through strengthening independent institutions such as the State Auditor, the Anti-Corruption Agency, the Commissioner for information of public importance;
- consistent functioning of the state of law and of an independent judiciary, as well as a break with the practice whereby parties come to 'own' particular ministries and public enterprises through apportionments among coalition partners and individual personnel;
- full freedom, independence and incorruptibility of the media and of those who run them, both as managing and editorial personnel; freedom and power of public address, particularly through the media, which should enhance control of the transparency of work of state bodies, public enterprises and institutions of the widest social significance;
- inclusion of the non-governmental sector; this means maintaining continuous pressure, in collaboration with the media and NGOs, on all state bodies and on public enterprises and budgetary consumers in particular, and demanding detailed information concerning their operations;
- continuous constructive pressure, regardless of the outcome of the elections slated for May 2012, in order to help create the conditions that would enable Serbia to get in step with modern democracies in Europe and the world.



## III – NATIONAL ASSEMBLY





## Parliament: In the Service of the Regime

Although 20 years have passed since the election of a multi-party parliament (on 11 January 1991), this institution is still insufficiently developed, while the parliament failed to become the central institution of democracy and impose itself as a respectable place that should ensure citizens' confidence in the highest constitutional and legislative authority.

In one of the conclusions reached at the forum "Open Doors to the Parliament", which was organized by the Lawyers' Committee for Human Rights – YUKOM<sup>314</sup> in late March 2011, it was stated that the parliament could not be sufficiently developed due to the lack of political and legal culture, and that the image of the parliament reflected the situation in the state and society.

A "dramatic" deficit in the legal culture of MPs is reflected in the content, proposal and subsequent implementation of laws. The laws proposed by MPs are very seldom placed on the parliamentary agenda, while civil initiatives are almost never found on it. The only safe way to have a draft law placed on the agenda of the Serbian Assembly is to have the Government propose it. The details of this analysis were published in the daily *Politika*.<sup>315</sup>

On rare occasions the draft laws submitted by ruling coalition MPs have "better luck", while those which come from by the Vojvodina Assembly, citizens or National Bank will only reach the Parliament website, where they will wait in vain for MPs to consider them, as it is stated in the YUKOM analysis. Out of a total of 262 laws adopted by the Serbian Assembly in 2010, even 257 were proposed by the Government and the situation was similar in 2009, when 263 out of 266 adopted laws were proposed by the Government.<sup>316</sup>

314 Blic, 31 March 2011.

315 <http://www.politika.rs/rubrike/Politika/Zasto-skupstina-usvaja-samo-vladine-zakone.lt.html>.

316 Ibid.

However, in contrast to the situation a few years ago, when the Serbian Assembly was called a “black hole” on Serbia’s path of European integration, during this term, it worked at an accelerated pace and contributed rather successfully to the harmonization of national legislation with the EU standards, thus becoming one of the most efficient state institutions. Due to such a large number of adopted laws and such work (more than a thousand for three and a half years), Parliament Speaker Slavica Djukic Dejanovic proclaimed Serbia the “champion of European integration”.<sup>317</sup>

However, this “normative tsunami”, which the Serbian Assembly rightfully boasts about, was significantly weakened by the fact that about 25-30 per cent of these laws are not implemented. This is primarily due to the fact that the adoption of laws is not accompanied by so-called secondary legislation, including supporting ordinances, regulations and other enactments.<sup>318</sup> In their absence, the creation of laws is practically a futile job and, after granting Serbia candidate status, Brussels will not be interesting in the number of laws any more; rather, it will monitor their enforcement.

Serbia set itself the aim to harmonize its complete legal system with European legislation by the end of 2012. Considering the current pace of harmonization, this time-limit will be extended for at least one or probably two years, said Laszlo Varga, Chairman of the Committee for European Integration of the Serbian Assembly, for the daily *Vecernje novosti*.<sup>319</sup>

Experts also call attention to the adoption of a large number of laws by summary procedure. Vesna Rakic Vodinelic, Professor of Civil Procedural Law at Union University, holds that Serbian laws are often the result of abrupt and insufficiently thought-out moves. She says that the “Assembly is on the verge of abusing the right to pass laws by summary procedure. I base this judgement on the fact that some laws (which should be harmonized with EU law) are adopted by summary procedure, although

317 Beta, Tanjug, 30 January 2012.

318 <http://www.politika.rs/rubrike/Politika/Trecina-zakona-neprimenjiva-jer-nisu-doneta-podzakonska-akta.sr.html>.

319 *Večernje novosti*, 26 May 2011.

they contain some legal institutions that have been introduced for the first time, or are not sufficiently known”.<sup>320</sup>

Probably due to a very dynamic normative work as well as the low level of political culture, there is no sufficient understanding of the role of parliament and parliamentary democracy in Serbian society. Therefore, the Assembly is mostly viewed as the creator of laws and regulations, declarations and other enactments, and not as the highest constitutional and legislative authority.

During two decades of multipartism, marked by election frauds, protests, clashes between the authorities and opposition, change of political party partners, playing with parliament seats and their self-willed revocation, switching from one political party to another, numerous scandals and affairs, the Serbian Assembly could not make any greater progress, although some positive moves have so far been made. Among other things, this is reflected in fairer election processes and the fact that there is no election fraud any more.

Nevertheless, the development of parliamentarism in Serbia would be faster and more comprehensive if it were not for the fact that, in the meantime, Serbia became a party state, so that MPs most often act as extended arms of their political parties and their voting choices depend on the instructions from their party headquarters. One such example is the Law on Financing Political Activities (adopted in mid-July 2011) under which political parties, through their representatives in the Parliament, secured twice the amount of money per MP from the budget than before.

Cedomir Cupic, President of the Committee of the Anti-corruption Agency, says that the “political elites have demonstrated that they are not up to the task insofar as general public interest is concerned and that they attach prime importance to their personal interests, since they have incorporated some ambiguities into the Law on Financing Political Activities through their representatives in the Parliament by means of amendments so as to be more difficult to detect illegal acts”.<sup>321</sup>

320 <http://www.blic.rs/Vesti/Tema-Dana/310289/Nasi-zakonodavci-su-losi-prepisivaci>.

321 Blic, 25 July 2011.

## Mandates of Members of Parliament

On 24 May 2011, after months-long debates, persuasions and bargaining, the Serbian Assembly passed the Law on the Election of Deputies under which blank resignations were finally abolished.

The abolition of blank resignations was already announced in the Serbian Parliament in early 2010, but it was constantly postponed, since the political parties evidently found it difficult to renounce almost legalized political trade due to which voters' will was deceived, parliamentary majority was achieved in crisis situations and, most likely, enabled various changelings to obtain personal gains.

The abolition of blank resignations was a prerequisite for European integration, so that Belgrade was warned by Brussels on a number of occasions that there are no democratic parliaments where something like that exists. Nevertheless, blank resignations remained for years, until May 2011, when parliamentary mandates were returned to MPs, who may change their political party or parliamentary group, act independently and vote according to their convictions and not as ordered by their political party. After the elections, the parliamentary seats will be filled following the order of candidates on their election lists.

Nevertheless, a parliamentary majority for passing this Law was achieved by giving in to the Party of United Pensioners of Serbia (PUPS), a political party in the ruling coalition, by adopting its amendment under which an MP from a political party in the ruling coalition should be replaced by a member of the same political party. This PUPS amendment actually protects the position of small political parties in the ruling coalition but, in the opinion of some analysts, is directly contrary to the Serbian Constitution and recommendations of the Venice Commission.

Such an opinion was given by CESID Programme Director Djordje Vukovic stating that this solution is also contrary to common sense "since it awards the political parties that did not dare to participate in the elections alone, while at the same time placing the political parties that exceeded the election threshold in a subordinate position".<sup>322</sup>

322 <http://www.blic.rs/Vesti/Politika/256090/Usvojen-sporni-amandman-PUPSa>.

The Assembly also adopted the amendment proposed by the League of Social Democrats of Vojvodina, which anticipates that every third candidate on each election list must be a woman. This means that 30 per cent of the next parliament's seats will go to women. However, if the parliamentary mandate of a female MP is terminated, she will be replaced by the next candidate on the election list regardless of gender, and not by the next woman on the election list, as was originally proposed. The changes in the Law stipulate that an MP must personally submit his or her verified resignation letter to the Serbian Assembly Speaker within three days after the date of verification.

In July 2011, the Serbian Assembly also abolished blank resignations at the local level by adopting the amendments to the Law on Local Elections, which contain the same solutions as the Law on Deputies. These amendments also anticipate that elections must be completed within 60 days after the date of their calling and not within 90 days, as has been the case so far.

These changes also anticipate that if the mandate of an MP is terminated because he or she will assume the position of municipal president or mayor, or deputy municipal president or deputy mayor, he or she can get the mandate again in the same Assembly provided that these functions have been terminated and that there is a vacant parliamentary seat that belongs to the same election list.

As It was explained by the Serbian Government, under these amendments resignation substantively represents the real and freely expressed will of an MP and his or her personal act, thus consistently applying the constitutional principle that nobody may usurp the sovereignty from the citizens, or establish government against the freely expressed will of the citizens.<sup>323</sup>

323 <http://www.blic.rs/Vesti/Politika/267115/Ukinute-blanko-ostavke-i-u-lokalnim-skupstinama>.

## Kosovo

During 2011, the policy towards Kosovo – characterized by the lack of results and serious failures, which caused Serbia's EU candidate status delay – was also created within the narrow circle of the establishment, far from the public and thus far from the Parliament. If we exclude the parliamentary declarations on Kosovo – nine such declarations have been adopted since 2001 – the Serbian Assembly mostly failed to address the substance of relations with Kosovo, since it was not acquainted with the relevant actions of the authorities, or was only acquainted with its announcements, or post festum.

In essence, Kosovo has been a taboo topic for years, while the “Both Kosovo and Europe” formula has been the object of petty political games whose hostages have been both Kosovo Serbs and Serbia itself. This was laid bare after the erection of barricades in northern Kosovo as well as open support and encouragement from Belgrade for “such a method of struggle”. However, the story completely changed when it was realized that the international community would not swallow the bait and that the process of European integration was seriously called into question.

In late July 2011, after a heated ten-hour debate, the Parliament adopted the Declaration on Kosovo, supporting the Government in continuing its dialogue with Pristina “with the aim to find solutions to the concrete problems of citizens in the southern Serbian province as well as to reach a permanent and compromise solution”.<sup>324</sup>

The document also obliges the Government to require from international missions that, in accordance with their mandate and framework set forth in Resolution 1244 of the United Nations Security Council, they do not permit the unilateral actions of provisional institutions in Pristina that threaten peace, stability and the possibility of finding a compromise solution, and change the existing situation on the ground.

By the Declaration on the current situation in Kosovo after “unilateral and violent acts of the provisional self-government institutions in Pristina” the Parliament called on the international community to condemn

324 Beta, 31 July 2011.

any unilateral act that threatens the success of the dialogue between Belgrade and Pristina.

The Serbian Government is also obliged "to adopt specific measures aimed at continuing all activities of the institutions of the Republic of Serbia in Kosovo under conditions of additional obstructions and pressure from the provisional self-government institutions and one part of the international community".

The Declaration also shows that the Serbian Assembly does not wish to face reality in Kosovo (that Serbia has no authority of any kind or influence within Kosovo) and that it views all events unilaterally, condemning only Pristina and one part of the international community for all events, thereby relieving Serbian politics from any responsibility (the ruling coalition), or simply accusing it of "betraying the Serbian interests" (most of the opposition parties).

Since the crisis in Kosovo was further deteriorating due to a dangerous game with barricades (international representatives remove them and Serbs from northern Kosovo erect them at some other place), the opposition (Serbian Progressive Party, Democratic Party of Serbia and Liberal Democratic Party) announced at the end of October<sup>325</sup> that they would not participate in the work of the National Assembly until the Serbian Government convenes a session that will be devoted to the situation in northern Kosovo.

Under such pressure, on 29 October 2011, the Government submitted to the competent parliamentary committee its report on the quarterly activities and events in Kosovo, which was mostly met with hostility. All opposition parties as well as the Serbian Renewal Movement (SPO), which is part of the ruling coalition, sharply criticized the report arguing that there is nothing it except chronology and that it did not "fairly present the incidents at Jarinje" (one of the Kosovo border crossings). They also criticized the lack of conclusions.<sup>326</sup>

According to Cedomir Jovanovic, President of the Liberal Democratic Party (LDP), the Government's report represents the expression of hypoc-

<sup>325</sup> Danas, 25 October 2011.

<sup>326</sup> Politika, 1 November 2011.

ris and cowardice. He pointed out that a serious and responsible report would contain clear political messages.<sup>327</sup> He also said that the Government's messages actually meant that "our policy towards Kosovo failed, that nobody understands this policy any more, that nobody trusts this policy, not even the Serbs in northern Kosovo", adding that this policy is not supported within Serbia itself or the ruling coalition.

Additional fire in the Parliament was set by the Serbian Renewal Movement (SPO), stating that the Serbian Government Report on the events at Jarinje was the opposite of the report submitted by the security services to the Serbian Assembly's Defence and Security Government, which was declared a state secret. Namely, in its report the Serbian Government stated that on 27 September, in clashes with Serbs at the Jarinje crossing, KFOR also used live ammunition against unarmed people at the barricades and that the international missions in Kosovo placed themselves in the service of Pristina. However, SPO leader Vuk Draskovic said that the data provided by the Serbian security services showed that the Serbs started the clashes at Jarinje.<sup>328</sup>

The work of the Serbian Assembly was constantly burdened by the situation in Kosovo, since the opposition parties kept requesting that the problem should be discussed at a plenary session. On the other hand, the Government was continuously postponing such a session due to which almost all opposition parties – excluding the Serbian Radical Party (SRS) – boycotted parliamentary work almost throughout November. The Assembly did not discuss the situation in Kosovo at a plenary session until the end of 2011.

The debate in the Assembly would certainly be patriotic and heated, as was the case with the sessions of the Committee for Kosovo and Metohija at which just that used to happen. All government's actions aimed at reducing the damage done by playing with the barricades were disputed. The session of this Committee resembled the battlefield of two conflicting parties where the ruling coalition was defending the government's actions, while the opposition was accusing it that it had already recognized

327 <http://www.vesti-online.com/Vesti/Srbija/175164/Izvestaj-Vlade-je-licemeran>.

328 <http://www.novimagazin.rs/vesti/vladin-izvestaj-suprotan-izvetaju-sluzbi>.



Kosovo's independence and that it had no plan for untying the Kosovo knot.

At the session of the Committee, which was held on 2 November, the opposition Democratic Party of Serbia (DSS) accused the Government and its negotiating team for dialogue with Pristina, especially chief negotiator Borislav Stefanovic, that they were accepting all proposals by EU negotiator Robert Cooper, so that the country could obtain EU candidate status. This claim was rejected by Stefanovic as being false.<sup>329</sup>

The session of the Committee, which held on 27 December 2011 and lasted more than six hours, was characterized by heated debate, mutual insults and accusations of its members for abusing the rostrum for the purpose of political gain. The Radicals obstructed almost every speaker, accusing the chief negotiator in talks with Pristina, Borislav Stefanovic, and the authorities that they were not working in the interest of Kosovo Serbs, but many MPs replied to those allegations by reminding them that they were in power in 1999 when the Kumanovo Agreement was signed and Resolution 1244 of the UN Security Council was adopted.<sup>330</sup>

Everything that was happening in the Parliament concerning the Kosovo issue and the persistent repetition of some opposition parties that the authorities decided to barter Kosovo for the EU, were additionally enhanced due to the upcoming parliamentary elections, since many of them, especially the nationalist political bloc, still believe that the Kosovo topic and its "strong defence" can bring them more votes.

## European Union

During parliamentary debates, Kosovo and the European Union were like communicating vessels, whereby the ruling coalition was arguing – until the postponement of EU candidacy on 9 December – that it was pursuing the policy following the path towards Brussels, while the opposition was claiming that its policy was the policy of capitulation (DSS), that the

329 *www.B92.net*, 2 November 2011.

330 <http://www.naslovi.net/2011-12-27/b92/sednica-o-kim-vredjanja-optuzbe/3062212>.

national interests in Kosovo were betrayed (SRS), and that the government had no plan relating to the European integration process (LDP).

Since the European Commission recommended for Serbia to become a candidate country for EU membership on 12 October, the following day's parliamentary debate was marked by a sharp polemic between ruling majority and opposition MPs as to whether some new candidacy requirements were set following the European Commission's report or, in other words, whether Serbia was actually required to recognize the independence of Kosovo and Metohija.<sup>331</sup>

At this session, the LDP announced that it would no longer uphold any law of the ruling majority in the current Parliament and called on the Serbian Government to present its plan for obtaining EU candidate status. This session was preceded by the session held by the Committee for European Integration where Vincent Degert, Head of the EU Delegation to Serbia, explained to MPs the stance of the European Commission. He said that there was no new requirement for EU candidate status and that the Kosovo-related requirements were status neutral.

He pointed out that Serbia was required to reach agreement on Pristina's participation in multilateral regional initiatives, the solution for telecommunications and electric power, recognition of university diplomas, implementation of the agreements on the free movement of people and cadastre records, as well as cooperation with EULEX.

The extent to which there are differences in the Parliament with respect to solving this important problem is evidenced by the polemic following the European Commission's report during which MPs from the Democratic Party of Serbia (DSS) claimed that Serbia was required to recognize Kosovo's statehood attributes; the Liberal Democratic Party (LDP) expressed its suspicion that the government tried to present to the public that Serbia had already obtained EU candidate status, while the Radicals repeated that it was the question of "another EU blackmail and that it is

331 <http://www.blic.rs/Vesti/Politika/282973/Polemika-u-Skupstini-Da-li-su-Srbiji-postavljeni-novi-uslovi>.

clear that Serbia must recognize Kosovo's independence for the sake of EU candidacy".<sup>332</sup>

Jelena Trivan, Vice-President of the Democratic Party (DS), stated that the remaining requirements would have priority as long as they were status-neutral and that her political party would never abandon Serbia's EU path adjusted to "Serbia's needs, requirements and sovereignty". On the other hand, Tomislav Nikolic, leader of the Serbian Progressive Party, called on the Government to disclose what Serbia should do to achieve that aim. He also stated that it was unlikely that Serbia would be able to meet the requirements relating to Kosovo and Metohija until 9 December.

When the European Council postponed the decision on granting Serbia candidate status on 9 December 2011, it immediately became a topic in the pre-election positioning of the opposition parties – some argued that this issue could have been resolved faster and better, while some claimed that our place was not in the European Union.

In late January 2012, the public lecture entitled "The National Assembly on the Path of European Integration" was organized in the Serbian Assembly, at the initiative of the Committee for European Integration, with a view to summarizing the achievements and activities of the Parliament and the Serbian Government on their path to the European Union at the end of the term of this Parliament.

The media coverage of the event probably gives the best insight into the overall atmosphere in the Serbian Assembly towards EU integration and EU candidate status, which was granted to Serbia at the last moment, on 1 March 2012, in its second attempt. The media reported: "The leaders of the ruling majority's parliamentary groups agreed that Serbia's EU path had no alternative and that all efforts should be geared towards getting candidate status, while the representatives of the opposition parties criticized the Government as well as the EU policy and its unfair attitude toward Serbia".<sup>333</sup>

332 <http://www.blic.rs/Vesti/Politika/282973/Polemika-u-Skupstini-Da-li-su-Srbiji-postavljeni-novi-uslovi>.

333 [http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=01&dd=30&nav\\_category=11&nav\\_id=578299](http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=01&dd=30&nav_category=11&nav_id=578299).

The path towards Brussels might be slightly facilitated should parliamentary diplomacy be used more effectively as a mechanism for the development of good relations with other countries. Moreover, it should hold an important role in the EU integration process, like the one it has in the world's developed parliamentary democracies.

Parliamentary diplomacy is very important for the promotion of good relations with MPs from other countries and especially with members of the European Parliament, who should be more thoroughly acquainted with Serbia's reforms. The Parliamentary Assembly is one of the two main bodies created by the Statute of the Council of Europe and reflects the most important political trends in the member countries. The Parliamentary Assembly regards itself as the leading force in the expansion of European cooperation to all democratic countries in Europe.

In the context of European integration, it is important to maintain the continuity of parliamentary diplomacy, which means that Serbian MPs should not attend one session of the Council of Europe Parliamentary Assembly and then skip the next two. This is especially important for Serbia because it was isolated for a long time and about which there is still a lot of negative opinions in the international community.

However, the public is either insufficiently acquainted with the significance of parliamentary democracy, or has a distorted picture of it, thus mostly regarding the related activities as an unnecessary expenditure. The reasons lie in the insufficient affirmation of this mechanism as a means for better and continuous relations with other countries, insufficient use of parliamentary channels for contacts and the promotion of relations, as well as the fact that some MPs regard such an obligation almost like tourist travel.

This is also one reason why public attention in Serbia is directed more to the amount of travel costs of MPs than to the content and aim of such travel. When the costs are not explained, it is natural that they seem unjustifiably high, and when it is clear that they were not indispensable, or are disputable, it is understandable that public attention is focused only on the money spent by MPs on their travel and not on the benefits that the country could derive from such travel.

## Privileges and Rating

As it was anticipated, the ceremony marking the beginning of the parliamentary sessions, including the red carpet and intonation of the national anthem, which was introduced in 2010, did not contribute to the greater dignity of the highest legislative body. Naturally, the reputation of parliament does not depend on such a ceremony; rather, it depends on MPs, who now behave more decently, compared to some other years, but not well enough to have citizens respect them as their representatives.

The rating of Serbian politicians, especially MPs, has been very low, or even impermissibly low, for years. According to the survey conducted by the daily Blic among the readers of its website (about 2500 respondents), the convincing majority of them mentioned thievery as their first association (59.4 per cent), then privileges (21.1 per cent) and finally laziness (15.1 per cent). A small number of readers stated that they associated an MP with someone they had elected as their representative (2.7 per cent), while there is a neglectable number of readers viewing an MP as an expert (1.4 per cent).<sup>334</sup>

The very low rating of MPs was also confirmed by the survey conducted by the Friedrich Foundation and Cesid. According to it, only every seventh citizen, or only 14 per cent, has confidence in the Serbian Assembly, while 52 per cent of respondents have no confidence in this institution.<sup>335</sup>

Considering such a low rating of MPs as people's representatives and the lack of confidence in them, it is quite understandable why the public is concerned to a considerable extent over their privileges, overall (in)activity and earnings. In an impoverished country such as Serbia, the fact that each year one MP costs Serbian citizens 2.5 million dinars, or 75 average salaries, is sufficient that the position of an MP is considered privileged, without analyzing the performance of MPs. If other costs are added, MPs are mostly regarded by the public as big spenders at citizens' expense.

The daily Press writes the following on this topic: "Apart from regular salaries, MPs used all privileges and thus were refunded parking charges,

334 <http://www.blic.rs/Vesti/Politika/304101/Lopovluk-i-privilegije-asocijacije-na-poslanike>.

335 NIN, 31 March 2011.

food and drink expenses, inland and foreign travel expenses, separation from family as well as the printing of their calling cards from the state budget. At citizens' expense, MPs were refunded parking charges to the amount of 732,426 dinars, while the amount of 547,153 dinars was the refund of food and drink expenses incurred in two parliamentary restaurants. The printing of their calling cards cost us 122,336 dinars".<sup>336</sup>

In other countries MPs have high salaries and enjoy various privileges that should protect them from the challenges of corruption. However, all this must be adjusted to the country's possibilities and economic situation. The salaries of Serbian MPs are 75,000 dinars and are not high (although the number of MPs is high – 250). However, apart from salaries, all MPs employed with the Assembly are entitled to the lump-sum parliamentary allowance of about 30,000 dinars, not to mention various unjustified privileges.

Vladimir Goati, Executive Director of Transparency Serbia, holds that "low prices in the parliament restaurant are something less justified. It is also impermissible to abuse the right to a refund of travel costs. Thus, it happened that, according to the total kilometres travelled, one MP circumvented the globe several times. However, we do not live in Russia, China or Canada and mileage should not be unlimited".<sup>337</sup>

There is a possibility that the spending of money from the budget will be more efficiently controlled in the future. Namely, in mid-2011, a new function was introduced in the General Secretariat of the National Assembly – the function of an internal auditor. The task of this independent institution is to control the spending of money from the parliamentary budget.<sup>338</sup> Thus, every dinar from this budget spent on travel, salaries and public procurement will be checked by the internal auditor. This is the first time that the legislative body performs an internal audit of the Parliament's spending. This novelty means that all money trails must be corroborated by the relevant documents. The employed will also obtain time

336 Press, 10 June 2011.

337 Blic, 12 February 2012.

338 <http://www.blic.rs/Vesti/Tema-Dana/259474/Revizor-kontrolise-trosenje-u-Skupstini>.

cards for keeping track of work hours.<sup>339</sup> The internal auditor will submit his or her report to the General Secretariat and Administrative Committee once a year.

The internal auditor's control probably contributed to a decrease in the costs incurred by the Serbian Assembly in the second half of the year. In late November 2011, the daily *Danas* wrote that "the expense account, which was lavishly used by PMs for drinking coffee and juices at taxpayer's expense in the past, has now been reduced to a minimum".<sup>340</sup> Presenting the expense account data on each political party, this newspaper concludes that MPs have no reason to use the expense account "in the cheap parliament restaurant where one cup of coffee costs less than 20 dinars".<sup>341</sup>

*Danas* also writes: "This year, in order to show that they share the burden of the crisis, MPs tried to save money on travel abroad by using cheaper flights, staying in more modest hotels and reducing the number of their delegations. Nevertheless, they spent the amount of 15.3 million dinars, while those travelling abroad were mostly MPs who are members of Serbia's delegation to the Council of Europe".<sup>342</sup>

Immunity is also one of the parliamentary privileges about which many MPs probably care the most. Namely, instead of having immunity protect MPs against legal liability based on what they say in the Parliament, it protects them against misdemeanour liability and criminal prosecution for criminal acts punishable by a prison sentence of up to 5 years.

The media gave a number of examples showing how MPs managed to avoid being liable for some act. So, Serbian Radical Party (SRP) MP Momir Markovic was charged with employing people without announcing a public competition but, thanks to invoking his parliamentary immunity, his case became subject to the statute of limitations. The same thing will happen in the case of Gordana Paunovic Milosavljevic, also from the Serbian Radical Party, who was charged with corruption in health care. Momcilo

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339 <http://www.novosti.rs/vesti/naslovna/aktuelno.289.html:348128-Skupstina-prvi-put-ima-internog-revizora>.

340 *Danas*, 22 November 2011.

341 *Ibid.*

342 *Ibid.*

Duvnjak, against whom criminal charges were filed several times, and Dragan Acimovic, charged with forging the documentation needed for building a pig farm, hope that their cases will also be subject to the statute of limitations.<sup>343</sup>

Only after receiving the warning from Brussels that 27 cases against MPs who intend to invoke their immunity have been languishing in a drawer for several years, did the Administrative Committee propose to the National Assembly to abolish immunity for the mentioned four MPs in early July 2011. Since they all are members of the Serbian Radical Party, such a proposal was used by this political party for accusations that it was politically motivated.

Prior to that, Nenad Konstantinovic (DS), President of the Administrative Committee of the Serbian Assembly, who was appointed head of the parliamentary working group for the “relativization” of immunity, said for Danas that they “came to a conclusion that it would be necessary to limit parliamentary immunity in order to dispel any doubt that MPs were avoiding answering before the law by hiding themselves behind this privilege” and not under pressure from Brussels.<sup>344</sup>

However, nothing changed in this respect until the end of the year. “The story announced loudmouthedly by MPs from the ruling coalition and one part of the opposition parties that parliamentary immunity would be abolished for all cases except for one’s statements in the Parliament, did not progress any further. The working group tasked with making the new rules of the game did not meet at all.<sup>345</sup>

Otherwise, the Constitution stipulates that an MP who invokes his/her immunity may not be detained, nor may he or she be involved in any proceedings without prior approval from the National Assembly. If a member of parliament is found in the act of committing any criminal offence for which the prison sentence longer than five years is envisaged, he or she may be detained without prior approval from the National Assembly.

343 <http://www.blic.rs/Vesti/Politika/293571/Ustav-stiti-poslanike-od-zatvorskih-kazni>.

344 Danas, 29 June 2011.

345 <http://www.novosti.rs/vesti/naslovna/aktuelno.69.html:352311-Nista-od-ukidanja-poslanickog-imuniteta>.



## Code of Ethics

The Rules of Procedure of the National Assembly, adopted in July 2010 and modified in February 2011, succeeded in “civilizing” the Parliament by increasing fines for MPs. However, almost everything else remained the same: insults, threats, T-shirts with the images of Hague indictees, boycotting of parliamentary sessions and other methods of obstructing parliamentary work. All this has been an almost inseparable part of parliamentary life in Serbia for a long time.

Apart from the parliamentary hall, the rooms used for the sessions of the parliamentary committees and corridors are also not spared from the inappropriate behaviour of MPs, as it was demonstrated during the protest of Serbian Radical Party MPs because of the visit of US Ambassador to Serbia Mary Warlick to the National Assembly in order to attend the meeting of the Parliamentary Group of Friendship with the United States. One Radical did not hesitate to seriously threaten one MP from the ruling Democratic Party in front of cameras (“I’ll slash your throat!”), while his party leader explained that this was “a common joke among members of parliament”!<sup>346</sup>

The National Assembly Hall is often half empty, but is always full when it is necessary to have a quorum for the adoption of some laws or decisions. On such occasions, the members of the ruling majority observe party discipline and sit in their seats. It often happens that the presence of a quorum is electronically determined at the beginning of a session and that MPs simply disappear thereafter. In view of the fact that the working day of the National Assembly costs almost five million dinars, Serbian citizens rightfully ask whose work is financed out of their pockets.<sup>347</sup>

In late 2011, in order to prevent all this and ensure that the Serbian Assembly resembles European parliaments, at least when the behaviour of MPs is in question, a parliamentary working group was formed with a view to writing the code of ethics based on that of the European Parliament. According to the code of ethics, an MP must act in compliance with

346 Beta, 20 October 2011.

347 <http://www.blic.rs/Vesti/Politika/258872/Placamo-poslanike-koji-nece-da-rade>.

the ethical norms, must not use foul language and insult others, and must not be corrupt or obstruct parliamentary work. If a member of parliament breaches those rules, he or she will be fined.<sup>348</sup>

However, the question that imposes itself here is whether this code of ethics will succeed in “washing” the Parliament and inducing MPs to behave ethically as befits their position, if nothing else changes. If we bear in mind the low level of legal and general culture, coupled with politicians’ proverbial disrespect for legal norms in general, it is highly improbable that, if there are no other changes in society, one document dealing with ethics can transform the Serbian Parliament into a “European” one. Naturally, one should not mistify European parliaments. There are also stormy and heated debates in them, but they usually do not exceed the boundaries of decency. In those parliaments there are also obstructions, lobbying and even corruption, but when such behaviour is detected – and this especially applies to corruption – it is usually publicly sanctioned in a fast and efficient way.

Experts are mostly suspicious about the future effects of this code of ethics without substantive changes in society. Sociologist **Stjepan Gredelj** holds that the only way to change the behaviour of MPs is to completely change the electoral system, abolish the current parliament and establish a new one with half the number of MPs, who will directly represent their voters. He points out: “This code is of little avail for one simple reason: they show no respect for legal norms, beginning with the Constitution, let alone for some declarations. We have so far been insolent and now we will become polite... can you imagine some persons standing in front of the code of ethics and putting their hand on it like on the Bible. Accordingly, I don’t expect anything good to happen; I expect just another farce....”<sup>349</sup>

Dubravka Stojanovic, Professor of History at the Faculty of Philosophy in Belgrade, is also not very optimistic about the effects of the code of ethics. She says that the problem lies in the fact that the Parliament is

348 <http://www.politika.rs/rubrike/Politika/Eticki-kodeks-po-ugledu-na-Evropski-parlament.lt.html>.

349 [http://www.slobodnaevropa.org/content/pravilnik\\_ponasanja\\_zs\\_srske\\_poslanike/24460489.html](http://www.slobodnaevropa.org/content/pravilnik_ponasanja_zs_srske_poslanike/24460489.html).

not taken seriously, and emphasizes that the "Parliament has always been like a circus because we all know that decisions are made somewhere else", alluding to the fact that the most important decisions are made by political leaderships, while the Parliament only confirms them by a show of hands.<sup>350</sup>

## Conclusions and Recommendations

In order to become the real centre of democracy, the Parliament must enjoy decision-making autonomy. It must not be the service of the ruling coalition and MPs must not be the extended arms of their party leaderships any more. The Assembly must have real control over the executive branch and thus create such a climate in which it will be able to supervise and control the government and ministers, as well as take care of budget funds spending without any obstacle or hindrance. Parliamentary work must be public, without monopoly in decision making.

If the Serbian Assembly was a "mere pawn of European integration" in the past period, in the coming one it must also deal with the harmonization of the adopted laws, because Brussels will pay special attention to this issue as well as judiciary reform while considering giving Serbia the date for the beginning of negotiations with the EU. Since it is already lagging in this respect, the new Parliament will have to deal with the mentioned issues at an accelerated pace from the very beginning of its work.

Serbia's overall political system is too clumsy and this also refers to its 250-member Assembly which is, considering the size of the population, too large, inefficient and thus expensive. In October 2010, when the reshuffle of the Government was announced, in addition to a decrease in the number of the ministries, there was also talk of cutting the number of MPs from 250 to 150 or 125. In March 2011, the Government was reshuffled, but that was just a marketing move. As for the downsizing of the National Assembly, it is highly unlikely that it will be considered in the next one, because once again there will be a great number of political parties participating in the elections and if one bears in mind that a reduction in

350 Blic, 23 October 2011.

the number of MPs requires a complicated procedure, coupled with constitutional changes.

However, all this can be achieved if the political scene is consolidated and citizens vote for only a few political parties at the upcoming parliamentary elections, which will be held in May 2012, although at least fifteen or so will participate in them. In December 2011, the Serbian Progressive Party launched an initiative for downsizing the Parliament from 250 to 125 MPs, which was signed by 280,000 citizens. In early March 2012, this initiative was accepted by the Constitutional Affairs Committee of the National Assembly.<sup>351</sup> If this is not a marketing move on the eve of the elections and if there is political will for such change, this initiative may increase the efficiency of parliamentary work, cut the costs and contribute to to greater confidence in this institution.

351 <http://www.kurir-info.rs/vesti/politika/tomislav-nikolic-smanjiti-broj-poslanika-80266.php>.

## IV – APPARATUS OF POWER



## The Army: Professionalization

The process of professionalization of the Army of Serbia was completed in 2011. The present Government made much of the Army's professionalization as a major achievement of the state's and society's reform efforts in the hope that it would be taken duly into account when the time came to consider Serbia's candidacy for membership in the European Union in December 2011.

The last generation of soldiers serving their obligatory military service left the barracks in the spring of 2011. In summing up the performance of the Ministry of Defence since his appointment as minister of defence, Dragan Šutanovac said in mid-May that the 'completion of the professionalization and the raising of the reputation and standards of the members of the Army of Serbia is one of the biggest successes of the four-year work' of the ministry.<sup>352</sup> However, the professionalization did not win the approval of some political parties, especially the Serbian Progressive Party, one of the two largest in Serbia. There are also indications suggesting that there are citizens, whose number cannot be ignored, who do not approve of the Army's professionalization and who prefer the recruitment obligation as the traditional way of replenishing the armed forces.

It cannot be denied that for a number of successive years the Ministry of Defence in particular has been making great efforts to enhance the participation of its members and members of the Army also on the international plane, above all in peace missions. According to military and political officials, the participation has raised the reputation of the Army and of the Serbian state worldwide, also improving its chances of getting the EU candidate status.

On 23 November 2011, Minister Šutanovac and the UN under-secretary-general for peacekeeping operations, Herve Ladsous, signed at the UN headquarters in New York a Memorandum of Understanding between the Serbian Government and the United Nations on a contribution to the

352 'Moguće ukidanje zone zabranjenog leta na Kosovu', *Danas* 19, May 2011.

UN system of standby arrangements.<sup>353</sup> However, Serbia's attitude to the North Atlantic Alliance and its military neutrality represents a chief impediment in these relations.

The military industry is a substantial component of the Serbian economy. Given that the industry had for a number of years been performing respectably regarding exports, reaching a peak in 2010, officials were optimistic that successes would continue in 2011. They did not count with the 'Arab spring' in some countries which had traditionally been the military industry's most dependable customers. As a result of the change of regime in these countries, it was clear that the military industry complex had minimum chances of repeating its 2010 success. But in spite of all, Šutanovac insisted that the return of the Serbian military industry to these countries was realistic and possible – and that very soon.<sup>354</sup>

As far as the Serbian political and military elites were concerned, the arrest of Goran Hadžić in 2011 was not nearly as important as that of General Ratko Mladić. The state leadership considered that by arresting Mladić Serbia had fulfilled the most important conditions for being granted EU candidate status. The Ministry of Defence, the Army and the secret military services kept denying that they had been involved in any way in providing shelter to Mladić after 2006. In particular, it was hotly denied that the military structures and Mladić had anything to do with the mysterious deaths of two Guards at the Topčider barracks in Belgrade in October 2004. These structures continue to bear the burden of suspicion until the mysteries are clarified.<sup>355</sup>

The radicalization of the situation in the north of Kosovo and the raising of barricades at administrative/border crossing was what delayed Serbia's candidate status in 2011. The Army did not directly intervene in the incidents at the crossings even though long-barrelled weapons and various explosive devices were used in clashes between 'bare-armed Serbian citizens' and KFOR. A number of nationalists urged the Army to physically

353 *www.mod.gov.rs*, 23 November 2011.

354 'Hoću da idemo u Tripoli', interview by D. Šutanovac, *Danas*, 27 September 2011.

355 Nataša Kandić: 'Sramotno ispoljavanje simpatija prema generalu Ratku Mladiću', *Danas*, double issue 2-3 July 2011.



‘intervene’ with a view to a denouement in the ‘southern Serbian province’, which would further jeopardize Serbia’s chances of getting candidate status. Admittedly, the Army could have ‘intervened’, but in a quite different way.<sup>356</sup>

On 15 February 2011, Statehood Day and Day of the Army of Serbia,<sup>357</sup> the Supreme Command bestowed commemorative medals on 416 members of the Ministry of Defence and the Army who had distinguished themselves in the wars in the former Yugoslavia during the decade under Milošević.<sup>358</sup> This decision of the political-military leadership raised objections in certain circles, neighbouring countries and the EU.

The annual officer commissioning ceremony took place outside the House of the National Assembly, as it does every year. This time, however, women were commissioned for the first time in Serbia’s history: 19 women cadets were elevated to the rank of 2nd lieutenants.<sup>359</sup> At the end of the year, Chief of the General Staff Miloje Miletić retired through ‘regular procedure’ and was replaced by General Ljubiša Diković.<sup>360</sup> However, the Humanitarian Law Centre published a File<sup>361</sup> on Diković, a seven-point indictment which seriously accuses him of doing nothing to prevent members of the 37th Motorized Brigade, which he commanded in Kosovo in 1998 and 1999, from committing grave crimes. The appointment of Diković calls into question the military personnel policy for which Minister of Defence Šutanovac and President Boris Tadić, in his capacity as Supreme Commander, are chiefly responsible.

356 M. Dugalić: ‘Vojska i zaštita građana na Kosovu’, *Politika*, 11 November 2011.

357 The Ministry of Defence has repeatedly featured the following item on its website since 2012: On the proposal of Minister D. Šutanovac, President of Serbia B. Tadić signed at the beginning of the year a Decision under which Army of Serbia Day will be marked on 23 March (in commemoration of the start of the Second Serb Uprising in 1815) instead of on 15 February as has been the case so far.

358 ‘Medalje za učešće u ratovima na prostorima bivše Jugoslavije’, *Politika*, 3 April 2011.

359 ‘Kad potporučnice marširaju’, *Obrana* magazine, No. 144, 15 September 2011.

360 ‘Diković preuzeo dužnost načelnika Generalštaba’, *Politika*, 23 December 2011.

361 ‘Diković podnosi tužbu po svih sedam tačaka “dosijea” FHP’, *Danas* 26 January 2012.

On 4 March 2011, the Odbrana [Defence] media centre presented the so-called Defence White Paper of the Republic of Serbia.<sup>362</sup> The state secretary at the Ministry of Defence, Dr Zoran Jeftić, introduced the book as a document which 'acquaints, in a transparent way, the widest domestic and world audiences with the processes, accomplishments, as well as the projection of development, of the system of defence of our country'. He stressed that the 'vision of our development is based on a vision of an advanced and modern Serbia as a member of the European Union, integrated in collective security systems, with an army which with its strength can guarantee peace and stability in the region [...]'<sup>363</sup>

### **Professionalization undermined by conservatives and traditionalists**

The postponement of the granting of EU to Serbia candidate status found a correspondent resonance in the Army and Ministry of Defence structures. Both the Army and the Ministry of Defence had geared all their reform efforts and achievements to the furtherance of Serbia's pro-European policy. For instance, Šutanovac had said before 9 December: 'I am also pleased because the European Commission in its opinion stressed that the Serbian defence system already meets all European standards and that we are making continuous progress in reforms.'<sup>364</sup> President Tadić reproached certain EU members for being 'unfavourably disposed towards us' and asked Europe: 'Today we can look the European Union straight in the face and say that we have done what needed doing. Can the European Union do the same?'<sup>365</sup>

Whatever faults one may find, one should not overlook the achievements of the Army and the Ministry of Defence: they were at the forefront of the reforms, with the professionalization of the Army the biggest suc-

362 'Vizija sistema odbrane', *Odbrana* magazine, No. 132, 15 March 2011.

363 Ibid.

364 13 'Dobar dan za evropsku Srbiju', *Danas*, 13 October 2011.

365 'Ugrožena profesionalizacija', *Helsinška povelja*, double issue 157-158, November-December 2011.

cess in reforming the defence system. Paradoxically, it was precisely the military – by its nature one of the most conservative segments of society – which deserved to be called the ‘locomotive of progress’ in Serbia.

Praise for the reform successes in the defence system was also received from abroad. Thus, the Minister Šutanovac said the following in a report: ‘We have received confirmation that the Ministry of Defence has done an excellent job regarding reforms from international institutions such as the EU, UN and OSCE [...]’.<sup>366</sup> Istvan Gyarmati, director of the International Centre for Democratic Transition in Budapest and advisor at the NATO Defence College, made a very positive assessment of the achievements of Serbia’s military reforms: ‘The Army of Serbia has been reformed so as to be absolutely compatible with the standards of NATO. More correctly, reforms in the Serbian Army have in many aspects been more successful than reforms in some members of the Alliance.’<sup>367</sup> Importantly, *Jane’s Defence Weekly* published in its September 2011 issue an article by its Europe editor, Gerard Cowan, which represents a highly positive analysis of the advancement and modernization of Serbia’s armed forces.<sup>368</sup>

The postponement of the granting of EU candidate status was seized upon by the conservative bloc to pick holes in the professionalization of the Army, saying that the Army had been ruined and that ‘Serbia is losing its autonomy’. The professionalization was especially strongly opposed by retired generals and other retired officers. For instance, retired colonel Milan Jovanović said, ‘Šutanovac’s reform and professionalization of the Army has wrapped up the sale of Serb independence. In such circumstances, our Government will only be (and probably already is) is the service of the interests of the Western powers.’<sup>369</sup>

At the end of October, the Serbian Progressive Party (SNS) published a white paper (something like a party programme) in which they promise, if they come to power at the next parliamentary elections, to de-profession-

366 D. Šutanovac, signed text: ‘Reforma sistema odbrane – evropeizacija Srbije’, *Danas*, weekend issue 21-22 May 2011.

367 ‘Reforma Vojske Srbije primer i za članice NATO’, *Danas*, 4 March 2011.

368 ‘Vojska Srbije grabi ka standardima NATO’, *Danas*, 9 September 2011.

369 Milan Jovanović: ‘Šutanovčevo šutiranje odbrane’, *Tabloid*, 26 May 2011.

alize the Army and reintroduce compulsory military service.<sup>370</sup> Two retired Army generals, Stevan Mirković and Ninoslav Krstić, welcomed the decision of the SNS and their leader Tomislav Nikolić, saying that a return to the compulsory recruitment system as a way of manning the formations of the Serbian Army would be a 'good thing'! This attitude to the Army's professionalization is shared by most retired military personnel.<sup>371</sup>

The then chief of the General Staff, General Miloje Miletić, said that although 'he personally did not approve of the temporary suspension of the military service obligation, it was his duty as a professional soldier to carry out the policy of the state'. In other words, Miletić looks at the professionalization of the Army as a 'professionalization in pursuance of an order' rather than out of necessity.<sup>372</sup> A number of polls suggest that the number of those who share Miletić's views in the military organization itself is not negligible. The reform of the Army and its professionalization have not fully been approved in the military circles. This is a very serious 'flaw' of the reform of the defence system. If the SNS should come to power, they might abolish the professional army by decree and return the military organization to the state it was in before reforms began.

## Serbia's international military-security commitment

A strategic military conference attended by representatives of 56 states was held in Belgrade on 13-15 June 2011. The three-day event was hosted by Serbia and organized by the Allied Transformation Command. The conference was attended by chiefs of general staff and representatives of NATO, Partnership for Peace, Mediterranean Dialogue and Istanbul Initiative for Cooperation member states and of contact states, as well as by high-ranking military representatives of NATO and the European Union.

370 'Naprednjaci hoće da vrate obavezno služenje vojnog roka', *Danas*, 10 November 2011.

371 'Ugrožena profesionalizacija', *Helsinkička povelja*, double issue 157-158, November-December 2011. 'Anketa: Šta mislite o najavama iz SNS o regrutnoj Vojsci?', *Danas*, 11 November 2011.

372 'Ugrožena profesionalizacija', *Helsinkička povelja*, double issue 157-158, November-December 2011.

The conference, the fifth strategic gathering of partners (the initiative having been made at the NATO summit in Riga in 2006) discussed a wide range of security issues from regional to global ones. The conference was also a tribute to Belgrade for its contribution to peace operations and international military cooperation.

Three months later, Belgrade organized and hosted the first Belgrade Security Forum, which brought together over 300 domestic and foreign politicians and experts on security issues. The forum focused on Balkan security issues and problems in the context of European and planetary security.<sup>373</sup> Serbia was paid tribute for its wide international military cooperation and participation in peace missions across the world. The magazine *Odbrana* wrote that 67 members of the Army of Serbia were engaged in peace missions by the end of 2011.

The joint international military exercises in which members of the Army of Serbia took part were a special aspect of Serbia's international military cooperation. The first Serbian-US military exercise (lasting three weeks) took place on Serbian military exercise grounds and in central and eastern Serbian mountains in June 2001, with the participation of the 93rd Airborne Battalion. On the US side, only ten special forces members of the 173rd Airborne Brigade took part.<sup>374</sup>

In 2001, Serbia sent two Army officers to participate in the first peace mission of the European Union.<sup>375</sup> Subject to an agreement signed in April 2011 by Minister of Defence Dragan Šutanovac and his French opposite number, Gerard Longuet, on 'cooperation between the two states in the field of defence', two Army of Serbia majors boarded the French frigate *Floreal* where they spent six weeks as part of its French crew. The crew took part in an operation codenamed *Atlanta* with the object of 'preventing and suppressing piracy and armed robberies along the coast of Somalia'.<sup>376</sup> On the eve of the Serbian officers' departure for the French frigate, the French embassy in Belgrade held a reception at which Šutanovac expressed his

373 'Balkan – ključ evropske stabilnosti', *Odbrana* magazine, No. 145, 1 October 2011.

374 Aleksandar Apostolovski: 'Prva srpsko-američka vojna vežba', *Politika*, 3 July 2011.

375 Ministry of Defence website, 23 November 2011.

376 Ibid.

‘great pleasure over sending for the first time in the history of our country, and in cooperation with our French partners, two naval officers on a piracy fighting mission [...] although today is a trying day of talks about security in our southern province [...]’.<sup>377</sup>

### **The military industry: no repetition of the 2010 successes**

The Serbian military industry’s sales of hardware in world markets in recent years, and in 2010 in particular, were respectable. At the beginning of 2011, in an interview with *Politika*, Minister Šutanovac set out not only immediate plans for the production and sale of products abroad in the current year but also the industry’s strategic development lines.<sup>378</sup> He pointed out that the military industry’s exports during his term had been significant: ‘In 2007, exports of armaments and military equipment were worth USD75 million; in 2008, they were worth USD183 million; in 2009, the figure was USD246 million; and in 2010 it was USD247 million. This means that USD 750 million worth of exports of armaments and military equipment has been realized during my term as Minister of Defence.’<sup>379</sup>

At the beginning of 2001, the British weekly *The Economist* published a story, based on the figures set out by Šutanovac, reporting a ‘boom’ of the Serbian military industry.<sup>380</sup> The weekly writes that the Serbian military industry was becoming ‘increasingly sophisticated’, among other things. However, the military analyst, Aleksandar Radić, and the prominent economic expert, Dr Vladimir Gligorov, did not share that view. They believe that ‘in the field of defence industry too Serbia must overcome its technological backwardness and to orient itself towards research and development if it wants success in the long term’.<sup>381</sup> In 2010, the military industry concluded contracts with foreign customers worth some USD1.2

377 Ibid.

378 ‘Svi hvale našu “Lastu”’, *Politika*, 23 January 2011.

379 Ibid.

380 ‘Novi srpski “bum”’, *Danas*, 11 January 2011.

381 Ibid.

billion.<sup>382</sup> Given the unfavourable circumstances in the country and the world, the realization of the purchase orders is highly uncertain.

Considering that no data on the military industry's export performance for 2011 have been made public, one can assume that exports were modest. The large social upheavals during 2011 in traditional markets (such as Libya and Algeria) have considerably upset the industry's contracts as well as strategic plans. In spite of this, Minister Šutanovac said he would be visiting the countries in question despite the changes at the top.<sup>383</sup> No follow-up to the announcement has come to public notice.

### **Unchanged attitudes to NATO and military neutrality**

The Strategic Military Conference for partners in Belgrade in mid-June triggered a new anti-NATO campaign. Although the conference hosts, particularly the Ministry of Defence, insisted that the international gathering was not a NATO summit, they were not believed. The secretary of state at the Ministry of Defence, Tanja Mišćević, in particular sought to dispel any doubts in this regard: 'The important thing is to be specific. This is not a NATO summit. Those who are saying [this is] a NATO summit are betraying their ignorance of the matter. The NATO summit is the highest political gathering of the organization, which brings together the member states of the North Atlantic Alliance and is always organized in a member state. Serbia cannot be the organizer of a NATO summit because it is not a member of that alliance.'<sup>384</sup>

The leader of the Democratic Party of Serbia (DSS), Dr Vojislav Koštunica, was among those who raised their voices against the holding of the meeting. 'Following months-long refusals from parties which are close to it regarding certain important political positions, the Democratic Party of Serbia has decided to organize a protest against the holding of the NATO conference in Belgrade on its own and to urge the citizens to take to the streets and thus express their attitude to a subject which provokes the

382 Ibid.

383 'Hoću da idemo u Tripoli', *Danas*, 27 September 2011.

384 'Ovo nije samit NATO', *Danas*, vikend issue, 11 – 12 June 2011.

most ill feeling among the public,' he said.<sup>385</sup> The DSS vice-president, Dr Slobodan Samardžić, said that the party had been prompted to act 'by the fact that NATO is a current and burning topic in Serbia. Not because [this fact] is visible, but because it is not visible. And it is not visible because the Serbian authorities are relentlessly pushing Serbia into NATO while on the other hand they are trying to make sure this matter is not talked about.'<sup>386</sup> The DSS leaders and people of like minds insist that Serbia 'has had it up to here of cooperation' as far as its participation in the realization of the North Atlantic Alliance Partnership for Peace programme is concerned.

Judging by various opinion polls and the writings of anti-European outlets such as the weekly *Pečat* and the portal of *Nova srpska politička misao* (New Serbian Political Thought), one could come to the conclusion that most members of the public were as highly critical of NATO in 2011 as they were the year before.<sup>387</sup> While most respondents opposed Serbia's rapprochement with NATO, they could not put forward any valid arguments in response to the question: Why not NATO? Traditional anti-European attitudes, a poison constantly shoved down their throats, and the mantra 'They bombed us' were the best they could come up with.

The same also goes for Serbia's military neutrality, although this neutrality is a very questionable, unfounded and problematic notion from whatever angle it is viewed. Not even the minister of defence had enough courage to confront and expose the manipulations of the quasi-patriots. On the eve of the Strategic Military Conference, Minister Šutanovac all but sought to justify himself in response to the ill-intentioned and thinly-disguised arguments that Serbia was about to renounce its military neutrality: he said that the Conference 'does not signify Serbia's abandonment of its proclaimed military neutrality'.<sup>388</sup>

385 'NATO izvodi DSS na ulicu', *Politika*, 10 June 2011.

386 Ibid.

387 'Ko je lomio čiji Beograd?', *Nova srpska politička misao*, 25 June 2011; 'Milomir Stepić: Nema razlike između EU i NATO-a (I deo)', interview with Dr Milomirom Stepićem, 'geographer and geopolitics expert', *Pečat*, 1 March 2012.

388 'Šutanovac: Ne odustajemo od vojne neutralnosti', *Politika*, 10 June 2011.



Many NATO representatives in Brussels argue that Serbia's military neutrality will be difficult to sustain in the future. One of their arguments is the increasing emergence of global problems which call for global solutions.<sup>389</sup> The Centre for Euro-Atlantic Studies in Belgrade pointed out that 'Serbia has four agreements with NATO alone, is establishing military co-operation with the United States, has foreign troops on its territory and has no sovereignty over 15% of its territory. Considering its capacity and budget, it cannot afford to be neutral [...].'<sup>390</sup>

### **The arrest of Ratko Mladić**

Based all that was published and broadcast by the media following the arrest of Ratko Mladić on 25 May 2011, one may conclude that a very wide network of both institutions and individuals had been helping to hide him. Nevertheless, the authorities maintained that the secret services, Army and police had had no part whatever in that.

Earlier in the year, it had been argued in public increasingly openly that Mladić's hiding had become an unbearable financial and political burden for the state. The prevailing opinion was that his arrest would be argument enough for securing candidacy for EU membership. This was largely confirmed by the 'show' that took place early on the morning of 25 May in the Vojvodina village of Lazarevo, as well as by the fact that the authorities and numerous media outlets strove to outdo each other in portraying it as a triumphal operation. The members of the Security Intelligence Agency (BIA) who carried out the arrest were praised in particular for both the success of the raid and for their integrity and modesty, because 'they did not ask for the (promised) reward for locating the general' and because they 'looked upon [the operation] as part of their regular duties.'<sup>391</sup>

389 'Vojna neutralnost Srbije teško održiva', *Danas*, 16 December 2011.

390 'Vojna neutralnost Srbije?', *Danas*, 3 November 2011.

391 'Moralni čin ili kalkulantska predstava', *Helsinška povelja*, double issue 151-152, May-June 2011.

Interestingly, no one from the Ministry of Defence and the General Staff made a statement on the occasion of the arrest. On the eve of the 'arrest', the then chief of the General Staff, Miloje Miletić, was asked by *Politika* daily if he had any message for Ratko Mladić. He replied: 'I don't see cooperation with the Hague [tribunal] as a stumbling block but as an issue which will show that Serbia shares the same values with Europe. The Army of Serbia as an institution does not concern itself with evaluation of cooperation with the Hague tribunal. The Republic of Serbia has made clear its position that all who have committed war crimes ought to be called to account and that they cannot hide behind alleged general social interests. I consider that everyone ought to take responsibility for their acts and decisions and, if necessary, to appear before the tribunal, which is the only competent venue for establishing responsibility in cases like this. In so doing they will free the society and citizens of Serbia from a great obstacle on the path to further progress. Any avoidance of personal responsibility is incompatible with the ethics of our calling and runs counter to our Code of Honour. Our officer is graced with soldierly virtues, with honour and chivalry.'<sup>392</sup>

The former chief of the Army's Security Service, General Aleksandar Dimitrijević, said that 'Ratko Mladić was too late for any of the solutions that had been at his disposal. If he thought he was innocent, then it made no sense for him to hide for so many years... If he thought he was guilty, he again had two options: first, to surrender voluntarily and bear responsibility for what he did or did not do (true, there are many things that Mladić did not do, but he did nothing to prevent the murders and punish those responsible for them) and, second, to fulfil the promise he allegedly made at some time or other that he would not give himself up alive to the tribunal in The Hague.' Asked 'why suicide would have been an option', Dimitrijević replied: 'I think that by so doing Mladić would have removed Serbia from the black list and helped it so it would not become the topic number one in the world again.'<sup>393</sup>

392 'Pravi oficiri ne beže od suda', *Politika*, 3 May 2011.

393 'Mladić je morao da izvrši samoubistvo', *E-novine*, 23 June 2011, an interview from *BH Dani* magazine published with the permission of the author and the editorial staff.

Some journalists and military affairs experts were dismayed at Mladić's 'poor condition and the beggars' clothes' that he wore when the police took him out of his hiding place to display him to the public in front of TV cameras. For instance, the *Politika* journalist, Miroslav Lazanski, said in the TV B92 programme 'Utisak nedelje' that he had been greatly 'disappointed' at the 'general's undignified appearance [...] at the time of his arrest. He who fought in war for the Serbs in Bosnia, and also outside Bosnia, a byword for military greatness [...] ought not to have let them arrest him in that state, in a cloth cap and a jacket of some sort [...].'<sup>394</sup>

Serbia received tribute for Mladić's arrest from the international community. President Boris Tadić joined in the jubilations and called on others in the neighbourhood to arrest 'their own criminals', that is, those who had committed crimes against the Serb people!

In a signed text, the director of the Humanitarian Law Centre, Nataša Kandić, described the obsequious attitude towards Ratko Mladić as follows: 'I am not yet sure that Serbia has disowned Mladić and the other generals responsible for the genocide in Bosnia. The sympathies the representatives of the state and the media expressed for Mladić are yet another disgrace of ours. The deputy prosecutor offered him strawberries. His wishes to be visited by the minister of health and the parliament speaker, as well as to be allowed to pay a visit to his daughter's grave, were granted. The whole of Serbia was informed about his diet while in detention, as well as that he left for The Hague in the suit he had worn at his son's wedding. He was given the treatment of a star.'<sup>395</sup> President Tadić categorically denied the speculations concerning Mladić's period in hiding and that his arrest had been timed to precede the decision about Serbia's European future. He said that since the forming of the Government and of the new Council for National Security, which integrates the work of all the agencies, 'all the appropriate authorities' had been 'working flat out' to locate and arrest him. At this moment, he said, 'an investigation is in progress

394 'Moralni čin ili kalkulantska predstava', Helsinška povelja, double issue 151-152, May-June 2011.

395 Nataša Kandić: 'Sramotno ispoljavanje simpatija prema generalu Ratku Mladiću', *Danas*, weekend issue, 2-3 July 2011.

into all the circumstances surrounding Mladić's hiding and whether anyone was involved in his protection against the law'.<sup>396</sup>

By the end of February 2012, the public had received no information whatever about who had helped Mladić, when and how.

## Barricades in the north of Kosovo

After units of the Kosovo Special Police (ROSU) 'occupied' the Brnjak administrative crossing on 24-25 July 2011 in order to 'establish full control also over the border crossing of their state', local Serbs 'prevented the Kosovo special forces from taking over the nearby Jarinje crossing as well', Belgrade media reported.<sup>397</sup> The action of the Kosovo police provoked fierce reactions not only in the north of the 'southern Serbian province' but also in Serbia. Hardly anybody foresaw that that would be a prelude to armed skirmishes between KFOR and the 'Serb people from the north of Kosmet' which nearly escalated into a wider conflict.

Serbian media detected in the move of the Pristina government an intention to condition Serbia's EU candidate status. Slobodan Petrović, leader of the Serbian Autonomous Liberal Party, deputy prime minister and minister for local self-government in the Kosovo government, in a way confirmed this: 'This is a real dilemma: one could indeed interpret this as choosing the time of Serbia's candidacy [decision] to address the unsolved problems holding back the economic development of Kosovo. The citizens in the north of Kosovo regard the action of the Pristina government as an attack on them, but this isn't the case at all [...]'.<sup>398</sup>

396 'Tadić: "Istražićemo ko je sve pomagao Mladiću"', *Danas*, 1 June 2011.

397 'Kosovski specijalci zauzeli prelaz Brnjak na severu Kosova', *Blic*, 25 July 2011.

398 'Na severu kriminalci jači od svih institucija', interview with Slobodan Petrović, *Danas*, 30 August 2011.

## The big-risk 'small war' at Jarinje on 27 September

The exchange of accusations between Belgrade and Pristina, as well as of all kinds of imputations and deceptions especially on the part of the Serb side ('the struggle of the Serb people from the north of Kosovo for their legitimate rights') led to the raising of log barricades at the Jarinje and Brnjak crossings. The Government claimed that the logs used in Kosovo had 'played a positive role'<sup>399</sup> of defending its 'both Kosovo and Europe' policy.

On 27 September the clashes culminated in the use of short – and long-barrelled weapons, rubber bullets and live ammunition, tear gas grenades and explosive devices. Officially, five KFOR soldiers and seven 'barricade defenders' were injured.<sup>400</sup> While Belgrade kept silent for a while, junior officials and media were extremely aggressive and loud.<sup>401</sup> The political and media campaign, not so much against the Pristina authorities as against NATO and the international community in general, lasted almost until the end of the year.<sup>402</sup> Neither before nor after the postponement of the candidate status did the ruling coalition in Belgrade make any admission of being involved, even indirectly, in the dramatic events at Jarinje and Brnjak.<sup>403</sup>

Belgrade denied being closely connected with the criminal groups formed in Belgrade and in the interior of Serbia that handed out weapons to the 'barehanded Serb people' at Jarinje and other administrative crossings in the north of Kosovo. These groups were the 'storm troopers' of that 'bare-handed' people.<sup>404</sup> President Tadić said at the time: 'I believe that

399 'Srpske svetinje su Srbi na Kosovu pa tek onda spomenici', interview with Minister of Defence D. Šutanovac, *Politika*, 15 January 2012.

400 'Ogoljenim lažima protiv "golorukog naroda"', *Helsinkička povelja*, double issue 155-156, September-October 2011.

401 'Eskalacija nasilja na Jarinju', *Danas*, 28 September 2011; 'Srbi ojačali barikade na mostu u Kosovskoj Mitrovici', *Blic*, 28 September 2011.

402 'Jeremić: NATO odgovoran za situaciju na Kosovu', *Politika*, 30 September 2011; 'Dodik osudio delovanje Kfora', 30 September 2011.

403 'Mićunović: "Beograd ne kontroliše sever"', *Politika*, 7 October 2011.

404 'Na severu kriminalci jači od svih institucija', *Danas*, 30 October 2011; 'Drašković: "Tražim da odgovaram zbog istine koju sam rekao"', *Politika*, 7 October 2011; 'Jakšić i Ivanović brane Veselinovića', *Danas*, 12 October 2011.

the investigative authorities will find out who did that, but what is beyond doubt is that those men did not arrive from this side of the administrative line, that is, they did not arrive from the direction of central Serbia but from the other side of the administrative line.<sup>405</sup>

At the meeting of the parliamentary Committee for Defence and Security on 1 October, the security services submitted a report on what did take place in the north of Kosovo between the end of July and October.<sup>406</sup> From the very terse statement issued at the meeting one could not learn anything other than that some criminals were involved, with no explanation given as to how they happened to be there. However, three days later the leader of the Serbian Renewal Movement, Vuk Drašković, told the public what the security services had actually said at the meeting: 'The the Serbian Army and police chiefs told the Committee the truth, which does not even remotely resemble that which was told to the people of Serbia.'<sup>407</sup> Drašković said that, according to the information of the domestic security services, a group of organized men arrived on the scene before any civilians had gathered; equipped with wire cutters, they drove a truck into the wire barriers and assaulted the KFOR soldiers manning the crossing; the people who later gathered there had first been alarmed and manipulated. There was bodily contact and a rifle was wrested from a US soldier, he said, adding that the rifle had not been found by the time of the Committee meeting. Stun grenades were hurled under the truck and both sides fired live ammunition, he said. Drašković said that it would be of paramount state and national interest to tell all this to the public over television, to explain who was behind all that and to show footage of the incident. 'Everything that goes on at the crossing is recorded, including by our people, but they don't want to say that because officially there are no members of our security forces out there,' he said. However, NATO said that they had recorded everything and sent the footage to the Serbian side just in case it had none, he said.<sup>408</sup>

405 'Srbija ništa nije kriva', *E – novine*, 30 July 2011.

406 Agency reports: *Blic*, *Politika*, *Danas*, 2 October 2011.

407 'Između dve vatre' programme, TV B92, 4 October 2011; 'Zašto se od javnosti krila istina o dešavanju na Jarinju', *Politika*, 7 October 2011.

408 [http://www.b92.net/info/vesti/index.php?yyyy=2011&mm=10&dd=04&nav\\_category=640&nav\\_id=546922](http://www.b92.net/info/vesti/index.php?yyyy=2011&mm=10&dd=04&nav_category=640&nav_id=546922) .

## Military experts and developments in the north of Kosovo

During the dramatic events in the north of Kosovo, the media gave space and time to various analysts, above all military experts, who almost openly urged the Army of Serbia to use its guns to solve the 'Kosmet question'. The military experts were especially irritated by President Tadić's frequent assurances that Serbia 'will never again carry out a war' and that 'undoubtedly at this moment Serbia can only play the "constructiveness" card'.<sup>409</sup>

The executive editor of the magazine *Nova srpska politička misao*, Đorđe Vukadinović, was among the first to speak out: 'The statements of the Serbian leaders who renounce any use of the instruments of pressure and force are harmful and counterproductive, especially at a time when the Kosovo Albanians are trying by force to place under their control the Serb municipalities in the north of Kosovo, with wholehearted and increasingly undisguised assistance from KFOR. In a situation analogous to Serbia's present situation, no state in the world would keep sending out only masochistic messages of peace and friendship.'<sup>410</sup> Appearing in the show 'Između dve vatre', two retired generals, Aleksandar Dimitrijević and Ninoslav Krstić, also sharply criticized 'Tadić's frequent statements' that 'Serbia will never again carry out a war' and asked, 'What then do we need the Army for?'<sup>411</sup>

Neither the military magazine *Odbrana* nor the website of the Ministry of Defence offered any serious commentaries or articles about the events in the north of Kosovo. Military officials appeared very rarely in public in connection on the occasion of the events. On the morrow of the drama at Jarinje, the deputy chief of the General Staff, General Milan Bjelica, met at Niš airport the deputy commander of KFOR, Brigadier General Marco Serronha, to 'exchange views on the situation in Kosovo and

409 'Ima li Srbija izlaznu strategiju za tenzije na Kosovu', Radio Slobodna Evropa, 29 July 2011.

410 Đorđe Vukadinović: 'Oluja na Kosovu', *Nova srpska politička misao*, 29 July 2011.

411 'Između dve vatre' programme, TV B92, 30 July 2011.

Metohija and in the Ground Security Zone in the light of the recent events [...]’ at the administrative crossings.<sup>412</sup>

Nevertheless, *Politika*’s military-political commentator-analyst-expert Miroslav Lazanski interpreted the meeting as little short of an ultimatory warning to the KFOR representative to the effect that Serbia and its Army would no longer permit any violence against civilians in the north of Kosovo: ‘[...] this is why the deputy chief of the General Staff of our Army urgently summoned the KFOR deputy commander to Niš and warned him there that the Army of Serbia was not going to stand with its arms crossed and watch any new violence against Serbs in the north of the southern Serbian province. Nice one, General Bjelica, that’s the way to do it!’<sup>413</sup>

A month later, Lazanski mused: ‘Specifically, what can Serbia do if there is a displacement of Serbs in the north of Kosovo, if there is an open attack by KFOR or Pristina forces on the local population? We can, for the nth time, repeat the appeal for the cooling of passions [...]’<sup>414</sup> ‘We also can, on our side of the administrative line, put up a tent settlement with warm blankets and beans cooked in army field kitchens for all who might have to flee from the north of Kosovo. But what if the Serbs from the north of Kosovo do not run but stay there and engage in some sort of dangerous semi-guerrilla war? Our beans will get cold. Is there any of this in the plans mentioned by General Miletić [...]’<sup>415</sup>

Minister of the Interior Ivica Dačić made a number of statements in a similar vein: ‘The red line for Belgrade would be an armed attack on the Serbs in Kosovo and Metohija. [Kosovo prime minister Hashim] Thaqi must know that an attack on the Serbs in Kosovo would also be an attack on Belgrade. Serbia cannot and will not watch something like that calmly.’<sup>416</sup> Some 10 days before the incidents at Jarinje, Patriarch Irinej addressed the

412 Ministry of Defence website ([www.mod.gov.rs](http://www.mod.gov.rs)): ‘Susret generala Bjelice i zamenika komandanta KFOR-a’, 28 July 2011.

413 Miroslav Lazanski, regular column, *Politika*, 30 July 2011.

414 Miroslav Lazanski: ‘Plan za Kosovo’, *Politika*, 30 July 2011.

415 Ibid.

416 ‘U boj za Kosovo’, *E-novine*, 24 November 2011, the minister’s statement quoted from *Press*.



following message to the believers in the north of the 'southern province': 'My message to you is to stay. And, if you should come to suffer, you know why you are suffering. And should it happen that you shed your blood, you know why you are doing that. That is not a futile shedding of blood.'<sup>417</sup>

All these statements contain either explicit calls on Serbia's armed force to become involved in the unravelling of the Kosovo knot, or oblique criticism of the armed force, its Supreme Command and the officer corps for not 'baring their teeth' when they should have done that. The General Staff made no statements to refute the allusions about the Army in an argued way. The silence of the Army and the Ministry of Defence could also have been interpreted as a sign of agreement on their part.

On the other hand, although the army units deployed towards the Ground Security Zone have no mandate to interfere in any conflict in the zone, their members and the Army's security agencies in particular could have restrained the criminals recruited in Belgrade and other major cities in Serbia.

## **The military secret services and civilian control**

At the beginning of February 2011 almost all daily media reported (some of them prominently) that the Government had appointed the senior lecturer at the Belgrade Faculty of Security Studies, Božidar Banović, as inspector general of the military security services, i.e. agencies – the Military Security Agency (VBA) and the Military Intelligence Agency (VOA).<sup>418</sup> The appointment of the inspector general evidences, among other things, an attempt to place the secret services under control. Formally, this does mean progress towards democratic control. However, no information was given even about the inspector's jurisdiction (or his legal and practical reach in general), and no report was published on the first year of his work.

417 According to Tanjug i Beta, the news ran through the entire Serbian media network on 16-17 September 2011.

418 'Izabran inspektor za tajne vojne službe', *Blic*, 11 February 2011.

Although the subject of democratic and civilian control is a very popular one, there is no information that such control really exists in practice. Research by the Belgrade Centre for Security Policy on how safe people feel is very indicative.<sup>419</sup> The Centre's director, Sonja Stanojević, said that people in Serbia 'feel at their safest in their homes (84.5%)' and then in the town or village in which they live (77.9%). '[...] and, lastly, two-thirds of male and female citizens of Serbia (75.3%) feel physically safe', a considerably higher percentage than in some large European cities, she said.

Stanojević found it 'concerning that the citizens do not recognize in the state institutions a factor which affects their personal safety', saying that 'only 6.1% of respondents believe they are safe because the institutions are doing their job properly [...] This tendency to distrust the institutions was confirmed when the respondents were asked who they could trust for their protection. Two-thirds of citizens would trust themselves (50.3%), friends (8.4%) and neighbours (7.6%) [...] and a very small number would trust the institutions. Stanojević attributed such 'citizens' perceptions' to the 'legacy of the 1990s, when the citizens were let down by the institutions. The institutions enjoy much more confidence among the respondents concerning their readiness to protect the security of the state [...] This shows that the key institutions concerned with personal safety, such as the police and the judiciary, have not been sufficiently reformed, nor have they brought their services closer to the citizens [...]'.<sup>420</sup>

The vo and vba military agencies marked their anniversaries in 2011. On voa Day, 6 May, a permanent exhibition on the history of the military intelligence service in Serbia was opened in the voa building,<sup>421</sup> and Colonel Danko Štrbac, one of the service's chiefs, gave an extensive interview to the daily *Danas*. '[...] in the aftermath of the war in BiH [Bosnia and Herzegovina] and the arrival of large numbers of "Islamic fighters", that is, mujahedin, the Balkans has gained in importance as a long-term and sta-

419 Sonja Stanojević, director of the Belgrade Centre for Security Policy, on 21 May 2011 presented the results of a public opinion poll conducted in Serbia by the Centre; the topic was 'How safe do the citizens of Serbia feel'; the Centre's website: [www.ccmr-bg.org](http://www.ccmr-bg.org).

420 Ibid.

421 'Tajne velikih majstora', *Odbrana* magazine, No. 137, 1 June 2011.

ble logistic, recruitment and financial foothold for terrorists on Europe's soil [...] In the territory of Serbia, however, they operate as a regular military formation, the Kosovo Security Force (KSF). With support from certain states of the West, their equipment and training continue in order that they may achieve full operational capacity by 2012. The advent of the KSF has attracted attention, from the very idea of their formation until today. These forces are in the sphere of [our] interest as a phenomenon which jeopardizes the sovereignty of Serbia and the security balance in the region [...] The situation in KiM [Kosovo and Metohija] remains the biggest generator of regional challenges, risks and threats, and is characterized by continuing ethnic divisions and tensions, as well as a high degree of corruption and crime.'<sup>422</sup>

Such allegations square with the stereotypes of the numerous 'Islamologists' in Serbia. The above statement shows that Kosovo and Sandžak are regarded as priorities as far as security risks are concerned.

The VOA director, Dragan Vladislavljević, said in an interview with *Večernje novosti* that the biggest potential risks come from Kosovo because '[...] parties and movements which are exclusive, oppose dialogue between Belgrade and Pristina or strive for the territorial unification of all Albanians in the region are gaining in strength on the political scene in the Province.' 'Such tendencies,' he said, 'can result in new incidents.'<sup>423</sup>

Besides Kosovo, Vladislavljević identified other threats such as: the difficult and slow transition of the states in the region, their exposure to sanctions and economic crisis, and the fact that the region is a crossroads of trafficking of various kinds, organized crime, proliferation of armaments and military equipment and of dangerous substances, migrations and international terrorism. Vladislavljević stressed the connections between 'local' extremists and international terrorist networks.<sup>424</sup>

The Land Forces (KoV) and the VBA marked their anniversaries on the same day, 12 November. In 2009, the VBA celebrated the 170th anniversary of the establishment of the counter-intelligence service in Serbia.

422 'Religijski ekstremisti koriste švercerske kanale', *Danas*, 5 May 2011.

423 *Večernje novosti*, 'Priština pretil celom regionu', 6 March 2012.

424 Ibid.

Few other countries can boast of such a long tradition. The anniversary ceremony was attended by military envoys in Belgrade, high dignitaries of all the religious communities headed by Patriarch Irinej and many representatives of Serbia's cultural and public life. The composition of the audiences that attended both the 2010 and 2011 ceremonies was the same.<sup>425</sup>

President Tadić delivered an address and said, among other things: 'In security terms, we are today a safe country. There is no dilemma whatever that our international credibility is enhanced, and that the overall credibility of Serbia and the Serb people is at a higher level than it was before [...]. 'Each of our citizens ought to know that the security factor – that our Army, that our police, our security forces [...] contribute by their work not only to the safety of the citizens but to the overall economic and technological development of our country and, ultimately, to the enhancement of the overall credibility of the Serb people and the Serbian state,' he added.<sup>426</sup>

## The medals

Another tradition of the Serbian army – the award of military commemorative medals and certificates – was revived. The first 416 awards were made to military and civilian members of the Ministry of Defence and the Army of Serbia on Statehood Day and Army of Serbia Day, 15 February 2011. Colonel Slađan Ristić, head of the Department for Tradition, Standards and Veterans, announced that military commemorative medals would be presented to another group of persons for their participation in combat on the territories of the Socialist Federal Republic of Yugoslavia (SFRY), Federal Republic of Yugoslavia (FRY) and Republic of Serbia.<sup>427</sup> 'In order to be awarded a decoration for participation in combat operations on the territories of the SFRY and the FRY, a person must produce evidence

425 'Sigurnost je uslov razvoja', *Odbrana* magazine, No. 149, 1 December 2011; Ministry of Defence website, 12 November 2011; 'Obeležen Dan Vojnobezbednosne agencije', *Danas*, weekend issue, 12-13 November 2011; Tanjug i Beta reports, 12 November 2011.

426 Ibid.

427 'Medalje za učešće u ratovima na prostorima bivše Jugoslavije', *Politika*, 3 April 2011.

that he or she was there and did nothing contrary to the provisions of international humanitarian law and the laws of war,' he said.<sup>428</sup>

In response to public reaction to the award of military commemorative medals, State Secretary Igor Jovičić said, 'There is no cause for malicious interpretations regarding the commemorative medals!'<sup>429</sup> The military commemorative medals are awarded on the basis of facts concerning a soldier's career such as participation in peace operations, length of army service, anniversaries and also taking part and being wounded in combat operations,' he said. 'Medals are awarded in all armies on the basis of the same and similar criteria, so there is no reason whatever why such medals should not be awarded to members of our Army. Military commemorative medals are awarded to members of the Army of Serbia who have honourably and professionally carried out their duty, and if they have also taken part in combat operations, it is understood that throughout their military calling they acted in a manner which distinguishes them from all those who have been sentenced by the International War [Crimes] Tribunal in The Hague. In considering the matter of commemorative medals one ought not to confuse the issues regarding the character of combat operations on the territory of the former SFRY and the question of the legacy and heritage of the former JNA [Yugoslav People's Army],' he said.<sup>430</sup>

Conspicuously, in their statements Ristić and Jovičić did not use the word 'war': their phrasing 'medals for participation or being wounded in combat operations on the territory of the former Yugoslavia' corresponds with the thesis that Serbia took no part in the war. The announcement that 'medals for gallantry, honour and honesty' would be awarded drew a highly negative reaction in neighbouring countries. The European Parliament's rapporteur for Serbia also reacted. The whole matter then disappeared from public view.

428 <http://dnevnik.hr/vijesti/svijet/srbija-odlucila-odlikovati-vojnike-koji-su-ratovali-u-hrvatskoj-i-bih.html>.

429 'Jovičić: Nema mesta zlonamernom tumačenju oko spomen-medalja', *Danas*, 6 April 2011.

430 [http://www.mod.gov.rs/novi\\_lat.php?action=fullnews&showcomments=1&id=3421](http://www.mod.gov.rs/novi_lat.php?action=fullnews&showcomments=1&id=3421).

## Implementation of Resolution 1325

Resolution 1325 of the UN Security Council – Women, Peace and Security – was adopted unanimously on 31 October 2000. It is one of the most important UN resolutions in the field of peace and security policy. The resolution serves as the basis for a legal and political framework by which national governments, regional organizations and non-state actors are to enhance the role of women in conflict prevention and resolution and in peace-building, as well as to protect their legal and physical security. The resolution relates, above all, to the use of all resources in the prevention and halting of war. In this regard, this is the first resolution which addresses the need to include women in the process of peace-building and conflict prevention.

By decision of the Government on 24 June 2010, a multisectoral Working Group for Drafting the National Action Plan (NAP) of the Republic of Serbia for the implementation of Resolution 1325 was formed. In accordance with the decision, the Ministry of Defence was tasked with giving the Working Group professional and administrative-technical support. The NAP was adopted in December 2010.

According to the NAP, women are assigned to administrative and analytical duties, junior and intermediate managerial positions and establishment posts where defence policy is formulated. It is also said that women are represented in all categories of personnel in the Ministry of Defence and the Army of Serbia, as both professional members of the armed forces (officers, non-commissioned officers and professional soldiers) and civilians.

According to data from September 2010, women accounted for 19.5% of all persons employed in the Ministry of Defence and the Army. Women account for 2.6% of all professional military personnel in the Ministry and the Army: 0.5% are officers, 0.4% are non-commissioned officers and 7.2% professional soldiers. Although the percentage of women was low, it nevertheless represented an increase of 0.7% from 2009. The NAP stresses that although the majority of women employed by the Ministry and the Army work as highly educated, scientific and expert personnel, their work

results are not adequately valued and rewarded. According to the 2010 data, women accounted for 51.8% of the civilians employed in the defence system; however, the prospects for their advancement in service appeared limited. An explanation for this is that the Automated Personnel Information System in the Ministry of Defence and the Army contains no records of the number of women occupying high-, intermediate – and low-level work and establishment posts, as well as that there is no programme monitoring the careers of civilian employees, most of whom are women.

The personnel of the Military Medical Academy (VMA) includes 65.11% women. Of the total number of doctors of science working at the VMA, 42.25% are women, with 52.12% masters of science. In the 2008-2009 school year, women accounted for 50% per cent of the cadets enrolled, compared with 60% for the 2009-2010 school year. Women occupy 27.64% of managerial positions at the VMA.

The percentage of women applicants for enrolment at the VMS is determined each year in accordance with the needs of the Army of Serbia General Staff, increasing from 17.3% in 2007, when the first generation of women cadets was enrolled, to 21.66% for the fourth generation in 2010. The average four-year percentage of women cadets studying at the Military Academy is 19.4. The second generation of students was enrolled in the High School of the Military Medical Academy in 2010. The total percentage of women cadets during the two years was 56. Taken together, there are 21.53% of women cadets attending courses at the establishments of higher education.

The Army of Serbia General Staff said that during the professionalization process that it needed women professional soldiers. A training programme for female candidates for professional soldiers was adopted in January 2009. Training of female candidates for professional soldiers began on 19 January 2009. According to the NAP, the training of 725 women candidates had been successfully completed by September 2010.

There are no quotas for the training of women professional soldiers, the numbers of enrolled candidates varying from 3% of all trainees in the first cycle to 15% in the last, seventh cycle. During the four cycles

of professional training courses in 2010, 15% of women candidates were enrolled.

Of the total number of students attending postgraduate courses within the defence system, there are 15% women though none of them is attending graduate or postgraduate courses abroad. In the previous period, women attended almost all advanced training courses abroad though their number was very small, as was actually the number of all candidates undergoing training abroad.

According to the NAP, women were highly placed in the security sector only as assistant ministers of the interior and assistant ministers for defence policy in the Ministry of Defence; at present, a woman occupies the post of secretary of state in the Ministry of Defence.

Before being sent for training for multinational operations at the Multinational Operations Centre of the General Staff's Joint Operational Command, members of the Ministry of Defence and the Army of Serbia attend courses including 'Prevention of sexual exploitation and abuse' and 'Gender equality in multinational operations'. These topics were incorporated in the courses in accordance with a UN basic standardized module for training in multinational operations.

There have been a number of surveys concerned with the specific needs of women in the system of defence. One such survey by the Ministry of Defence Institute for Strategic Research, 'Socio-psychological adaptation of women cadets of the Military Academy to the education and training conditions', was aimed at improving women cadets' adaptation to the specific features of the military environment and reducing the possibility of violence against women.

The results, based on the monitoring of 19 print media (12 dailies and 7 weeklies) between 1 January and 21 July 2010, are published in the NAP. A total of 8,682 contributions were published in the period. Women were mentioned in 77 or about 1% of these. The majority of the contributions mentioning women were in connection with the Ministry of Defence's competition for the enrolment of cadets in the Military Academy and the Military Medical Academy (32 contributions) and the admission of professional soldiers (27 contributions).



APPLICATION INDEXES	schoolyear				
	2007 / 2008	2008 / 2009	2009 / 2010	2010 / 2011	2011 / 2012
Number of girls planned for admission	30	32	49	57	34
Number of girls who applied	56	106	243	323	326
Total number of applicants	128	344	982	1259	1325

Admission of girls to the Military Academy, 2007-2011, table cited from Maja Bjelos, 'Kvote u sektoru bezbednosti u Srbiji – ograničenje ili podsticaj?', BCBP, January 2012.

During the past decade, 32 women from Serbia have taken part in UN military and police missions. In 2011, the Serbian Army contributed 27 members, including two women, to international troops.

The Army of Serbia has only 8% women in its personnel. As Serbia's first women 2nd lieutenants graduated from the Military Academy only in 2001, it is expected that more Serbian women will be participating in international missions in the years to come.

Women also took part in the march-past at the Army of Serbia officer commissioning ceremony on 10 September 2011, appearing for the first time in Serbian history.<sup>431</sup> The 19 women bearing the 2nd lieutenant's stars marched together with their colleagues from the 131th and 132th Military Academy classes in front of the National Assembly building. Three of the 19 2nd lieutenants are pilots.

431 'Kad potporučnice marširaju', *Odbrana* magazine, No. 144, 15 September 2011.

## Conclusion

Although the Army has taken serious steps towards transformation, there is a danger that conservative block still influential in the Army may push the defence system may fall into stagnation and reintroduce the recruitment system to the Army.

The biggest shortcoming of the reform of the Army of Serbia and its command, as well as of the Ministry of Defence, is the absence of Serbia's war record. Had the least effort been made to this end, the election of the incumbent chief of the General Staff Ljubisa Dikovic would not have been possible.

## The Police: Reformist Achievements

Aimed at overcoming the grave legacy from the 1990s, when the police were abused and used both on battlefields across the former Yugoslavia and on the internal scene to deal with opponents of the regime of Slobodan Milošević, the police reform, in common with the army reform, is one of the foremost transition tasks with which Serbia has been concerned for already two decades. Besides a series of statutory requirements and regulations, several strategic documents adopted by the Ministry of Internal Affairs (MUP) are of exceptional importance. The documents will serve to direct the work of the MUP and in particular some organizational units within the MUP.

The Development Strategy of the MUP for the period 2011-2016 is to provide a comprehensive, clear and transparent framework for transforming the organization and working practice of the Serbian police. This document is actually a vision of the development of a modern police service as a public service which operates in line with European standards, practices of other police services and citizens' expectations. Based on a comprehensive analysis, the MUP determined the following spheres of work of strategic importance for its future development: organization and administration; security of individuals, community and the state; partnership relations at national, regional and international levels; and a system of internal and external control and transparency of work.

Considering that 2011 was the first year of implementation of the development strategy, the work of the MUP can in principle be given a passing mark: a large number of serious criminal offences were solved; a major contribution was made to finalizing the cooperation with the Hague tribunal by helping to locate and arrest Ratko Mladić and Goran Hadžić; the cooperation with police services in the region and Europe was considerably improved; the basic security of the citizens was improved; communication with the public was also improved... However, there still remains the problem of non-transparent work of the MUP, as well as of various structural

shortcomings and vague areas, with abuse of the police for political purposes causing increasing concern.

## Violence and its cover-ups

In June 2011, YouTube showed footage of policemen physically and psychologically ill-treating a Roma youth in a police station in Vršac. Although this criminal offence was committed back in 2007, it was hushed up and the perpetrators were never made to bear the legal consequences. After the footage appeared on YouTube, the policemen from the Vršac Police Department who ill-treated the youth were identified, suspended and arrested. Proceedings were instituted against them on suspicion of committing the criminal offence of abuse and torture. (*Blic*, *Press*, *Danas*). However, the programmer from Niš who had made the footage available was brought to a police station and had his computer confiscated. Because of this, the daily *Danas* wrote on 20 July 2011, the programmer sought protection from the Niš Human Rights Centre: in his statement, he complained of intimidation and psychological pressure, saying that he had been visited by many police officers wanting to see the person who had released the footage. More worryingly, the competent prosecutor's office dropped the prosecution against the Vršac policemen featured in the footage. All of them were reinstated in their jobs.<sup>432</sup> Since the perpetrators of this criminal offence – clearly recorded by a camera – were not made to bear the legal consequences, society can rightly wonder what kinds of things go on in the police stations unreported. The beating of a group of juvenile persons in Novi Sad in October 2011 confirms that the ill-treatment of the young Roma was not an isolated incident. The youths were beaten after one of them had been suspected by a police officer of having smashed the windscreen on his car. The lawyer Boža Prelević said in this connection<sup>433</sup> that only one in four of such incidents receives a judicial epilogue and the rest are hushed up or the proceedings are dropped. In this context, the Belgrade Centre for Human Rights stressed that the system of

<sup>432</sup> *Blic*, 24 November 2011.

<sup>433</sup> *Press*, 19 October 2011.

supervision of police custody facilities is insufficiently developed. This is the biggest obstacle to the more efficient prevention and prosecution of torture at the hands of the police. (*Danas*)

### **The shadow of the 'Red Berets'**

A media controversy surrounding the establishment of the Special Purpose Unit of the Gendarmery was triggered by the arrest of two members of this MUP unit on charges of heroin trafficking. The controversy was augmented by delays in setting up a commission to investigate cases of eavesdropping on members of the Gendarmery in April 2011.

It appears that the whole process of establishing the new unit and the systematization of job positions in the Gendarmery were carried out in secret. In other words, the process was carried out without the knowledge of the Directorate of Police, the MUP itself and the public. In this way, the responsible persons in the Gendarmery acted contrary to the December 2011 Amendments of the Law on the Police which establishes special units as organizational units within the Directorate of Police. One is quite justified in asking why so important a unit charged with fighting terrorism, ensuring public peace and order and rendering assistance in emergency situations did not organize a meeting with the Directorate of Police and the minister's office to discuss its ideas and organization. This lack of communication between organizational units of the MUP exposed the problems concerning the efficiency and effectiveness of the MUP's work. Further, the Gendarmery violated the principles of internal organization and systematisation of job positions in Serbian public administration bodies regulated by a government decree.<sup>434</sup> To begin with, every reorganization must be in line with the overall affairs of a body (Article 3, paragraph 2), i.e. a reorganization of the Gendarmery must be in line with the tasks prescribed by the MUP and the Directorate of Police. Further, the internal organization of a body and the systematization of job positions in it are laid down by the rules adopted by the Minister (Article 4, paragraph 1). The question raised in this connection was, did Minister of the Interior Iвица Dačić

434 *Službeni glasnik RS*, No 81/2007 – consolidated text and 69/2008.

know of the Gendarmerie reorganization, given that it is his duty to sign the document on the systematization of job positions? When asked about this, Dačić himself did not offer a clear and unambiguous answer.

Otherwise, the entire process of the Gendarmerie reorganization is contrary to the MUP's strategic priorities until 2016, i.e. the establishment of an advanced system of human resources management. Consequently, the MUP should review the decision allowing the existence of three special police units in Serbia. They are the Gendarmery, the Special Anti-Terrorist Unit (SAJ) and the Counter-Terrorist Unit (PTJ).

The reorganization of the Gendarmery was seen by the media as a reincarnation of the disbanded Special Operations Unit (JSO) for at least three reasons: the light utility vehicles of the new unit have already been painted black; camouflage uniforms with red berets are ready for use; and members of the former JSO have applied for work in the new formation. True, not all JSO light utility vehicles were black; SAJ also has black vehicles and in recent years the gendarmes have worn JSO-style berets which, subject to the decision of their commander, they push to the left side after the French fashion instead to the right; and, finally, former JSO members and commanding personnel trained in the JSO are already working in the PTJ. However, one cannot help feeling that the new unit has the most JSO DNA of all the special police units. What is important, however, are not the above details but the fact that the process of creating the Special Purpose Unit was realized without the MUP and the Directorate. This was precisely what distinguished the JSO from the rest, i.e. it operated outside all the systems for the benefit and account of clandestine power centres. Although there are no longer social and political conditions for the revival of the 'real' JSO, in view of the foregoing the MUP would have to prepare an analysis of the purpose, costs and usefulness of all the special police units. In this way it would be possible to implement the following two principles laid down by the Serbian Government: the MUP would ensure effective and harmonious work of the bodies and efficient supervision of their operations, as well as the grouping together of the same or similar and inter-related work in appropriate internal units within a body.

The whole procedure must be made public. (the weekly *Vreme* and the Belgrade Centre for Security Policy).

## Strikes as a syndrome

During 2011, members of the police service answered several calls by trade unions for strikes in support of demands for better material living and working conditions. Thus the Independent Police Trade Union (NPS) announced that the strike it organized on 3 February 2011 was joined by some 13,000 MUP employees while providing minimum services according to the law. The strikers demanded the fulfilment of previously reached agreements and arrangements and of the government's promises of considerably improved position of MUP personnel. The NPS also demanded a pay rise of 40%, the signing of a collective agreement, amendments to the Law on the Police and proper equipment, clothing and footwear. However, the other representative trade union, the Police Trade Union of Serbia (PSS), did not support the strike although it backed the demands for improving members' position. It said in a statement that it objected to the mode of organizing and the timing of the strike (on the eve of a scheduled rally of the Serbian Progressive Party in Belgrade).<sup>435</sup>

The disunity of the police trade unions marked all the strikes held in 2011. In February, the PSS accused the NPS of exerting pressure on police personnel, with the support of some the senior MUP officials, to join the strike, leave the PSS and become members of the NPS. On the other hand, when in October 2011 the PSS announced a strike because the collective agreement on improving the social status of MUP personnel as well as their working conditions had not yet been implemented, the NPS refused to join saying that the problems could be hammered out through dialogue. PSS representatives said after a meeting with Minister Ivica Dačić that the Law on the Police and a tender for the procurement of equipment would be dealt with under an urgent procedure. Nevertheless, the PSS did not recognize the agreement and announced that it had no intention of calling off

435 *Danas*, 3 February 2011, *Politika*, 5 February 2011.

the strike.<sup>436</sup> Again, when the NSP went on strike in December over the failure to fulfil the promises to improve the financial situation of personnel, the PSS did not officially support the strike though it did not prevent its members from joining.<sup>437</sup>

Altogether, the two representative trade unions, and a still undetermined number of smaller police trade unions, showed in 2011 that they are largely influenced by the petty politicking and particular interests of their leaders. If they go on being in the service of the various lobbies within the MUP, as well as of political parties, they will fail, as they have done before, in their job of helping improve the very bad material conditions of most MUP employees.

### **Death in the line of duty**

The increasing number of attacks on MUP personnel, including several killings of policemen in the course of their duty, raised the issue of the reaction of judicial and other government institutions to this growing trend. The police trade unions called for a toughening of penal policy towards attackers on law enforcement officers. Minister Dačić supported this and said that 'Any such attack must meet with a severe response from the police and the state.'<sup>438</sup> Admittedly, a number of actions with casualties among MUP personnel were poorly planned and carried out, to say the least. For instance, during the arrest of a dangerous person in Zrenjanin one policeman was killed and other wounded.<sup>439</sup> Further, not all policemen injured in the line of duty were adequately equipped and trained. As regards the application of penal policy in connection with attacks on law enforcement officers, it should be noted that it is rather arbitrary and selective. This is best illustrated by the attitude towards fan groups provoking incidents in football stadiums and outside them and towards the persons who attacked the police during the Gay Pride Parade in 2010.

<sup>436</sup> *Politika* and *Danas*, 14 October 2011).

<sup>437</sup> *Politika* and *Danas*, 13 December 2011.

<sup>438</sup> *Politika*, 1 November 2011, *Danas*, 2 November 2011.

<sup>439</sup> *Vreme*, July 2011.



Most of them receive minimum or symbolical punishment above all out of political and populist considerations.

### **The Pride Parade as political instrumentalization**

The decision of Minister Ivica Dačić to prohibit the Pride Parade was the worst case of political abuse of the police in 2011. The decision once again raised the issue of society's attitude to violence by the strong against the weak, the purpose of all the reforms carried out to date and, most importantly, the power of the state to protect itself and its own laws. That this was not a forced move was borne out by the signals emanating from the MUP itself preceding Dačić's statement. First of all, the NPS announced that the Pride Parade scheduled for 2 October in Belgrade should not be held on account of security risks to both members of the public and law enforcement personnel.

The NPS president, Momčilo Vidojević, said that the 'Pride Parade should not take place at this moment' in view of threats of incidents similar to those during last year's parade when more than 140 policemen were injured. Asked whether his trade union would join its colleagues who threatened to strike during the Pride Parade, Vidojević said that such a decision was hard to make and that they would be in touch with their colleagues. Asked whether the police would provide security to the Pride Parade if given wider powers in maintaining public peace and order, Vidojević replied in the negative.

Somewhat later, the NPS modified its position; it said in a statement that in its view one ought not to let the police carry out their job of protecting lives without being properly equipped and demanded that each policeman deployed on 2 October should be adequately equipped in order to avoid massive injuries like those suffered in 2010. In addition to the matter of protective gear, the NPS raised the issue of the usability and working order of the water canon which had last been used 20 years before and of other means of coercion.

However, what leaves a bitter taste in one's mouth is the following sentence from the trade union's statement: 'The solution does not lie in

the use of greater force; what is important is that there should be no use of force because both those attacking and those defending themselves are citizens.' In every crime, every incident, every situation calling for police intervention, both the perpetrator and the victims are always citizens. Although murderers, rapists, robbers and other criminals are all citizens, there is no precedent of the police using Ghandi-like, non-violent methods.<sup>440</sup>

While the gesture of the NPS may be taken as a more or less correct way of expressing one's concern about people's safety in order to cater to society's populist instincts, the joint statement of the ultra-rightist Dveri and the PSS of 22 September 2011 leaves no doubt about that this was a case of political abuse and instrumentalization of the MUP. The statement called on the LGBT population to show consideration for the traditional values of the majority of citizens of Serbia, manifest an awareness of the security risks involved and call off the Pride Parade. One wondered what traditional values of Serbian citizens called for demolishing Belgrade and breaking the heads of weaker and less numerous groups. 'If the LGBT activists do not manifest social responsibility, we will call on the appropriate government bodies to deny permission for holding the Pride Parade because it would unnecessarily endanger the public peace and order and the security of property, and expose citizens and policemen to risk,' said Dveri and the PSS. They also said that the situation in the north of Kosovo and Metohija, the security risks in other parts of Serbia, the grave socio-economic situation and the political instability were reasons enough for not holding the parade and creating 'such a provocation against peace and security'. They said that because thousands of policemen would be deployed in Belgrade owing to the Pride Parade, other towns in Serbia and their residents would be exposed to greater risks from the point of view of public peace and order.

The PSS also said that because the policemen share the lot of the Serbian citizens regarding social issues and perform a responsible job in very aggravated conditions, they do not wish to play the role of 'Praetorian Guard of any particular social group or lobby'. If that is true, then how

440 RTV B92, September 2011.

could the PSS have possibly placed itself at the service of a social group or lobby, in this concrete case of Dveri, which had for weeks been openly lobbying against the Pride Parade? True, the duty of the police is not to act as anyone's 'Praetorian Guard' but to guard the constitutional order and laws of Serbia, including the freedom of assembly and prohibition of discrimination. The Pride Parade and its participants pose no threat whatever to anybody's security.

Using, among other things, this and like statements as an excuse, Minister Ivica Dačić decided to ban the Pride Parade, citing mysterious police intelligence that riots of unprecedented proportions were being prepared in Belgrade. However, because no one was brought in for questioning and prosecuted in this connection, the only conclusion to be drawn was that the police were politically instrumentalized to collect cheap populist points for the forthcoming elections the following year.

In the wake of the ban on the Pride Parade, polls showed a considerable increase in Dačić's approval rating. The attitude to the Pride Parade betrays a tacit sympathy for violence under the guise of traditions and family values; it also shows that the state will withdraw in the face of hooligan violence not because hooligans constitute a force stronger than the state, but out of fear of unfavourable election results. That election results are a major consideration is testified to by the prominence given to Minister Dačić's and other governing politicians' appearances before press and TV cameras and statements accompanying every police success, whether involving the smashing of drug-dealing networks or arrests of dangerous, long-sought criminals. Therefore, as long as the work of the police and their legal role are used for the purpose of party promotion and other forms of instrumentalization, the abuse of the police on the part of the MUP will continue to pose a real threat.<sup>441</sup>

441 Vreme, September and October 2011.

## Conclusions and recommendations

In crime suppression, the police achieved significant results. Of particular importance was their efficient cooperation with partners in the region, Europe and the US, with Serbia becoming a major link in the fight of organized crime, particularly in drug trafficking, and other fields (human trafficking, arms trafficking, etc);

the police took part in and made a contribution to completing the cooperation with the Hague tribunal by locating and arresting the last remaining fugitives wanted by the Hague tribunal – Ratko Mladić and Goran Hadžić;

relapses are still in evidence in some segments of law enforcement; they are at their most noticeable in the endeavours to make far-reaching organizational decisions autonomously, i.e. without the control of the appropriate authorities (e.g. the attempt by the Gendarmery to set up a special unit);

it will be very important for the future composition of the National Assembly and its Security Committee in particular to put in place mechanisms for supervising police work;

civil sector access to certain sensitive aspects of police work (e.g. procedure during police detention) would help ensure the necessary transparency and control of the work of the police.

# The Security Structures: Still Beyond Control

For all the major reform efforts made in the army and the police, no democratic and civilian control of the entire security sector, including the security services, was achieved. Security Sector Reform (SSR) is a relatively new and undeveloped concept with which the academic community became concerned during the 1990s. In spite of remaining undefined and being called in question, the RSB concept is used to indicate the success of wider processes of political and social changes such as the processes of transition and democratization of states.<sup>442</sup> The security sector is understood to include the army, police, intelligence services and judiciary. For all the progress achieved since 2000, the comprehensive reforms of the security sector in Serbia must continue in order to meet the specific challenges of work of modern security services, which must be in line with citizens' interests and needs, the development of democratic society and respect for human rights, the development of technologies and the European integration process of Serbia and its cooperation with NATO.

## **The political and social context of the SSR in 1989-2012**

In order to fully understand the present situation in Serbia as well as the challenges awaiting Serbia on its road to full democratic control of the security services, it is necessary to give some consideration to the following key aspects of the context of this control so far. The period between 1989 and the changes of 5 October 2000 is characterized by: the authoritarian and war-criminal nature of the Milošević regime; the key moments

442 Jelena Radoman, *Bezbednost zapadnog Balkana Br 11-Reforma Sektora bezbednosti*, December 2008.  
[http://ccmr-bg.org/upload/document/bzb\\_11.pdf](http://ccmr-bg.org/upload/document/bzb_11.pdf)

and causes of the disintegration of Yugoslavia and the bloody wars during the 1990s; the large totalitarian and war-criminal background of the security sector; the political assassinations and assassination attempts, the background, strategy and tactics of the non-violent regime change in 2000, which called for making grave compromises with members of the compromised security sector, as well as the nature of the consensus of the forces united against the Milošević regime (it only related to his internal policy and not to the causes and nature of the conflict in the region).

Regarding the period since 2000, one should give consideration to: the consequences of the compromise of the transitional tripartite government; the clashes in the south of Serbia; the emphasis both at home and abroad on economic and financial matters instead of on the SSR, access to citizens' files and a break with the authoritarian past;<sup>443</sup> the resistance of a large segment of the Democratic Opposition of Serbia (DOS) and of members of the security forces to cooperation with the Hague tribunal; the very intensive attempts to criminalize the persons who took upon themselves to negotiate with the previous regime;<sup>444</sup> the mutiny of the Special Operations Unit operating as part of the Department of State Security (RDB); the assassination of Prime Minister Zoran Đinđić; the break-up of the DOS coalition; the process of separation of Montenegro; the mode of adoption of the new Constitution and all its shortcomings relevant to the security sector;<sup>445</sup> the process of establishment of the new status of Kosovo; the maintenance of the parallel institutions of the Republic of Serbia in Kosovo, particularly in the north of Kosovo; the period of cohabitation of the Democratic Party (DS) and the Democratic Party of Serbia (DSS); the trend of attempts to establish party control of the security services; the parliament's weak role; the 'historic' reconciliation between the DS and the So-

443 Jelena Milić, 'The Elephant in the Room: Incomplete Security Sector Reform in Serbia, and its Consequences for Serbian Domestic and Foreign Policies', published in the book *Unfinished Business*, Center for Transatlantic Relations, Washington D.C. 2012.

444 Ibid.

445 Filip Ejdos, Đorđe Popović, Marko Savković, *Bezbednost u predlogu Ustava Srbije – 'A u ruke Mandušića Vuka'*, Belgrade Centre for Security Policy (CCVO), 2006. <http://bezbednost.haloteam.rs/Sve-publikacije/712/Bezbednost-u-predlogu-Ustava-Srbije--A-u.shtml>

cialist Party of Serbia (SPS) in 2008; the spate of still unclarified killings of soldiers doing their regular military service;<sup>446</sup> the years-long frustration over the failure to arrest Ratko Mladić; the hidden agenda to partition Kosovo and Bosnia and Herzegovina; the establishment in senior military structures of personnel with a compromised professional past;<sup>447</sup> the perception of Montenegro's independence as a temporary state of affairs, etc.

In consequence of the foregoing, Radomir Marković remained at the head of the RDB for four months after the 5 October 2000 change of government (as a result of a deal with Vojislav Koštunica), thus enabling the RDB to destroy part of its files. The DOS coalition which took over was not ready to reform either the security sector or the army and the police. The DOS very soon became torn by disagreement over the direction and pace of reforms of society and the state; it also fell prey to inter-party scandals and affairs in which the intelligence services played a part. The developments that followed, including the assassination of Prime Minister Zoran Đinđić, showed that individuals from the intelligence circles, politicians and organized criminal groups played a key role.

The opening of the files, which the services had kept closed for ideological and political reasons (allegedly in order not to expose the network of collaborators and informants and thus compromise their work), was continually delayed on the grounds that the objective circumstances would not permit such a move. At the bottom of this lies the resistance to lustrating members of the security apparatus guilty of human rights violations or to carrying out measures which may deeply affect the structures or personnel of the armed forces.<sup>448</sup>

The delay over the years to arrest Ratko Mladić showed that the official institutions of the country do not control all the segments of the secu-

446 <http://www.fbd.org.rs/analize/ANALIZE%202009/ANALIZA%20TOPCIDERSKE%20AFERE.pdf>, Centre for Euro-Atlantic Studies, 2009.

447 Dosije Diković Ljubiše, Humanitarian Law Centre, 2012.  
<http://www.hlc-rdc.org/wp-content/uploads/2012/01/Januar-23-2012-Dikovic-Ljubisa-Dosije.pdf>

448 Kontekst analiza reforme sektora bezbednosti u Srbiji 1989-2009, Belgrade Centre for Security Policy and Geneva Centre for Democratic Control of Armed Forces, Belgrade, 2011.

rity sector. This resulted in the establishment of a parallel structure in the office of the president of the Republic. After the arrest of Ratko Mladić in 2011, the Ministry of Defence 'established with certainty', on the basis of an internal investigation, that the army and the Military Security Agency did not hide Mladić after 2002 in spite of the claims made by the prosecutor of the Hague tribunal, Serge Brammertz, that Mladić had left behind a trail in military facilities. The fact that, nearly a year since Mladić's arrest, Serbia has not investigated the circumstances of Mladić's hiding over the years nor disclosed the names of and prosecuted any of the persons involved, also supports the above thesis that there are substantive and not only normative gaps in the control of the security services, in particular military.

'The struggle to preserve Kosovo' was also used as an excuse for not carrying out reforms of the sector. Also importantly, the strategic doctrinal documents on security and defence adopted after the adoption of the new Constitution are focused on the defence of Kosovo.<sup>449</sup> As a result, the choice of personnel, particularly in the Military Security Agency and the General Staff of the Army of Serbia was problematic, with appointees including persons with rich and often compromised professional careers, especially in the conflict in Kosovo in 1999. Consequently, representatives of the Serbian Government are feeding the parliamentary Defence and Security Committee and the public diametrically opposed information.<sup>450</sup> The Committee is not operating as it should because it does not avail itself of all the normative possibilities; this was admitted by the Serbian Government itself in its answers to the European Commission 2011 questionnaire in the chapter Political criteria – democracy and the rule of law.<sup>451</sup>

449 Jelena Milić, 'Može li Zajednička bezbednosna i odbrambena politika EU biti alternativa NATO integracijama Srbije', in *Integracija Zapadnog Balkana u mrežu globalne bezbednosti*, Center for American Studies in Serbia, 2011.

450 'Zahtevi za novu sednicu Odbora za odbranu i bezbednost', *Blic*, 1 November 2011. <http://www.blic.rs/Vesti/Politika/286917/Zahtevi-za-novu-sednicu-Odbora-za-odbranu-i-bezbednost>

451 [http://www.ceas.org.rs/images/stories/politicki\\_kriterijum-demokratija\\_i\\_vladavina\\_prava.pdf](http://www.ceas.org.rs/images/stories/politicki_kriterijum-demokratija_i_vladavina_prava.pdf)



In consequence of this, the process of comprehensive reform of the security sector and establishing democratic control of the security services has never been a priority of any government since 5 October 2000.

### **Influence of the Western international community on the SSR in 2000-2012**

The international community has made a major contribution to the nature of the reforms of the security sector. Owing to many factors, the emphasis has been more on control of the security sector than on its reform. The priority has been the maintenance of peace in the region rather than the democratization of Serbia. This applies particularly to the separation of Serbia and Montenegro and the start of the negotiations on the status of Kosovo. Besides, Serbia is the only country in the Western Balkans not in the process of accession to NATO. Further, rather than being more explicitly concerned with a comprehensive SSR, the EU only paid partial attention to certain aspects of the work of the parliament, police and judiciary. On account of the foregoing, the SSR was not at the focus of attention of the Western international community in spite of the efforts of certain international and domestic organizations and governments.<sup>452</sup>

During the period, relying primarily on its documents for evaluating Serbia's progress in the process of European integration, the EU made a relatively good assessment of the situation in the greater part of the public business sector including the security sector minus the defence system, although it did not view it holistically. By adopting the Lisbon Agreement and formulating the Common Security and Defence Policy, the EU enlarged the spectrum of instrument for supporting and assisting the SSR in Serbia. Soon after the arrest of Ratko Mladić and the establishment of the dialogue between Belgrade and Pristina, the EU evidently drew the attention of the Serbian Government to some of the gaps in the security sector, including those concerning the powers of the security services

452 Jelena Milić, 'The Elephant in the Room: Incomplete Security Sector Reform in Serbia, and its Consequences for Serbian Domestic and Foreign Policies', published in the book *Unfinished Business*, Center for Transatlantic Relations, Washington D.C. 2012.

and democratic control over them. In its Analytical Report<sup>453</sup> accompanying its recommendation to the European Council regarding Serbia's application for membership of the EU, the Commission states: 'Unlike most EU intelligence agencies, the Serbian security agencies have investigative powers. This raises serious concerns, as they are in the position of controlling intelligence material used in criminal investigations. *Overall*, an extensive constitutional and legal framework for the democratic civilian supervision of security forces is in place. Further efforts are needed in order to strengthen parliamentary capacity and expertise. The ability of security agencies to carry out special investigative measures in criminal investigations gives rise to serious concerns.'

In its resolution of 29 March 2012 on the European integration process of Serbia, the European Parliament says:

'[...] Calls on the authorities to continue their efforts to eliminate the legacy of the former Communist secret services, as a step in the democratisation of Serbia; [...].'

In the resolution, the European Parliament recalls the importance of further security sector reforms, increasing parliamentary supervision and control of the security services, as well as of opening up the National Archives, and in particular the documents of the former intelligence agency, the UDBA, as well as encouraging the authorities to facilitate access to those archives that concern former republics of Yugoslavia and to return them to the respective governments if they so request.<sup>454</sup>

453 [http://www.seio.gov.rs/upload/documents/eu\\_dokumenta/misljenje\\_kandidatura/izvestaj\\_o\\_napretku\\_2011.pdf](http://www.seio.gov.rs/upload/documents/eu_dokumenta/misljenje_kandidatura/izvestaj_o_napretku_2011.pdf)

454 [http://www.europarl.europa.eu/RegData/seance\\_pleniere/textes\\_adoptes/provisoire/2012/03-29/0114/P7\\_TA-PROV\(2012\)0114\\_EN.pdf](http://www.europarl.europa.eu/RegData/seance_pleniere/textes_adoptes/provisoire/2012/03-29/0114/P7_TA-PROV(2012)0114_EN.pdf)

## **2002 legislation on the basics of the work of the security services in Serbia**

In the summer of 2002, two laws on the security services were adopted. The Law on the Security Services of the FRY (Federal Republic of Yugoslavia) regulates the activities of the civilian and military services at the federal level, whereas the Law on the Security-Information Agency has transformed the RDB into the Security Information Agency.

The Law on the Security Services of the FRY is believed to have been drawn up in haste as a consequence of the 'Perišić affair' which confirmed the absence of civilian control of the military-intelligence services and armed forces. The professional community described the Law as a 'modern legislative document'. The Law regulated the status, functions and competences of the intelligence services at the federal level as well as the control of their work. These services comprised the Military Security Services, the Military Intelligence Services as well as the Security Service and Research and Documentation Service attached to the Ministry of Foreign Affairs. The most important changes introduced by the Law related to the military security services: they were defined by the law for the first time and required to seek court permission before using special procedures and methods temporarily restricting human rights and freedoms guaranteed by the Constitution and the law. The Law also separated the military police from the military intelligence services.

Significantly, the Law established mechanisms for democratic civilian control. The military services were subordinated to the defence minister and the federal Government, an important step towards the establishment of civilian control of military services; before that, these services were subordinated to the chief of the General Staff or to unit commanders at lower levels. The Law introduced parliamentary mechanisms for supervising the activities of the above-mentioned services. Although a parliamentary commission for controlling the intelligence services in the FRY was set up, it did not operate owing to the many difficulties in the work of the Federal Assembly.<sup>455</sup>

455 *Kontekst analiza reforme sektora bezbednosti u Srbiji 1989-2009*, Belgrade Centre for

The Serbian National Assembly also adopted the Law on the Security-Information Agency. Under the Law, the RDB is separated from the Ministry of Internal Affairs and transformed into the Security-Information Agency (BIA), which is directly subordinated to the Serbian Government and is under its control. As regards its functions, this is a 'mixed-type' service carrying out both intelligence and counter-intelligence assignments and operating as a security service (protecting the constitutional order). The professional community, which welcomed the detachment of the agency from the Ministry, nevertheless criticized both the Law as a whole and some of its provisions. For instance, because the Law consists of only 28 articles, the subject matter is not regulated precisely and adequately. Neither the intelligence and counter-intelligence elements nor the functions of the security service are clearly demarcated.<sup>456</sup> Further, the Law, which is at variance with the Law on the Security Services of the FRY, does not list and define the methods of work of the Agency: it states that, in conformity with its competences, the Agency implements 'appropriate operational methods, measures and actions and uses appropriate technical means of surveillance' but does not specify these methods, measures, actions and means. As a result, the control procedure and the method of temporarily restricting the human rights and freedoms guaranteed by the then constitution and the Law (Article 13) are not fully developed. Further, the Law states that Agency staff performing specific duties (a very broad definition) are vested with traditional law enforcement powers. In other words, Agency personnel working in organizational units concerned with the fight against organized crime, the worst crimes against humanity and international law, terrorism at local and international levels and crimes against the Constitution and the security of the Republic of Serbia have all police powers (for instance the power of arrest).<sup>457</sup>

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Security Policy and Geneva Centre for Democratic Control of Armed Forces, Belgrade, 2011.

456 Bogoljub Milosavljević, 2004.

457 Kontekst analiza reforme sektora bezbednosti u Srbiji 1989-2009, Belgrade Centre for Security Policy and Geneva Centre for Democratic Control of Armed Forces, Belgrade, 2011. [http://www.ccmr-bg.org/upload/document/kontekst\\_reforme\\_sektora\\_bezbe.pdf](http://www.ccmr-bg.org/upload/document/kontekst_reforme_sektora_bezbe.pdf)

The reasons for such great shortcomings of the Law should be attributed to the increasingly open conflict between the DS and the DSS. Because the political elite (nominally) controlled the activities of the civilian intelligence service at the republic level, it did not want to curtail the service's power by any piece of legislation in order not to curtail its own power.

The loose federal compact of the State Union of Serbia and Montenegro regarding the future of the Union slowed down the reform of the army because the army was in the jurisdiction of the Federal Government which showed neither a will nor a readiness to carry out this reform. Nevertheless, in 2003 the General Staff and the military intelligence agencies were placed under the jurisdiction of the Ministry of Defence. Although this introduced civilian and democratic control of the armed forces, the necessary strategic and doctrinal documents were not adopted.

In the aftermath of the dissolution of the FRY, the new Serbian Constitution was adopted, with experts pointing out that it contains some controversial provisions in the field of the security sector. The legislative documents adopted later are also debatable. Some of these arrangements are the result of the 'political seesaw' from the periods of the DS-DSS cohabitation (2004-2007) and coalition (2008), when certain powers were vested in the president of the Republic as well as (unusually and disputably) in the head of the president's office although the Constitution does not envisage the president's role in controlling the security services.<sup>458</sup>

## **The second-generation legislation on the basic regulation of the security services**

The new Law on the Basic Regulation of the Security Services of the Republic of Serbia<sup>459</sup> was adopted on 11 December 2007. It envisages the existence of three services: besides the BIA as a separate organization, there are the Military Security Agency (VBA) and the Military Intelligence

458 Đorđe Popović, 'Lična karta-Savet za nacionalnu bezbednost Republike Srbije', BGCBP, 2009. [http://www.bezbednost.org/upload/document/popovic\\_2009\\_savet\\_znacionalnu\\_bezbednost.pdf](http://www.bezbednost.org/upload/document/popovic_2009_savet_znacionalnu_bezbednost.pdf)

459 <http://www.vba.mod.gov.rs/Zakon-o-osnovama-uredjenja-sluzbi-bezbednosti-RS-lat.pdf>

Agency (VOA) as administrative agencies within the Ministry of Defence. On the basis of the Law on Public Administration, these three agencies are public administration bodies performing specific activities of an authoritative nature. The piece of legislation determining the operation and organization of the BIA in more detail is the Law on the Security-Information Agency.<sup>460</sup> The BIA has the status of a legal person and is run by a director appointed and relieved of office by the Government. The Law on the Military Intelligence and Military Security Agencies<sup>461</sup> lays down the organization of the military security-intelligence system. The VOA and VBA are administrative bodies forming part of the Ministry of Defence. Both are autonomous in the performance of activities within their jurisdiction, have the status of a legal person and are managed by a director responsible to the minister of defence.

The minister of defence has various powers in relation to the military security services and is responsible for their work to the Government.<sup>462</sup> The organization charts of all these services are to be found in the Serbian Government's answers to the European Union questionnaire.<sup>463</sup>

The Law on the Basic Regulation of the Security Services of the Republic of Serbia makes no reference to the services attached to the Ministry of Foreign Affairs – the Research and Documentation Service and the Security Service – under the Law on the Security Services of the FRY. They are not mentioned in the Law on Foreign Affairs either, indicating that their further existence has no statutory basis, i.e. that they have been abolished. However, one wonders why the Law on the Basic Regulation of the Security Services of the Republic of Serbia does not say explicitly when they will cease to operate and what future awaits the agencies' staff, equipment,

460 [http://www.paragraf.rs/propisi/zakon\\_o\\_vojnobezbednosnoj\\_agenciji\\_i\\_vojnoobavestajnoj\\_agenciji.html](http://www.paragraf.rs/propisi/zakon_o_vojnobezbednosnoj_agenciji_i_vojnoobavestajnoj_agenciji.html) p://www.paragraf.rs/propisi/zakon\_o\_bezbednosno-informativnoj\_agenciji.html

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462 Petar Petrović, 'Lična karta-Bezbednosno obaveštajne službe Republike Srbije', BGCBP, 2009. [http://www.bezbednost.org/upload/document/cv\\_bezbednosno\\_obavestajne.pdf](http://www.bezbednost.org/upload/document/cv_bezbednosno_obavestajne.pdf)

463 [http://www.ceas.org.rs/images/stories/politicki\\_kriterijum-demokratija\\_i\\_vladavina\\_prava.pdf](http://www.ceas.org.rs/images/stories/politicki_kriterijum-demokratija_i_vladavina_prava.pdf)

documents and archives, as is customarily done whenever a government institution is abolished.<sup>464</sup>

## **The mechanisms of control of the security services**

### **1. Types of control**

In the Republic of Serbia, control of the security services takes the following forms: political control exercised by political entities such as parliament, political parties and public opinion; legal control implying administrative control of the administration and judicial control of the administration. The legal control can also be viewed as internal control, undertaken by the administration itself, and external control, which is the responsibility of judicial bodies, independent control bodies, the public prosecutor's office; 'mixed' control through independent bodies, which has elements of both political and legal control (the Ombudsman and the Commissioner for information and personal data protection, and the State Auditor).<sup>465</sup>

### **2. Parliamentary control**

The 2006 Constitution provides that the National Assembly supervises the work of the security services (Article 99) directly and indirectly through its Defence and Security Committee. The Committee comprises 17 MPs headed by an opposition party MP. The National Assembly adopts legislation and strategic documents (the National Security Strategy) normatively regulating and directing the work of the security services, approves the budgetary resources for their work and has other parliamentary means of exercising supervision. Under the Law on the Security-Information Agency, the service's director must report to parliament, i.e. to the Committee and the Government, on the Agency's work and the security situation in Serbia twice a year.

In its work so far the Committee for Defence and Security has come up against two big problems limiting its efficiency. The first concerns the

464 [http://www.bezbednost.org/upload/document/cv\\_bezbednosno\\_obavestajne.pdf](http://www.bezbednost.org/upload/document/cv_bezbednosno_obavestajne.pdf)

465 Dr Dejan Milenković, Vladimir Todorčić MA, Slobodan Koprivica , *Kontrola službi bezbednosti*, New Policy Centre and OSCE, 2011.

absence of clear criteria for determining the level of secrecy of documents produced by the security services, the procedure for their classification and declassification, the issuance of certificates enabling access to classified data and statutory penalties for disclosing secrets. In this connection, the members of the Committee do not know what information they are entitled to seek and obtain from the services. This problem should be addressed by the urgent adoption of the Law on the Protection of the Secrecy of Data. (da li je) The other problem of the Committee stems from its relative size and wide competences. Specifically, because the Committee covers the entire security sector, its members are required to possess specialist knowledge of security, army and law enforcement affairs. The problem is further compounded by the fact that an MP may be a member of several different parliamentary committees. Owing to this, MPs cannot perform their committee duties properly. Beside the committee responsible for security, the Finance Committee also supervises and controls the work of the security services by controlling the lawfulness of budgetary expenditure.

In 2010, the National Assembly adopted its Rules of Procedure whose Article 46 divides the hitherto Defence and Security Committee into the Defence and Internal Affairs Committee and the Security Services Control Committee<sup>466</sup> whose mandate is laid down by Article 66 of the Rules of Procedure. These measures are expected to improve parliamentary control of the security services. The provisions of the Rules of Procedure concerning the establishment of these two committees will come into force when the next parliament meets.

Article 66 of the Rules of Procedure of the National Assembly provides: The Security Services Control Committee shall: supervise the constitutionality and legality of the work of security services; supervise conformity of the work of security services with the National Security Strategy, the Defence Strategy and the Security and Intelligence Policy of the Republic of Serbia; supervise preservation of political, ideological and interest neutrality in the work of the security services; supervise the legality of the application of special procedures and measures for secret collection of data; consider proposal of budget resources necessary for the work of

466 <http://www.parlament.gov.rs/upload/documents/RS21-10.pdf>



security services and supervise the legality of budget and other resources spending; consider and adopt reports on the work of the security services; consider Bills, other regulations and general acts from the scope of work of the services; launch initiatives and submit Bills from the scope of work of the services; consider proposals, petitions and complaints of citizens addressed to the National Assembly regarding the work of the security services and propose measures to resolve them, and notifies the applicant thereof; determine facts on identified illegal acts or irregularities found in the work of the security services and their personnel and deliver conclusions thereon; inform the National Assembly on its conclusions and proposals. The Committee shall perform other activities in accordance with the Law and these Rules of Procedure. The Committee shall have 9 members.

Parliamentary supervision of the security services is expected to improve with the entry into force of the Law on Altering and Amending the Law on the Election of Members of Parliament adopted by the National Assembly on 25 May 2011,<sup>467</sup> which returns the mandates to the MPs.

### **Control of the security services by the executive**

Control of the security services by the executive involves the work of special organs and bodies of government services or official authorized persons exercising 'political' and 'legal' control of the services, all of which fit into the wider definition of the concept of 'executive power'.<sup>468</sup> They are, above all, the Council for National Security, Office of the National Security and Classified Information Protection Council, Bureau for Coordination of Security Services and Inspector General of the Military Security and Military intelligence Agencies.

The Council for National Security is a working body of the Republic of Serbia performing specific activities in the field of national security. Its members are: the president of the Republic, prime minister, minister of defence, minister of internal affairs, minister of justice, chief of the

467 <http://www.parlament.gov.rs/акти/донети-законои/донети-законои.45.html>

468 Ibid, p. 61.

General Staff and security service directors. The Council secretary is the head of the office of the president of the Republic and has jurisdiction over security services control under the Law on the Basic Regulation of the Security Services. The National Security and Classified Information Protection Office (formerly Office of the Council for National Security) is envisaged as a government service performing administrative work for the Council. However, government agencies cannot be established for performing such activities for organs other than public administration bodies; on account of its composition, the Council for National Security is certainly not one of them.

Also, under the Law on Data Secrecy, this service was invested with powers which are incompatible with what a government service is and ought to be.<sup>469</sup> This relates to the activities entrusted to it, including the issuance of certificates and permits following security checks by competent authorities; since this is tantamount to a control of the controllers, the service is very close to being a security service in its own right.

The Bureau for Coordination of Security Services is chiefly responsible for their coordination, though through this coordination it also exercises some informal control over them. Since the Bureau is made up of the Council director and the security services directors, it is clear that there can be no genuine control to speak of. The inspector general responsible for controlling the VOA and VBA exercises inspectorial supervision of the activities they undertake in conformity with their spheres of work, is appointed for five years by the Government on the proposal from the minister of defence and with the consent of the Council for National Security, and answers to the minister of defence. He also deals with complaints from members of the public concerning alleged violations or denials of rights by the VOA or VBA.<sup>470</sup>

Control of the security services by the executive is arguably the most debatable from the point of view of the competences and the foundation in law of the Council for National Security and the Bureau for Coordination of Security Services. The powers of the president of the Republic

469 Ibid, p. 67.

470 Ibid, p. 70.

regarding control of the security services are incomplete and indefinite because they are not mentioned either in the Constitution or in the Law on the President of the Republic. The considerable role of the head of the office of the president in the work of these two bodies greatly increases the influence of the president of the Republic on the security system as an individual. Another controversial arrangement regarding the role of the executive in controlling the security services is the service directors' membership of the Council for National Security, which should at least perform its control activities without their participation.

### **Judicial control of the security services**

The work of the security services is bound up with specific limitations on some human rights, particularly on the corpus of privacy rights such as the right of secrecy of correspondence and other means of communication, the right to the inviolability of the home, etc. Since the Constitution provides that the above-mentioned rights can only be limited subject to a court decision, judicial control of the security services, which consists in approving, monitoring and terminating the application of measures limiting guaranteed rights and freedoms, is an essential factor in democratic and civilian control of the services.

The judicial authorities exercise control of the work of the security services on the basis of two regimes: the one is established by the Criminal Procedure Code and the other by regulations and enactments regulating in more detail the operation and organization of the security agencies.<sup>471</sup> As regards the first regime, the services undertake operative measures in line with the measures laid down for conducting criminal proceedings and criminal prosecution actions by order of an investigative judge. Actions of an operative character undertaken by agencies under the Criminal Procedure Code often do not relate to the processing of criminal offences; they constitute a preventive measure and serve to collect information which may lead to the initiation of criminal proceedings. The range of criminal offences subject to special procedures and measures is rather wide and

471 Ibid, p. 75.

has as such been criticized by the professional community. A request for applying a measure is made by a public prosecutor and an order for applying a measure by a judge. A measure is carried out by an authority entrusted with the measure.<sup>472</sup> A measure is applied only exceptionally where the required information cannot be obtained by any other means. An order to apply a measure must specify the measure, the subject, the duration of the measure, the grounds for applying the measure, etc.

If the information collected in this way does not result in a criminal prosecution, a judge decides to stop the application of the measure and orders the destruction of the information obtained by a commission, although no deadline for doing so is laid down. What is controversial about the surveillance measures is their incompatibility with the Constitution: while the Constitution says that one may enter and search a home without a written decision by a court and against the will of the tenant, as well as that a search must be carried out in the presence of the tenant or his representative and two adult persons, it follows from the Surveillance Measure Implementation Code that a court decision is all that is required for this purpose.<sup>473</sup>

In respect of the implementation of special actions and measures in accordance with the rules regulating the work of the security services in the Republic of Serbia, it should be borne in mind that one of their essential duties and purposes is the collection of information of a preventive nature concerning threats against the constitutional order, the security of the state and the fight against terrorism and organized crime. This function of the security services does not have to result in the initiation of criminal proceedings; the information collected in this way is also used for making political decisions. The taking of measures for the collection of such information is a main feature of the security services.<sup>474</sup> Such activities may be carried out only if they are clearly and precisely prescribed by law and in accordance with it, as well as if they are approved by a court. Nevertheless, not all measures carried out by the services are subject to

472 Ibid, p. 78.

473 Ibid, pp. 80-81.

474 Ibid. p. 82.

an appropriate judicial procedure. An order in pursuance of a motion to implement special measures is issued by the president of the Supreme Court of Cassation; in exceptional cases, the implementation of special measures is permitted by order of the director of the security service involved, subject to the prior consent of the president of the Supreme Court of Cassation. An approved measure may be implemented over a period of six months; it may be extended, subject to a new motion, for another six months in three-month periods.

The biggest problem is the possibility, stemming from the normative frameworks, of the director of a service approving the implementation of measures with the prior consent of the president of the Supreme Court of Cassation but without his order. Once a measure starts to be implemented in this way, the security service involved must submit a regular motion to implement the measure within 24 hours. Whereas in the case of the VBA and VOA the law stipulates that the president of the Supreme Court of Cassation must adopt a decision within 24 hours of the filing of a motion,<sup>475</sup> in the case of the BIA the time limit is 72 hours, which means that the BIA can implement a measure for up to 96 hours without a decision adopted in a regular procedure.<sup>476</sup> The impartiality of the judicial control of the security services may also be affected by the fact that making a decision to implement a measure is vested entirely in the office of the president of the Supreme Court of Cassation.

The notion of internal control, which implies that a security service controls itself, is actually contrary to the conventional idea of control because self-control has certain inherent organizational and hierarchical shortcomings. The effectiveness, efficiency of operation, reliability of financial reporting and conformity with appropriate legislation are the objects towards the attainment of which internal control is supposed to contribute. It has five mutually contingent components: control environment, assessment of risks, control activities, information and communication, and supervision.<sup>477</sup> In Serbia, internal control of the work of the

475 Ibid, p. 85.

476 Ibid, p. 84.

477 Ibid, p. 91.

security forces constitutes the first line of their control,<sup>478</sup> particularly during the monitoring of the lawfulness and correctness of implementation of special measures undertaken on the basis of a decision by the director of the security service rather than on the basis of a judicial decision.<sup>479</sup> The possibility of exercising effective, impartial and objective control depends on the mode of election and the position of persons carrying out internal control, on their relation to the service director, and on the extent and effectiveness of the legal protection of whistle-blowing members of the security services. Protection of whistle-blowers is provided under the Law on the Anti-Corruption Agency, Law on Civil Servants, Law on the Protector of Citizens and others, while provisions relating specifically to the protection of members of the BIA, VBA and VOA are incorporated in the Law on the Security and Information Agency and the Law on the Military Intelligence and Military Security Agencies. Experts say that improvements are necessary in this field too.

### **Control of security services by independent control bodies**

Control of the security services by independent control bodies is based on the specific powers of the Protector of Citizens (Ombudsman) and the Commissioner for Information of Public Importance and Personal Data Protection. The Protector of Citizens controls the services only when necessary in the process of realizing his jurisdiction. The Protector of Citizens has powers to protect the rights of citizens as well as to participate in the process of laying down and adopting legal norms. Objecting to a number of provisions of the Draft Law on Electronic Information (2010), the Protector of Citizens filed amendments with the National Assembly arguing that the draft violates individuals' right to privacy in order to facilitate the work of the security agencies.<sup>480</sup> In addition to drafting legislation in such a way as to increase the power of the services at the expense of some of

478 Ibid, p. 99.

479 Ibid, p. 100.

480 Ibid, p. 46.

the citizens' rights, the Government is also trying to curb the Protector of Citizens' powers to react against such legislation, thus making it considerably more difficult for him to exercise control.

The Commissioner for Information of Public Importance and Personal Data Protection exercises supervision of two spheres of human rights: free access to information on the basis of the Law on Free Access to Information of Public Importance,<sup>481</sup> and protection of personal data on the basis of the Law on the Protection of Personal Data.<sup>482</sup> The control of the services exercised by the Commissioner is 'general and indirect'. The 'general' relates to all government bodies (other than those specifically prescribed by law) while the 'indirect' means that the control does not relate exclusively and solely to the secret services.<sup>483</sup> The Commissioner's problems with the security services stem above all from the lack of cooperation on the part of the security services regarding access to information requested by the Commissioner and from the sheer number of citizens' complaints of violations by the services of their right to privacy. Dali je usvojen zakon o zaštitiThe experience so far, particularly in relation to the Commissioner for Information of Public Importance, suggests that obstacles are often placed before institutions established to control government already at the time of their formation, e.g. by delaying to approve the job plan or provide premises or financial resources. The obstacles often grow if an institution appears determined to operate independently of the political structures and to do its job with dedication. Further, since the members of the State Audit Institution were elected by the MPs, it is highly uncertain whether in their work they will be independent of the political parties.

481 Ibid, p. 51.

482 Ibid, p. 52.

483 Ibid, p. 54.

## Public control of the security services

Civil society institutions, particularly citizens' associations, research centres and media represent an important instrument for controlling the work security services in developed democratic societies. Their interest in the work of security institutions focuses on the right of citizens to their security and participation in the management of public affairs, such control depending on their access to information of public importance. However, in Serbia there are no numerous and specialized citizens' associations and research centres professionally concerned with security matters.

The Constitution does not explicitly define the right of civil society to participate in the supervision of the security sector. The legislation adopted after 2000 for the first time provides instruments enabling civil society and the public to participate in supervising the security sector. The Law on the Army alone contains a provision stating that citizens take part in democratic civilian control, though the provision is too general and does not specify the mechanisms for exercising such control. The Law on Defence and the Law on the Police also make it possible for citizens to participate in implementing the security policy and to exercise supervision of the security sector. Other pieces of legislation which provides for this are the Law on Free Access to Information of Public Importance and the Law on Public Procurement. Admittedly, these laws have their flaws: the Law on Free Access to Information of Public Importance does not contain penal provisions for punishing non-compliance, owing to which in practice institutions often disregard requests from civil society with impunity.

The functions of civil society organizations (CSOs) in the security sector include support for government institutions in reforming the security sector, public supervision of the implementation of the security policy and public advocacy of reform of the security sector. The number of CSOs concerned with security matters is small and their cooperation with government institutions is not institutionalized, depending as it does on personal contacts with institution representatives. The organizations have no capacity for systematic public supervision of the security sector, nor is there any continuous monitoring of large security sector institutions such



as the army or the police. Supervision of less prominent government bodies (e.g. customs) or non-government ones (e.g. security firms) is not even mentioned. The capacity of the csos to exercise supervision of the security sector has been assessed on the basis of several indicators. To begin with, the analysis of the csos specializing in security issues shows that more than half are interested in security as well as in other things, one-third are interested chiefly in security and the rest are concerned with security only occasionally.

The analysis of the size, equipment and personnel of the csos shows that their collaborators and full-time personnel are for the most part highly educated and that the level of their technical equipment is satisfactory. University or institution lecturers and/or researchers make up more than half of these organizations' collaborators, which increases the chances of competent supervision of the security sector by these organizations. The participation of former members of armed forces in the activities of these organizations has a positive effect on the increase of the capacity and competence of the civil sector due to their insider knowledge.

Owing to the fact that csos cooperate with political parties since their establishment, the hardest thing was to assess their party, ideological and interest neutrality as a precondition for their independence in supervising the security sector. Just over one-fourth of the organizations said that their collaborators were current or former political activists or political party activists. The extent of informal influence political parties exert on the work of the csos was almost impossible to judge.

It was found that four-fifths of the organizations surveyed are financed by foreign governments. As a result, their activities may be conditioned by the interests of their donors and adjusted in accordance with priorities imposed from outside. This may also help strengthen the popular view that these organizations are 'foreign hirelings' and champions of agendas contrary to national interests.<sup>484</sup>

484 *Godišnjak reforme sektora bezbednosti*, BGCBS and Dan Graf, 2009.

[http://www.danas.rs/danasrs/feljton/saradnja\\_sa\\_civilnim\\_drustvom\\_na\\_licnom\\_nivou.24.html?news\\_id=173586](http://www.danas.rs/danasrs/feljton/saradnja_sa_civilnim_drustvom_na_licnom_nivou.24.html?news_id=173586)

The existing legislation regulating the security sector does not bind the armed forces to consult civil society in creating and implementing security policy. Institutional cooperation through standing bodies bringing together representatives of CSOs and government does not exist and such cooperation initiatives as are made are nearly always made by SCOS. The National Security Strategy and Defence Strategy should define the role of CSOs in safeguarding and defending security; also, it is necessary to establish a legal basis for cooperation between CSOs and security system actors by amending the existing legislation regulating the work of the sector and of security actors.

### **Recommendations for the further strengthening of the constitutional-legal framework for control of the security services**

The next parliament's top priority is to strengthen the capacity of the Defence and Security Committee, i.e. of the Security Services Control Committee particularly in regard to access to information regardless of its classification level, as well as to involve the Committee members in the work of the Council for National Security.

It is necessary to specify more closely the criminal offences subject to special measures and procedures, the categorization of special measures available to the services, and the procedure for their approval by the judicial authorities.

It is necessary to improve the internal control of the security services, protect the whistle-blowers and hold public discussions on draft legislation relating to the work and operation of the security services. It is also necessary to revise the provisions according to which specific measures may be implemented for an indefinite period of time on the basis of a decision of the service director alone, i.e. without a court decision.

It is also necessary to solve the problems in the relations between the services and the president of the Supreme Court of Cassation.

## **V – INDEPENDENT REGULATORY AGENCIES**



## Ombudsman: Citizens' Growing Expectations

During several years of its existence, the Ombudsman succeeded in imposing itself to the public as a reliable ally in the protection of human rights. According to Protector of Citizens Sasa Jankovic, Serbia has developed a comprehensive legal framework for the protection of human rights, but there is still a discrepancy between standards and practice due to the lack of human rights culture, while the authorities do not sufficiently observe the "good administration" principles. He points to a positive fact that an increasing number of people are informed and request their rights. In 2011, the number of people appealing to the Protector of Citizens increased by 40 per cent.

As the results achieved in 2011, the Protector of Citizens especially mentioned a reduction in institutional and citizens' tolerance of violence, improved regional cooperation, creating the conditions for restitution, greater participation of women in public life and the beginning of the observance of equality and privacy rights. According to him, this is counterbalanced by illegal acts and irregularities, which are manifested in many places through corruption, partisan favoritism, irresponsibility, lack of organization, incompetence and lack of interest.

The Report emphasizes that the Protector of Citizens' capacity has reached its maximum and that citizens' needs and expectations are still increasing, thus threatening to cause the collapse of this institution. Nevertheless, during the year, more than 100 cities and municipalities were visited within the scope of supervisory, preventive and educational activities. The activities included the publication of reports on various topics (Special Report on Supervision over Special Care Institutions Accommodating the Elderly; Special Report on the Status of Domestic Violence against Women in Serbia; LGBT Population in Serbia – Human Rights Status and Social Position; two Special Children's Rights Reports), supervision over

the observance of national minority rights and holding of meetings with national councils and organizations. One of the problems related to the efficiency of this institution is the fact that there are very few reactions and implementations of the recommendations given by the Protector of Citizens (e.g. out of 40 initiatives for changes in laws, only 3 were accepted).

It is further stated that, in accordance with the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, Serbia has established the National Mechanism for the Prevention of Torture (NPM). The Protector of Citizens is authorized to carry out the related activities, including 53 supervisory and preventive visits to institutions accommodating persons deprived of their freedom, in cooperation with 9 associations with which cooperation agreements were concluded.

At the EU seat in Geneva, the Protector of Citizens received the Certificate as the “A” status national institution for the protection and promotion of human rights, which means that this Serbian institution meets the “independence” standard set out under the Paris Principles. He also received several international and domestic awards.

The Report also mentions the most frequent omissions of the authorities in 2011, stating that all those omissions represent the violation of the “good administration” principles, which are based on the law but are often regarded by the administration as decorative principles and not as binding ones. On several occasions it was also mentioned that the state violated or failed to observe the rights of all citizens, which is one of the main reasons why so many people appeal to this institution. This report also contains a serious list of recommendations for the improvement of the status of citizens in relation to the government bodies.

## Provincial Ombudsman Of Vojvodina

The Provincial Ombudsman of the Autonomous Province of Vojvodina has, during 2011, acted based on applications and complaints of citizens who had complaints about violations of human rights or irregularities in the work of local self-government bodies. The Ombudsman had lead proceedings, followed by addressing bodies that were the subjects of complaints with recommendations or opinions, acting upon existing legal provisions. In the case when a complaint is not dismissed, the Ombudsman would inform the competent bodies of the consequences of unlawful actions and eventual consequences. To this end, as needed, the Ombudsman of Vojvodina would also inform the general public of the violations of human rights.

Numerous reactions on part of the Ombudsman in the form of recommendations or opinions can be found on the website. To give an example, during last year, the Ombudsman had addressed the Director of the *Secondary School of Mechanical Engineering in Novi Sad*, the Ministry of Education, the *School Administration* of Novi Sad and the *City Administration for Education* with a recommendation for them to take action to determine responsibility of J.P.I. and her ability to work with students. Namely, following media reporting on the conduct of J.P.I, an English professor at the *Secondary School of Mechanical Engineering in Novi Sad*, who had contested the rights of various minority groups on her profile on the Facebook social network, the Provincial Ombudsman had initiated proceedings ex officio. On this occasion, the Provincial Ombudsman had asked the Director of the *Secondary School of Mechanical Engineering in Novi Sad*, the City Education Inspectorate, as well as the City Administration for Education of the Ministry of Education for an official statement, because she found that the circumstances of the case and evidence lead to a belief that the professor's conduct represents a violation of human rights.<sup>485</sup>

485 [www.ombudsmanapv.org](http://www.ombudsmanapv.org)

The Ombudsman gave recommendations and opinions not only in the area of national minority rights protection, but also in the areas of children's rights violations, gender equality and matters concerning general competences. Applications and complaints were filed by both private persons and legal entities. As stated in the Ombudsman's report, based on existing applications and complaints, it can be concluded that citizens are still not acquainted with the Ombudsman's mandate, but also that the increasing number of applications in 2011, as compared to previous years, testifies that the Provincial Ombudsman is closer to the citizens and that more and more citizens address her for assistance. Based on applications alone, it can be concluded not only that citizens are not acquainted with the Ombudsman's competences, but also that there is a vast number of persons employed in administrative bodies who are not aware of the very procedure of realizing rights via the institution of the Provincial Ombudsman and the eventual consequences.<sup>486</sup>

The Provincial Ombudsman has taken on 1,237 cases based on applications filed by citizens or legal entities in the period between January and December 2011. From this number, 1,029 applications referred to general affairs, 50 referred to gender equality protection, 65 cases referred to national minority rights protection and 93 applications referred to children's rights protection. As compared to 2010, the number of received applications in 2011 has increased by 371, that is, by 43%.<sup>487</sup>

In addition to acting based on citizens' applications and complaints, the Ombudsman's activities during the past year also encompassed preparations, organization and participation in counseling on realizing and respect for human rights, gathering information on enforcement of laws and other regulations in the area of human rights, as well as conducting research in various social areas. In 2011, 12 research projects were realized and published in report form: Roma Settlements in Vojvodina; Two Years of Enforcement of the Law on National Councils of National Minorities (part one); *Child-Friendly Justice*; Inclusion Between Wishes and Possibili-

486 Report on work of the Ombudsman for 2011

487 Informator on the Work of the Provincial Ombudsman for 2011  
("Informator o radu Pokrajinskog ombudsmana za 2011. godinu")



ties; Child Begging in Vojvodina; Domestic Violence Against Women; Free Legal Aid Service in Local Self-Government Units; Keeping an Investors' Registry in Local Self-Government Units in the Autonomous Province of Vojvodina (APV); Patients' Rights Protectors in Health Institutions on the Territory of APV; Enforcement of the Law on Professional Rehabilitation and Employment of Persons with Disabilities; Tax Indebtment of Female Entrepreneurs on Maternity and Child Care Leave in APV, etc.

In 2011, the Ombudsman has started 5 new research projects in the territory of APV, which were foreseen to be completed in spring 2012. The research focuses on the analysis of human rights in specific areas of their protection and improvement. These encompass the following research projects: Vojvodinian Students on Discrimination; Prevention of Violence and Protection against Violence, Abuse and Neglect in Schools; Domestic Violence against Women; Conduct of Health Institutions with Domestic Violence Victims and Two Years of Enforcement of the Law on National Councils of National Minorities (part two).



## Commissioner for Information of Public Importance: the Right to Privacy, the Biggest Challenge

The Commissioner for Information of Public Importance has longer experience than other independent supervisory institutions in Serbia. Thanks to it, but not just for that reason, the Commissioner for Information of Public Importance is the most recognizable institution as a mediator between the authorities and the public, in favour of the latter. This is evidenced by the degree of confidence it enjoys by the media as well as by citizens in the broadest sense of the word, who appeal to the Commissioner to protect their rights.

Over the years, their number has been continuously increasing, so that 6000 cases were processed in 2011. This was an increase of 40 per cent compared to the previous year, or two and a half times higher increase compared to 2009, for example.<sup>488</sup> Although these data testify about the confidence of citizens in the Commissioner institution, they also point to the arrogance displayed by the government and other competent bodies towards them and the problems they encounter in the realization of their rights.

Nevertheless, all things considered, the situation relating to access to information of public importance has been improving, which is also due to the increased awareness of government bodies about the need to be transparent in their work. Bearing in mind the development level of technical facilities and communication networks, the modern understanding of the right to free access to information should be even more comprehensive. In other words, it should become permanent practice in the work of

488 Compared to 2005, when this institution submitted its first annual report (this independent supervisory body was established in Serbia in 2004), the number of such cases is now even nine times higher.

government bodies, which still more often react only at the request of the Commissioner for Information.

Regardless of the gradual acceptance of their responsibility towards the public, many competent bodies are not willing to share their “secrets” with it. One of the most bizarre cases in 2011 occurred when the Government’s Anti-Corruption Council requested the Ministry of Finance to have an insight into the agreement signed with the Italian car company Fiat for car production in the Zastava Car Factory in Kragujevac. The text submitted by the Ministry to the Council was blackened to such an extent that it was impossible to read any line.

Commissioner for Information of Public Importance Rodoljub Sabic (who was re-elected to this position in 2011) points to the “absolutely inadequate attitude of the competent bodies towards the responsibility for the violation of the law: during 2011, for example, the competent bodies did not initiate any offence proceedings against the violators of the law on free access to information, although there were certainly many offences of this kind”.<sup>489</sup>

Since 2008, the Commissioner for Information of Public Importance has also been in charge of protecting one of the most important yet most frequently violated and abused human rights – the right to privacy. Formally said, it is the question of personal data protection. Serbia was one of the last countries to adopt the appropriate law and this fact is only one problem encountered by the Commissioner and even more so by citizens in the protection of this right. The other problem is posed by the insufficient staff of this institution, while the third and most important one is that the Government and other relevant bodies have not observed and implemented the Law on Data Protection, which altogether has very negative effects.

In Serbia there are even no precise data on all those involved in personal data processing in one way or another. There are only rough estimates according to which there are several thousand public and private sector entities involved in personal data processing – from government

489 The press release issued by the Commissioner for Information of Public Importance on the occasion of the presentation of the Annual Report for 2011, 29 March 2012.

services, armed forces, police, social insurance and the banking sector to, for example, employers' personnel services. Many of those institutions and organizations have no legal basis for the collection and processing of such data or, in other words, they have no approval from the persons whose data are in question. The delicacy of such "files" is all the more greater if they contain personal health data, social status data and the like. General technical and technological progress, including biometric personal data, video supervision, electronic communications and the like, increases the risk of illegal data processing.

The Serbian Government adopted the Strategy on Personal Data Protection only two years after the adoption of the law defining and regulating the method of data collection, use, processing and keeping. However, it has not yet adopted the action plan for its implementation. Almost two years passed after the Government itself set the time-limit for its implementation.

The Government has not yet passed the decree on the protection of especially sensitive data (ethnicity or religious affiliation, political affiliation, personal health data and the like). Thus, it follows that the guaranteed special protection of these data is still a proclamation with no actual content, thus preventing the fulfilment of the explicit obligations assumed under the Council of Europe's Convention 108.

## **Conclusions and Recommendations**

The perennial practice of obtaining information of public importance from the competent bodies and institutions, although occasionally under pressure, shows that awareness among all social actors about the need to be transparent in their work is gradually yet continuously increasing;

The affirmation of this right is one of the important spheres of activity of non-governmental organizations dealing with human rights;

However, it is important to strengthen this pioneer supervisory institution, Commissioner for Information of Public Importance, in terms of its space and staff, since it has been practically operating under inadequate conditions since its establishment;

The future government should adopt the action plan for the efficient implementation of the Strategy on Personal Data Protection as soon as possible;

It is also necessary that some important issues related to personal data protection, such as video supervision, biometrics, private security sector and the like, should be regulated by law as soon as possible.

## Commissioner for the Protection of Equality: Discrimination, the Biggest Problem of All

This independent agency has been operating for only two years. Therefore, it had to devote a certain amount of time to its facilities and the enhancement of its visibility. This body is primarily focused on proactive steps to combat discrimination.

In its annual report for 2011, the Helsinki Committee points out that Serbia has not established a comprehensive anti-discrimination system and that the data collected in complaint proceedings cannot be used as reliable source of information, the more so since the number of complaints is still very small. Therefore, all information was obtained from the reports by government bodies and civil society institutions and organizations. At the national level there is still no uniform and centralized system for the collection, registration and analysis of discrimination data.

The Commissioner also points out that intolerance was not “sufficiently” reduced despite the anti-discrimination law. Therefore, it is necessary to mobilize all progressive forces in the combat against discrimination and its roots – traditionalism, authoritarian mentality, lack of political culture and prejudice.

In 2011, the activities of this institution were focused on improving the provision of information to citizens, which resulted in an increased number of complaints compared to 2010. The Commissioner institution worked intensively on the promotion of the equality principles through lectures, presentations, round tables of civil society organizations... Among other things, contacts and cooperation with other civil society institutions and organizations dealing with equality and discrimination issues were enhanced, which led to the improvement of efficiency and exchange of experiences. Most complaints referred to discrimination in the area of labor and employment (primarily where the grounds of discrimination include

ethnicity, disability and gender). However, citizens are not completely acquainted with the phenomenon of discrimination, since many complaints have nothing to do with discrimination.

This report gives numerous recommendations aimed at combating discrimination more efficiently and enhancing the factual equality of legal entities. The most important recommendations are as follows: to prepare the National Anti-Discrimination Strategy; establish a centralized system for the collection, registration and analysis of the data on discrimination cases; intensify the implementation of the adopted measures with a view to eliminating the obstacles and circumstances that hinder the full equality of all social groups; provide effective access to justice for all victims of discrimination; coordinate the activities aimed at combating the media promotion of hate language, violence, intolerance and discriminatory views; integrate the topics that promote the culture of peace, tolerance, solidarity, understanding into the curricula at all levels.<sup>490</sup>

490 All data are based on the Annual Report by the Commissioner for the Protection of Equality for 2011.



## Anti-Corruption Agency: An Imperative for More Authority

The introduction of independent state bodies<sup>491</sup> as the fourth branch of government<sup>492</sup> into Serbia's legal system has made it possible to straighten up many elements of the functioning of institutions, society and individuals in responsible posts necessary for the consistent rule of law and the strengthening of democracy.<sup>493</sup> Of course, the legislative, executive and judicial branches of government will still have to contribute towards attaining these goals. The mandates of these institutions are concerned mainly with protection of certain public goods and public interests, which fall outside the scope of political ideas, ideologies and programs and particularly outside the scope of the pre-election promises or personal and group interests of political actors. Eventually these interests would become society's common concern. However, the very idea behind these institutions is still not widely understood and accepted. These institutions will have to operate with considerable difficulty until the society as a whole recognizes the significance of public good and each and every individual is ready to contribute to this goal. The experience of other former socialist countries is also characterized by abuse of these institutions by policy-makers obstructing social reforms and treating these institutions from the position of power they sought to protect. Unfortunately, the Serbian political elites missed the opportunity to learn something from others' experience.

It is in this light that one should view the attitude of the public and media towards the Anti-Corruption Agency. One notices that both media and individuals are exerting political pressure on behalf of political and

491 This idea originating in the common law system has been adopted in civil law countries as well. Having spread to the countries of the former socialist bloc in the 1990s, owing to the wars it arrived in Serbia belatedly in the first decade of the 21st century.

492 In addition to the executive, legislative and judicial branches of government.

493 The reference here is to the State Audit Institution, Commissioner for Information of Public Importance, Republic Protector of Citizens and the Anti-Corruption Agency.

other interest groups in order to influence the independence of this institution and undermine its work through denunciation. This attitude, born of political immaturity, is undermining the all the efforts towards social progress.

The Anti-Corruption Agency has the following competences: keeping a register of officials' property and gifts given to them; oversight of officials' property cards; oversight of the funding of political campaigns and keeping records of financial reports of political parties; dealing with conflicts of interest; introduction and monitoring of the implementation of integrity plans in organizations and institutions of public power; monitoring the implementation of the National Strategy and Action Plan for implementing the National Strategy for the Fight against Corruption. The Agency may also conduct research, draw up and implement training programs, launch campaigns for raising anti-corruption awareness, cooperate with civil society organizations and other professional and scientific organizations, analyze legislation and initiate its harmonization and amendment, cooperate with other domestic and foreign organizations and institutions.

The Agency plays a preventive role and may carry out supervision and initiate misdemeanor and criminal complaints in connection with violations of the Law on the Anti-Corruption Agency.<sup>494</sup> The public continues to demand that the Agency should be given wider powers. The Agency is perceived as a smokescreen for the authorities' political will to fight corruption, with pressure being brought to bear on the Agency rather than on the institutions having the powers to investigate and make arrests. Member of the Agency's Board Professor Čedomir Čupić, said he would demand an extension of the Agency's competences to 'prosecutorial and executive'. He explained, "The Agency will not produce results with its [present] competences."<sup>495</sup>

494 [http://www.acas.rs/sr\\_cir/zakoni-i-drugi-propisi/zakoni/zakon-o-agenciji.html](http://www.acas.rs/sr_cir/zakoni-i-drugi-propisi/zakoni/zakon-o-agenciji.html). The Law began to be implemented on 1 January 2010.

495 <http://www.smedia.rs/vesti/76772/Cedomir-Cupic-Agencija-za-borbu-protiv-korupcije-Korupcija-Cupic-Agencija-da-dobije-istraznu-i-izvrsnu-funkciju.html#>.

The Agency's 2011 Annual Report<sup>496</sup> shows that the Agency has increased its capacity and is operating more efficiently compared with 2010, its first year in operation. The Report points out that the Agency operated with reduced budgetary resources because the Government had withdrawn some due to the global economic crisis. Although the Agency solved its premises problem in October 2011,<sup>497</sup> its operation was called into question due to dilatory tactics on the part of the Government. The situation was resolved at the beginning of April 2012 after media exerted pressure<sup>498</sup> and a controversy broke out.<sup>499</sup>

The Agency's register of officials at the level of the Republic varied during 2011 until it reached 20,617 at the end of the year. The slowness in collecting the data was attributed to the fact that no prior records of that kind existed and that it was difficult to collect data in the field where institutions have neither obligations nor habits to keep data about incoming or outgoing officials in a central database.

As regards conflicts of interest, i.e. keeping the Agency informed of terminations of office and/or appointments, the Agency notes that officials are becoming more conscientious regarding their statutory duties and seeking the Agency's opinion more frequently,<sup>500</sup> which indicates that the

496 [http://www.acas.rs/sr\\_cir/aktuelnosti/229.html](http://www.acas.rs/sr_cir/aktuelnosti/229.html).

497 After many attempts were made to solve the problem of premises for the Agency, a building was found at 4 Carice Milice Street in Belgrade. A premises rental agreement was concluded with the owners and it was agreed that rent would be paid for from the Agency's budget. The Republic Directorate for Property and the Agency jointly recommended the Government to buy the building because it fully meets the needs of the Agency.

498 A number of opposition parties asked the Government whether it was wise to buy a building for the Agency at a time of economic crisis. The print media for their part wanted to be told the Government's criteria in choosing the bank to credit the purchase. The controversy was deepened when questions were asked what other buildings the Republic possesses, whether they would be suitable to the Agency and if so whether it would have been cheaper to renovate such premises. The manufactured controversy came to a climax when journalists disclosed that one of the co-owners of the building is married to a 'controversial businessman'. The daily *Blic* was the prime generator of the controversy.

499 <http://www.blic.rs/Vesti/Politika/306505/Zgradu-od-45-miliona-evra-kupuju-bez-tendera-i-provere>.

500 [http://www.acas.rs/sr\\_cir/aktuelnosti/229.html](http://www.acas.rs/sr_cir/aktuelnosti/229.html).

Agency is becoming established as an institution perceived as an expert body or service.

The Law on the Financing of Political Entities was adopted by the republic parliament and is being implemented. A set of secondary laws was also passed. This year the Agency is exercising its competences for the first time in controlling the financing of the ongoing pre-election campaign along with continuously controlling the financing of the work of political entities. In its report, the Agency underlines as a problem the slow reaction of misdemeanor courts.<sup>501</sup>

The lack of clear coordination of anti-corruption activities at the state level is the main obstacle to the adequate involvement of all institutions in the resolution of this problem of society. The Law on the Agency does not give the Agency clear powers. The excessive range of competences obstructing the work and efficiency of the institution is a special problem. Apart from this, in order to be able to exercise some of its competences, e.g. to react to a corruption complaint by a member of the public, the Agency must rely on bureaucratized channels of communication with competent authorities, i.e. by letter, which sometimes lasts for months. Finally, the information systems of institutions which keep data of importance to the Agency's competences are still not networked, thus impeding or preventing the Agency's work and control function.<sup>502</sup>

The annexes to the implementation of the Strategy in the 2010 and 2011 annual reports provide a clear picture of society's overall effort in the fight against corruption. It remains to complete the legal framework and create a systemic framework for the fight against corruption, implement them fully and make efforts to harmonize the details.<sup>503</sup> While this rough picture indicates that political will exists only at the level of carrying out the recommendations of the international factor, one is struck by the lack of awareness of the importance of addressing these problems in order to improve society's functioning. Because the state authorities do not look upon the Agency as a central institution for coordinating soci-

501 Ibid.

502 Ibid.

503 Ibid.

ety's efforts in the fight against corruption, the coordinating centers are scattered within the government framework. The Agency says in its annual report that information about government representatives' international activities concerned with the fight against corruption often do not reach the Agency.

The preparation of a new strategy for the fight against corruption began in 2011 by involving a wide circle of actors. Special attention is being paid to the inclusion of the health care and education systems in the new strategy because they do not figure in the existing strategy. Its adoption is expected in the course of 2012, which is of key importance for the process of Serbia's accession to the EU.

The Agency implements many of its competences by dispatching teams to towns and municipalities across Serbia and to the field, organizing workshops, providing information to and educating target groups (local self-government employees, journalists, young people). The Agency is one of the few government institutions providing information about its terms of reference to all the actors of society expected not only to enforce the law but also to substantially participate in the resolution of a social problem. In this way the Agency realized cooperation also with civil society organizations, as well as directly addressing young people through education courses, internships or competitions for committed literary, visual-arts or film works dealing with ethics and integrity.

Being an independent state body concerned with the social, institutional and personal integrity of the bearers of responsibility in society, it has the duty of elevating precisely those who have interests to jeopardize its independence. In this regard, the responsibility largely attaches also to the Agency's employees and managers. It is recommended to both to try to work hard under the circumstances, hold their ground and take risks by practicing what they preach in order to make breakthroughs which will show to all the well-intentioned parties that changes in this society are possible.



## VI – MINORITIES





## Integration into the Political Community

Although the respect for human rights in Serbia is better than before, the political and social atmosphere necessary for confidence-building between the minority communities and the majority people remains largely unchanged. Numerous public opinion polls show that ethnic gap is enormous especially between the younger generations. This means that ethnic minorities will continue to face a hostile environment in the future. Although a legal framework and numerous action plans and strategies for minorities are in place, their implementation is slow and inadequate. The economic and social rights of all citizens are neglected, but in particular those of members of certain minority groups such as Roma, Albanians, Bosniaks, women, children, etc. The realization of these rights is also important from the point of view of the realization of other rights such as the right to education, right to employment, right to official use of mother language and alphabet and other statutory rights without which integration of minorities into the political community is not possible.

### Violence and Integration

Incidents involving ethnically motivated violence in the last few years indicate that racism has not been fully eradicated in Serbia. Since the beginning of 2011, several attacks on members of the Roma national minority and their settlements have been reported. In August, vandalistic attacks were carried out on the Islamic Centre in Novi Sad and windows were smashed on the Muslim Youth Club building. In September and December there were several ethnic incidents in Temerin involving young Serbs and Hungarians. Also in September, unidentified persons demolished the Hungarian Cultural Centre Petefi Sandor in the Novi Sad neighbourhood of Telep.

Research shows that ethnic distance from members of certain national communities has widened in Serbia in the last four years. It is still greatest in relation to the Albanians, with 40% of respondents saying they do not want them as fellow citizens and as many as 70% saying they would not intermarry with them. Intolerance is also pronounced to a large extent towards the Roma, Bosniaks and Croats. One-third of respondents not belonging to these groups would not want them as neighbours and most would be opposed to marrying any of them.<sup>504</sup> The Protector of Citizens, Saša Janković, says that the Roma, who are largely unpopular, are the most frequent targets of racist attacks. Next on the list are members of the Albanian national minority and of small religious communities which lack the status of traditional religious communities. The number of reported racist attacks is for the most part an unreliable indicator because members of national minorities do not trust the authorities and tend not to report such attacks. Because there is often no reaction to violent attacks either by the state or by people from the victims' environment, violent incidents go largely unreported.

On the other hand, the state's efforts to integrate minorities into society often end up as mere attempts. For instance, an affirmative action to enrol Roma students in state universities fell through in the 2011-12 school year, with more than 100 of them ending up without matriculation books. The leader of the Roma National Council, Vitomir Mihajlović, claims that someone in the Ministry for Human and Minority Rights had removed the names of 46 candidates from the Roma National Council on the pretext that they were not members of the Roma community. Members of the Roma national minority are guaranteed this right under Article 4 of the Law on Protection of Rights and Freedoms of National Minorities.

504 *Danas*, 4 August 2011.

## Elections

In addition to the above-mentioned problems, in the course of the year national minorities encountered difficulties in collecting enough signatures their election lists. The head of the minorities parliamentary group, Balint Pazstor, said that the number of signatures should be under 10,000 in order to enable national minority parties to play a more active and visible role on the political scene. In November, representatives of national minority parties filed an initiative with the Constitutional Court to reduce the required number of signatures from 10,000 to 1,000. President of the Montenegrin Party Nenad Stevović said in an interview with Deutsche Welle that national minority parties were being discriminated against. 'However, in spite of the existence of the constitutional and statutory norms, there is discrimination against political parties of national minorities. We also addressed an open letter to the Serbian state leadership, but we've had no reply at all to date. This can easily call into question the regularity of the elections and I consider that the Constitutional Court will have to make an utterance on the subject sooner or later,' Stevović said. The party argues that unless the situation changes a great many minority parties will not be able to have their election lists. In the opinion of minority party representatives the situation is absurd: while the existence of national minority parties is permitted, their participation in elections and the realization of their party programmes are not. Also, minority party representatives hold that it is necessary to amend the provision of the Law on the Financing of Political Activities, which states that all political parties must give election bond. This provision, they say, is discriminatory against national minority parties because they are not large enough and have no capital of their own.<sup>505</sup> Of the 81 parties entered in the Register of Political Organizations, as many as 44 are parties of members of national communities living in Serbia.

<sup>505</sup> *Politika*, 23 November 2011.

## The Census

The census in Serbia was conducted on 1-15 October 2011. Citizens were required by law to provide all necessary information except for those dealing with their nationality, mother tongue and religion. During the census, representatives of the majority of national minority national councils (14 out of a total of 19) called on their fellow nationals to state freely their national, linguistic and religious background without fearing any consequences. The census results, including about the national structure of the population, will be announced successively from the second half of 2012. Only partial results have been made public so far. The Republic Statistical Office said that the data on national composition, religion and mother tongue (except for the Albanians in the Preševo valley) would be released only in June 2012.

The Goranci Citizens' Initiative appealed on the Gorani to respond to the census and declare themselves as Gorancis. Unlike the Goranci, the Albanians in Bujanovac and villages with a mixed population boycotted the census and turned the census-takers away. In the purely Albanian villages, no one turned up to collect the census materials.<sup>506</sup> The representatives of the Roma national minority launched a campaign throughout Serbia in August to encourage the Roma to declare themselves as such.<sup>507</sup> The chief mufti of the Islamic Community in Serbia, Muamer Zukorlić, called residents of Sandžak to boycott the census scheduled to start on 1 October. In spite of the call, census-takers reported no major difficulties in the field during the first days and that the population of Novi Pazar and Bujanovac had responded to the census after all. Nevertheless, the Albanians in the south of Serbia disregarded their statutory duty to be registered. The president of the census commission in Preševo, Dragoljub Filipović, told *Večernje novosti* that only 35 Albanian families in Preševo agreed to answer the census questions in the first five days of the census.<sup>508</sup>

<sup>506</sup> *Danas*, 5 October 2011.

<sup>507</sup> *Politika*, 15 August 2011.

<sup>508</sup> *www.novosti.rs*, 5 October 2011.

While some politicians claimed success in persuading their fellow nationals to boycott the census in Sandžak and in municipalities with a majority Albanian population in the south of Serbia, the Republic Statistical Office says that there was no organized boycott. The Republic Statistical Office says that the response was low only in the municipality of Preševo, where 10% fewer people were registered than expected. The head of Population Census Section of the Republic Statistical Office, Snežana Lakičević, told *Danas* that the office was satisfied with the response and considered that no organized boycott had taken place.<sup>509</sup>

On the other hand, according to information from the municipal census commissions, the census was boycotted by most Albanians in Preševo and Bujanovac, including both members of the public and census-takers themselves. Out of a total of 71 trained census-takers in Preševo municipality, 23 were Albanians. However, only 12 of them collected the census materials while the remaining 11 heeded the politicians' boycott call. Although they had undergone training, they did not turn up for work save for one. Commission sources said that only 3% of the population had been registered in Preševo municipality in the first 10 days. That Albanians responded to the census in only 10 or so cases was described as a 'negligible fact'.<sup>510</sup> The president of the census commission in Preševo, Dragoljub Filipović, said that while verbal incidents occurred in the village of Muhovac, home to some 4,000 Albanians, 'there were no big problems other than Albanians not wanting to participate in the census'. He said that the fact that the census forms were printed in Serbian could not have been the reason for the boycott because there were also instructions in Albanian. In the opinion of the mayor of Preševo municipality, Radmi Mustafa, the boycott was a complete success.<sup>511</sup>

The president of the national council of the Hungarian national minority, Tamas Korhecz, said in July 2011 that he would write to the director of the Serbian Statistical Office and ask that at the forthcoming census the

509 *www.danas.rs*, 15 October 2011.

510 *www.danas.rs*, 14 October 2011.

511 Quoted from *www.smedia.rs*.

principle where census commissions in majority Hungarian communities should be bilingual should be respected.<sup>512</sup>

## The Media Strategy and Founding Rights

In September 2011, a working group set up by decision of Prime Minister Mirko Cvetković adopted a draft media strategy. According to the final text of the Draft, a national council may found a media outlet in the language of the national minority it represents. The prospect that, under the Draft, national councils of national minorities will be able to found media outlets, and not only print media, was criticized by the journalists' organizations NUNS, NDNV, UNS and the media associations ANEM, Local press and Media Association. Their concern is that national councils will be able to practically monopolize information.<sup>513</sup> It will be recalled that back in 2004 the Vojvodina parliament adopted a decision to transfer the founding rights over the media outlets it had founded to national councils of national minorities. The decision, in spite of its numerous flaws manifested in practice, was built into the 2009 Law on National Councils of National Minorities. The possibility that national councils could influence the editorial policy of minority media outlets was pointed out in vain by many domestic and foreign experts. The June 2011 dismissal of Csaba Pressburger, editor-in-chief of *Magyar Szó*, the only daily in the Hungarian language in Serbia, is a most drastic example of the various kinds of pressure being brought to bear on Serbian media, including, as in this case, media outlets in national minority languages.<sup>514</sup>

512 [www.magjarszo.com](http://www.magjarszo.com), 15 July 2011.

513 *Politika*, 15 September 2011.

514 [www.autonomija.info](http://www.autonomija.info).

## Education

As regards education of members of national minorities, the reporting period was not free from controversies either. The provincial secretary for education, Andor Deli, said that elementary schools in Vojvodina had 60 fewer Hungarian children in the first year than in 2010. The number of Hungarian pupils enrolled in the first year in 2011 was 1,950 or 60 less than the year before, he told the Novi Sad daily *Magyar Szó*. He said that owing to the fall in the number of pupils it was becoming difficult to form classes in mother tongues, given that the statutory minimum was 15 pupils. He said that a class having fewer than 15 pupils can be formed subject to the agreement of the Provincial Secretariat, with the Ministry of Education having the last word regarding its financing. The reduction in the number of classes providing instruction in the Hungarian language provoked such a controversy that 14 Hungarian organizations demanded the dismissal of Tamas Korhecz, the president of the Hungarian National Council.

Owing to interventions by minority organizations and the Provincial Secretariat for Education, it is expected that the number of classes with instruction in Hungarian will remain the same in most schools. As regards the classes of other national communities, there are no guarantees for the time being.<sup>515</sup> Owing to the small number of pupils, the Nikola Tesla school in Novi Sad will have no first-year class in the Hungarian language. Pursuant to the ongoing rationalization of the school network, the Ministry of Education is asking schools to strictly follow the rule that a minority-language class must have a minimum of 15 pupils. Problems are already arising because in many cases there are no more than four pupils. In view of the falling birth rates, the future of such classes is uncertain.

At the time of writing, the Provincial Secretariat for Education was still collecting information from the field. Provincial Secretary for Education Andor Deli said in an interview with *Blic*: 'We still have no concrete information because the enrolment lasted until 1 September and the schools are only now sending in reports from the field. At the moment, we only

<sup>515</sup> *Blic*, 6 September 2011.

have estimates for the Hungarian national community, with preliminary estimates showing a fall in first-year enrolments of some 70, that is, that about 1,950 pupils were enrolled in the first year.' Deli said that the biggest problems were encountered in the West Bačka and North Banat districts, where in some schools minority-language classes had fewer than five applicants. The Ministry refused to form classes in these schools on the grounds that it was not justifiable to pay a teacher for less than 10 pupils. This provoked objections from national communities, which consider that learning one's mother tongue is essential for preserving one's national identity.

From Banat alone, which is covered by the School Administration in Zrenjanin, over 50 complaints were received from the Hungarian minority community. 'The majority of the problems were reported in Itebej where there are not enough pupils to form classes. After the national community reacted, it was proposed as a solution to merge the classes, and we are now waiting for the minister to reply in person,' a source from the School Administration in Zrenjanin said. In West and North Bačka, the situation was critical in Sombor, Bogojevo, Bezdan and Svilojevo. Except in Svilojevo, the schools with a shortfall of pupils were permitted to have the same number of classes as in 2010. The head of the School Administration in Sombor, Borislav Staničkov, said that in Svilojevo alone the first year class with two pupils and the second year class with five pupils would be fused. The third year class will remain as it is although the number of its pupils is far below norm. With a total of 16 pupils, the school will be able to keep two out of three classes. Classes will also be joined in the Sveti Sava school in Subotica, where a first-year and a second-year class will be following instruction in the Croatian language together.

In another part of Serbia, the International University in the southern town of Novi Pazar failed to obtain accreditation from the Commission for Accreditation and Quality Assurance. The president and founder of the International University, Muamer Zukorlić, says that the decision to deny accreditation to the establishment was a 'political decision'. In this connection, the chief mufti of the Islamic Community in Serbia said that he was not surprised by the decision because the Commission had displayed an



identical attitude to some study programmes of the International University in recent months.<sup>516</sup> The Bosniak Academy of Sciences and Arts (BANU), which has 21 members, was established in Novi Pazar in June 2011. BANU has two seats – in Novi Pazar, with Fuad Muhić as president, and in Sarajevo, with Muhamed Filipović holding this office. Zukorlić is also a member of BANU. The establishment of the Bosniak Academy of Sciences and Arts was not welcomed by the Serbian authorities and intellectuals in Bosnia and Herzegovina. As a religious community representative, Zukorlić was personally criticized for founding an intellectual institution of the highest rank such as an academy of sciences.

### **Councils of National Minorities**

In order to obtain a complete and direct insight into the functioning of the national councils, the Helsinki Committee for Human Rights at the beginning of 2012 sent a questionnaire to all the national councils asking them to be as specific as possible regarding their functioning, competences, finances and other matters falling within their terms of reference. Replies were received from the Bosniaks, Jews, Ashkalis, Czechs, Greeks, Ruthenians, Bunjevci, Slovaks, Slovenes, Vlachs and Macedonians. Although all the national councils were informed and repeatedly asked to submit their questionnaire replies, only 11 of them did that. Although some national councils said they would send us completed questionnaires, we have had no reply from them.

It will be recalled that the elections to the national councils of national minorities were held in 2010. The conditions for participating in the elections were met by 16 national minorities (Albanian, Ashkali, Bosniak, Bulgarian, Bunjevac, Czech, Egyptian, Greek, Hungarian, German, Roma, Romanian, Ruthenian, Slovak, Ukrainian and Vlach). The national councils of the Croat, Slovene and Macedonian national minorities were elected by electors' assemblies. The Bosniak national council was the only one that was not constituted. At the end of the elections called for electing a total of 19 national minority councils, 18 were constituted. Although

<sup>516</sup> *www.bosnjaci.net*, 13 December 2011.

repeat elections to national councils were scheduled for April 2011, the minister for human and minority rights, administration and local-self government, Milan Marković, decided not to hold the elections as scheduled. The process of forming the National Council of Bosniaks was halted because the heads of lists could not agree on an election date. In spite of the fact that new elections were not called, Bosniak representatives formed two national councils in 2011: the 'Bosniak National Council of the 'previous convocation' with a technical mandate (BNV) whose president since 11 November has been MP Esad Džudžević, and the unrecognized Bosniak Council–National Council of Sandžak, formed in 2010 by councillors of the Bosniak Cultural Community with help from two councillors of Bosniak Revival, with Dr Mevlud Dudić as its president.

In the opinion of the National Council of the Bunjevac national minority, Article 10<sup>517</sup> of the Law on National Councils of National Minorities

517 Article 10. In compliance with law and its statute, and through its bodies, a national council shall independently: 1) Adopt and amend the statute of the national council; 2) Adopt the financial plan, the financial statement and the annual financial statement; 3) Manage its property; 4) Decide about the name, symbols and seal of the national council; 5) Establish proposals for national symbols, emblems and holidays of national minorities; 6) Establish institutions, associations, funds and business organizations in the field of culture, education, information and official use of language and script as well as in other areas of importance for the preservation of a national minority's identity; 7) Propose a representative of the national minority at the council for inter-ethnic relations with the unit of local self-government; 8) Determine and award recognitions; 9) Initiate the adoption and monitor the implementation of law and other regulations in the field of culture, education, information and official use of language and script; 10) Participate in the preparation of regulations and submit motions for amendments and supplements to regulations prescribing the national minority rights guaranteed by the Constitution in the field of culture, education, information and official use of language and script; 11) Submit motions for the adoption of special regulations and provisional measures in the domains in which the right to self-government is accomplished in order to achieve full equality between the members of the national minority and the citizens belonging to the majority population; 12) Initiate the proceedings before the Constitutional Court, the Protector of Citizens, the Provincial Ombudsman and the local ombudsmen and other competent bodies, if it shall assess that there has been a violation of the rights and freedoms of the members of national minorities guaranteed by the Constitution and law; 13) Initiate the proceedings referred to in item 12) of this Article on behalf of

gives it wide decision-making powers in accordance with the law. However, the provisions of Article 10 are not fully implemented in respect of all national councils alike. In the European Parliament's 19 January 2011 resolution on the European Integration Process of Serbia (B7-0021/2011), the European Union sends the following clear signal in paragraph 24.: '[The Council of Europe] Welcomes the efforts made by Serbia in the field of the protection of minorities; underlines, however, that access to information and education in minority languages remains to be improved, in particular in the case of the Bosniak, Bulgarian, Bunjevci and Romanian minorities'; It should be noted that in the field of education the National Council of the Bunjevac national minority contributes towards the costs of teachers since their elective subject, it says, is 'not included in the teacher financing drop-down menu' of the Ministry of Education and Science. In the field of information, the Bunjevac national community has no editorial staff in provincial and local media outlets and must contribute towards the cost of 'production and broadcasting', with the media space provided by RT Vojvodina and Radio Novi Sad.

Other national councils have similar or identical views regarding the partial implementation of Article 10 of the Law on National Councils of National Minorities, saying that national councils do not play an active role in proposing and initiating specific regulations (the National Council of Bosniaks). The National Council of Greeks says that the non-implementation of this Article of the Law is mostly due to the bad financial situation, or more specifically, that the state does not earmark enough funds from its budget to professionally implement and enforce the statutory rights. The National Council of Macedonians considers that implementation of the Law is much better at the republic and provincial than at local level.

The National Council of Vlachs considers that Article 10 is implemented fully as regards the functioning of national councils. As regards

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the members of national minorities on the grounds of a previously granted written power-of-attorney; 14) Take positions, make initiatives and undertake measures in respect of all the issues directly related to the status, identity and rights of a national minority; 15) Decide on other issues entrusted to it pursuant to the law, by the documents of the autonomous province or by the unit of local self-government.

national council competences, it considers that each national council exercises its statutory rights within the framework of its capacity, possibilities and national minority members' needs. Through the Coordination of National Councils, national councils can launch initiatives within their competences.

### **Proceedings on Behalf of Persons from National Minorities**

The Bosniak, Bunjevac and Slovak national councils complained of infringements of certain guaranteed rights of national minorities and required the institution of proceedings on behalf of national minority members, while the Macedonian national council only filed complains. The majority of other national councils had no complaints about infringements, nor did they institute proceedings in this connection.

The Bosniak national council (National Council of the Bosniak Minority) initiated two proceedings with the Protector of Citizens and the Commissioner for the Protection of Equality alleging non-implementation of the rights of Bosniaks guaranteed by the Constitution and law. In the proceedings against Priboj municipality, the Commissioner found that the municipality failed to introduce into official use the Latin script and the Bosnian language along with the Serbian language and the Cyrillic script although Bosniaks account for more than 15% of the population of Priboj. The Commissioner established discrimination on grounds of national affiliation. Following the recommendation of the Protector of Citizens, the City Administration in Novi Pazar introduced bilingual certificates of births, marriages and deaths, i.e. in Serbian and Bosnian.

During the last census in 2011, a proceeding was instituted before the Commissioner for Information of Public Importance and Personal Data Protection alleging unauthorized possession of electoral rolls and use of personal data. The Croat national council is said to have sent people letters with correct names and addresses suggesting that at the forthcoming census they declare themselves as Croats. Another proceeding was instituted requesting repeal of the 14 May 1945 decision No 1040/1945 of the

Vojvodina Main National Liberation Committee which repeals the order to abolish the Bunjevci and Šokci nationalities and register the Bunjevci as Croats.

The national council of the Slovak national minority has so far registered several individual complaints of infringements of some guaranteed rights. All these cases relate to individual incidents with possible inter-nationality connotations and were referred to the Provincial Ombudsman.

### **Minority Councils and National Education Council**

During 2011 the National Council of the Czech National Minority achieved great progress in education in the minority's language. The National Council's strategy envisages introducing the subject 'Czech language with elements of national culture' in educational institutions of special importance for the education of the Czech national minority. The Education Committee prepared a draft programme of instruction for this elective subject for the first year of the first cycle of primary education and upbringing. The draft was rated favourably by the Provincial Secretariat for Education, Administration and National Communities, the Pedagogical Institute of Vojvodina, the Ministry of Education and Science and the Institute for the Advancement of Education. The National Education Council adopted a Programme of Instruction and financed the preparation of a textbook, which was also approved. The National Council of the Czech National Minority decided that the Sava Munčan elementary school in Krušica is of special importance for education of the Czech national minority. All the first-year pupils and/or their parents chose as the elective subject 'Czech language with elements of national culture'. Instruction is proceeding normally. The National Council has commissioned the preparation of programmes of instruction for pupils from all the years of the elementary school and is competing for provincial funds for the preparation of appropriate textbooks. During the next school year the Council will try to have the elective subject 'Czech language with elements of national culture' introduced in other schools.

The Bosniak National Council submitted programmes of instruction for the Bosnian language and a group of national subjects to the Ministry of Education and Science, the National Education Council and the Institute for the Advancement of Education.

The National Council of Ruthenians proposed to the Provincial Secretariat for Education a programme of instruction for the subject Ruthenian language and literature for first-year pupils of general secondary schools, a modified programme for the subject Ruthenian language and literature for pupils from all years of general secondary schools, and educational standards for the first and second cycles of Ruthenian language education. The National Council of Ruthenians submits programmes of instruction to the Pedagogical Institute of Vojvodina and the Provincial Secretariat for Education at their request; after that, they submit the programmes to the National Education Council for adoption.

The National Council of the Bunjevac national minority cooperates with the National Education Council of the Republic of Serbia; subject to its approval, the elective subject 'Bunjevac speech with elements of national culture' it taught to pupils from 1st to 4th and 5th to 8th years of elementary schools. (*Prosvetni glasnik* for 1st to 4th year pupils, 4 June 2007, and *Prosvetni glasnik* for 5th to 8th year pupils, 18 April 2011.)

In preparing its programmes of instruction and education standards, the National Council of the Slovak national minority cooperated with the Pedagogical Institute of Vojvodina and the Provincial Secretariat for Education. So far, the National Council's programme of study for Serbian as a non-mother tongue and its supplements relating to history/nature and society, musical and visual art culture have not been approved. Members of the National Council of the Slovak national minority were not invited to the meetings of the National Education Council that discussed questions of minority education and elected a representative responsible for education of national minorities.

The National Council of the Macedonian National Minority a few years ago submitted to the Ministry of Education draft programmes of instruction for the Macedonian language with elements of national culture for pupils of 1st to 4th years of elementary schools which provide instruction

in the Serbian language. The draft was approved at the 6th session of the National Education Council in May 2011.

The other national councils have either had no concrete proposals to the National Education Council or are preparing such proposals.

### **Institutions of Cultural and National Importance to Persons from National Minorities**

Under Article 13 of the Law on National Councils of National Minorities, a national council may, in accordance with the law, establish institutions of training, education and pupils' and students' standards and exercise founder's rights and obligations. A national council may establish such an institution on its own or jointly with the Republic, the autonomous province and the local self-government unit or another legal person in accordance with the law. The Republic, the autonomous province and the local self-government unit as founder of above-mentioned institutions under Article 1 of the Law may transfer its founding rights to a national council in whole or in part. Under Article 15 of the Law, a national council also has competence to determine educational institutions of special importance for education of the national minority it represents.

The National Council of Hungarians in 2010 adopted an education strategy and in 2011 a media strategy, as well as strategies for the field of culture and for official use of the language and script. The National Council of Hungarians took over the founding rights over eight secondary schools at the level of the province. Also, negotiations are in progress on taking over the founding rights over 22 elementary schools. In the field of culture, the National Council declared 37 institutions as being of special importance, which means that it can have a member on their management boards. It also wants to become co-founder of 13 of them.

The Bosniak National Council established the Institute of Culture of Sandžak Bosniaks in the Republic of Serbia as a cultural institution.

The National Council of Vlachs has established no institution so far but has proposed founding a national museum and a theatre. The National Council of Slovenes is planning to establish a culture centre.

In 2011, the founding rights over the Czech Ethno-Museum in Češko Selo village and the rights to use the building were transferred from the local self-government to the National Council of the Czech national minority. Also, the Čěske Besede society in Bela Crkva transferred the founding rights to the Library in the same place with over 3,000 titles in the Czech language. The National Council has already invested large sums to revitalize both these institutions.

Before the Law on National Councils of National Minorities was passed, the previous convocations of the National Council of Ruthenians established two cultural institutions: the Ruthenian National Theatre Petro Riznič Đađa in Ruski Krstur in 2003 and the Institute of Culture of Vojvodina Ruthenians with the Vojvodina Government (then called Executive Council) as co-founder, in 2008.

The National Council of the Bunjevac national minority is the founder of the Mijo Mandić Foundation headquartered in Subotica. The foundation is being re-registered under the Law on Endowments and Foundations. It is also the founder of the Bunjevac Information Centre newspaper publishing company.

In 2007, the National Council of the Slovak national minority set up the Slovačka štampana reč publishing fund to promote and develop the education, culture and traditions of the Slovak national minority in Serbia. The National Council of the Slovak national minority is the founder of the Hlas ljudu newspaper-publishing house jointly with the Vojvodina parliament and co-founder of the Institute of Culture of Vojvodina Slovaks established in 2008 to preserve and develop Slovak culture in Serbia. The municipality of Bački Petrovac and the National Council are the co-founders of the Museum of Vojvodina Slovaks in Bački Petrovac. The National Council is also the owner of the memorial house of Martin Jonaš in Kovačica. The National Council has designated a number of cultural institutions as being of special importance for the Slovak national minority and is taking over part of the founding rights over them.

The National Council of the Macedonian National Minority set up the Makedonsko sonce foundation. The registration of the Centre for Protection of Macedonian Traditions in the Republic of Serbia is being registered



and the last preparations are being made to open the Macedonian Cultural Centre.

Since its establishment of 1919, the Alliance of Jewish Municipalities has had a network of institutions operating as part of the Alliance or of local Jewish municipalities. In the wake of the Second World War and the tragic consequences of the Holocaust a number of these institutions ceased to function while other were revitalized along with the Jewish municipalities. The activities of the extinct organizations and institutions continue under the umbrella of the Alliance.

Under Article 18 of the Law, a national council decides which institutions and events in the field of culture are of special importance for the preservation, promotion and development of the individuality and national identity of its national minority and has the right to determine the strategy of developing the national minority's culture.

National councils (the National Council of Jews) consider that Article 18 of the Law is implemented restrictively and partially. The National Council of Slovenes says that its opinion in the field of culture has neither been sought nor accepted. The National Council of Macedonians considers that while its opinions are respected and accepted at the republic and provincial levels, their implementation at the local level is very poor. The National Council of Vlachs is very pleased with the implementation of Article 18 because it has enabled Vlachs to realize certain rights in the field of culture that are of great importance for its community. On the other hand, the National Council of Bosniaks says that the Article is not respected.

The Greek National Council won recognition for the Nebojša Tower (Kula Nebojša) in Belgrade as a cultural institution of special importance for the Greek community in Serbia. It also asked the Belgrade Fortress public enterprise to include a member of the Greek community in the work of this cultural monument (The Greek revolutionary, poet and visionary Rigas Feraios was strangled in the tower and the Greek Government contributed generously towards its renovation.) The Greek National Council received the reply that a national council may not invoke this Article of the Law because the cultural-historical monument in question belongs to a public enterprise rather than to a cultural institution in spite of

the fact that the Nebojša Tower is undeniably a cultural-historical institution and a museum.

So far, the opinion of the National Council of the Czech national minority under Article 18 of the Law has been sought and accepted by republic and provincial institutions. The National Council of the Czech national minority has designated several institutions as being of special importance for the Czech minority (in the field of culture they are the National Museum, National Library and regional Historical Archives, all having their seats in Bela Crkva).

The National Council of Ruthenians initiated a procedure for declaring the Cultural Centre in Ruski Krstur (a cultural institutions founded by the local self-government in Kula) an institution of special importance for the preservation, promotion and development of the individuality and national identity of the Ruthenian national minority. The National Council of Ruthenians made proposals, which were mostly accepted, for the allocation of resources through public competitions in the field of culture. It also proposed a joint member of the National Committee for Culture in the name of the Coordination of National Councils. The National Council of Ruthenians has been in no position to submit proposals or opinions in respect of other competences provided by this Article of the Law.

Every year, the National Council of the Bunjevac national minority submits information about institutions of special importance for the preservation of the minority's national identity. So far no management board member of any of the above-mentioned institutions has been appointed on the proposal from the National Council of the Bunjevac national minority. Also, in the opinion of the National Council, in public competitions in the field of culture, insufficient funds are earmarked from the budgets of the Republic, Province and local self-government units for events included in its schedule. This is especially true of the local self-government in Subotica. On 23 December 2005, the republic Council for National Minorities confirmed (by Decision No 017-00-3/2006-01) the national holidays of the Bunjevci national minority, including 15 August, Dužijanica Day. So far the funds for marking the event, running into millions of dinars, have always been given to the Croat Cultural Centre Bunjevačko kolo

while the Bunjevac national minority has never received any. The event is sponsored by the City of Subotica. The National Council of Bunjevci is not satisfied with the overall allocation of funds by the City administration at competitions in the fields of culture and information. It says that the financial support it receives is not proportionate to the number of people in Subotica declared as Bunjevci and to the quality of the events in question. The National Council of the Bunjevac national minority has no premises of its own. It is the only of the four national councils in Subotica having to pay rent for its premises from the funds allocated to it from the budget.

At a session held on 24 June 2011, the National Council of the Slovak national minority adopted a proposal for cultural events of provincial importance and a proposal for cultural institutions of priority importance for the Slovaks in Serbia. On 21 March 2011, the Committee for Culture of the National Council of the Slovak national minority adopted draft criteria for the allocation of resources for projects in the field of Slovak culture in Serbia and set up a commission for project evaluation. The National Council is planning to prepare a strategy in the field of Slovak culture in Serbia.

## **Policies for and Programs in National Minority Languages**

A national council may, as prescribed by the law, either independently or in co-operation with another legal entity, establish the institutions and business organizations to perform the activities of newspaper-publishing and radio-television broadcasting, printing and reproduction of the recorded media and exercise the rights and obligations of the founder. The Republic, the autonomous province or the local self-government unit as the founders of public companies and institutions in the field of public information, which entirely or predominantly communicate information in the language of a national minority may, as to be agreed with the national council, delegate their rights to establishment to a national council, either entirely or partially.

Under Article 21 of the Law, a national council 1) adopts a strategy for the improvement of information broadcasted in the language of a national

minority in accordance with the strategy of the Republic of Serbia; 2) gives suggestions to the Republic Broadcasting Agency in designing the Broadcasting Development Strategy; 3) gives suggestions regarding the distribution of resources allocated through public tenders from the budget of the Republic, the autonomous province or the local self-government unit to legal entities and natural persons performing broadcasting activities in the language of a national minority; 4) considers reports of the management and the programme boards of Serbia's and Vojvodina's Broadcasting Agencies and give suggestions and recommendations regarding the programmes broadcasted in the language of a national minority; 5) gives an opinion and recommendations to the Council of the Republic Broadcasting Agency regarding the communication of information in the language of a national minority; 6) appoints a representative at the Council of the Republic Broadcasting Agency to participate in its activities without the right to make decisions concerning the issues of information in the language of a national minority; 7) performs other activities in this field as defined by the law and other regulations.

In the opinion of the National Council of the Bosniak national minority, members of the Bosniak national community are not allowed to exercise their right to being informed in their mother Bosnian language via the Public Broadcasting Service. For this reason the Bosniak National Council did not participate in the creation of the above-mentioned programme policy.

With respect to public information, the National Council of the Czech national minority is encountering restrictions of a technical nature. Because speakers of the Czech language are concentrated on the territory of the municipality of Bela Crkva and partly in the municipalities of Vršac and Kovin, the focus of electronic media information is restricted to these areas. The National Council finances weekly preparation and broadcasting of one-hour local radio programmes. Regional TV Banat also broadcasts a 30-minute programme, with a repeat time-slot, once a month. Because the Czech language is in official use only on the territory of Bela Crkva municipality, there is no possibility of wider broadcasting by the Public Broadcasting Service other than through special programmes occasionally prepared

by broadcasting organizations. The Czech National Council has launched [www.savetceha.rs](http://www.savetceha.rs) as an important medium of information reaching the widest audience and is financing a newspaper printed in 300 copies; although demand for the newspaper is greater, its resources are limited. The newspaper was co-financed in 2011 by the Ministry of Culture. The Czech National Council says that local radio stations' information about the activities of the Czech community in the Serbian language was inadequate. The cooperation with the print media in Bela Crkva and Vršac is excellent.

The founding rights over the newspaper-publishing institution *Ruske slovo* were transferred in 2004 to the National Council of Ruthenians, which appoints its director and managing and supervising committees; the members of the Committee for Information are mostly editors and journalists on editorial staffs of Ruthenian print and electronic media. The preparation of a Strategy of Information in the Ruthenian language is in progress.

In 2005 (a mere three years after its foundation), the National Council of the Bunjevac national minority established the Bunjevac Information Centre in Subotica for the purpose of providing information to its community in the mother Bunjevac language. The Bunjevac Information Centre has the following resources at its disposal: the *Bunjevačke novine* monthly providing political and general news coverage, which has been in continuous circulation since 2005; the *Tandrčak* children's monthly in the Bunjevac language, in circulation since 2007; the one-hour radio programme *Bunjevačka rič* on Sundays, with special programmes for Subotica and Sombor and a 30-minute version for Novi Sad; the 30-minute tv programme *Spektar* in the Bunjevac language every Sunday, with repeats every second Sunday; the website of the National Council of the Bunjevac national minority featuring current community news, community history, information on political parties, cultural news, radio programme recordings and newspaper articles in the Bunjevac language (starting with the latest issue). The community is making every effort to popularize the Bunjevac language with a view to its standardization.

One of the working bodies of the National Council of the Slovak national minority is the Information Committee which is concerned with

matters of public information in the Slovak language. The Committee seeks to facilitate access to information in the Slovak language as well as to develop and promote local and provincial media's resources for providing information in the Slovak language. The National Council is the holder of the founding rights over the weekly *Hlas ľjudu*, which has been in circulation since 1944. The Information Committee proposes measures in the field of public information regarding technical matters, promotion and training of personnel, questions of style and presentation, use of professional terminology in accordance with the new legal provisions, linguistic trends and the Slovak literary language and other questions of public information regulated by law and the National Council's Statute aimed at protecting the rights of and providing information in the mother tongue to members of the Slovak national minority. The National Council does not concern itself with the editorial policy of any media outlet providing information in the Slovak language.

The National Council of the Macedonian national minority is the founder of the newspaper-publishing institution Macedonian Information and Publishing Centre.

Through the appropriate committee and in accordance with the law, the National Council of Vlachs seeks to ensure regular provision of information in the Vlach language via electronic media (radio programmes, tv programmes and the internet), whereas in the field of print media it has been unable to provide information in the mother tongue so far. This will be changed in the future because the National Council has adopted a proposal for the Vlach script and is looking forward to gradually supplying members' needs in the field of print media.

## **Official Use of Minority Language and Alphabet**

Article 22 of the Law on National Councils of National Minorities defines the role of national councils in the field of official use of language and script. Article 22, paragraph 1 states: [A national council shall: 1)] 'Determine the traditional names of local self-government units, settlements and other geographical terms in the language of a national minority if this

language is in the official use in the territory of the local self-government unit or settlement. The names determined by the national council shall become officially used terms together with the Serbian names and shall be published in the Official Gazette of the Republic of Serbia or in the Official Gazette of the AP Vojvodina for the national councils located in the AP Vojvodina;'

The Bosniak National Council has undertaken various activities in the field of official use of language and script, including adopting a decision on traditional names of streets, squares and settlements. The Bosniak National Council has instituted proceedings before the competent state authorities with a view to announcing a public competition for court interpreters in the Bosnian language as well as launching other activities in accordance with its competences in accordance with the law.

The right to the official use of the Czech language and script is an acquired right and is exercised on the territory of the municipality of Bela Crkva although the number of the members of the minority is below the threshold provided by the law. So far the Council has not played any major role in this field other than submitting its opinions at the request of competent authorities.

The Committee for Official Use of Language and Script of the National Council of Ruthenians submitted more 30 opinions on street names to local self-governments in which Ruthenian is in official use. It also informed the provincial Ombudsman about violations of the right to use the Ruthenian language before the Basic Court in Sombor, as well as initiating training for judicial personnel in practical use of national minority languages in judicial proceedings.

Through its Committee for Official Use of Language and Script, the National Council of the Bunjevac national minority plays an active role in the procedure for standardizing the Bunjevac language. The procedure is under way. The local self-government in Subotica (where 90% of all persons declared as Bunjevci live) is refusing to recognize the right of the Bunjevci to their mother tongue and openly supports the view that the Bunjevac language is a mere speech within the structure of the Croat language. The National Council regards this as a violation of the community's national

rights and the right to use of its mother tongue. The National Council is trying to change this state of affairs in order to enable the Bunjevci to use the Bunjevac language as their mother tongue and to introduce its official use in Subotica. Right up until the 1990s and the start of transition, the Bunjevac language was one of the three dominant languages in Subotica. That it is a living language is evidenced *inter alia* by field research carried out in 2008-11 and due to be published by the Institute of Balkan Studies in Belgrade in its collection of field research papers.

The National Council of Slovaks monitors the work of municipal councils for inter-nationality cooperation and, in cases where municipal authorities have disregarded their statutory duty to set up such councils, it urges them to comply with the law. The National Council has started an initiative to introduce the Slovak language in the territory of the local community Slankamenački vinogradi in Indija municipality because the statutory requirements have been met. The National Council has published a handbook for registrars entitled 'Transcription of Slovak's Surnames in Vojvodina from the Slovak language to the Serbian'. It has also organized a workshop for registrars on legal norms applying to the official use of language and script.

The National Council of Macedonians played an active role in introducing the Macedonian language into official use in Dužine in Plandište municipality and in Jabuka in Pančevo municipality.

Following a procedure of coordination, public debate and adoption first by its competent committee and then by its Executive Committee, the National Council adopted the proposal for the Vlach script in both Latin and Cyrillic letters. This should be a first step towards full exercise of the community's rights and fulfilment of all statutory obligations concerning official use of the Vlach language and script.

## **Regulations Contrary to the Law on National Councils of National Minorities**

The Bosniak National Council asked the Serbian Government to repeal the Regulation on Administrative Districts.



The National Council of the Czech national minority has so far made no proposals to repeal or amend legislation. Such proposals are harmonized by the Coordination of National Councils and transmitted to the competent authorities by the national council chairpersons.

The National Council of Greeks says it is not informed about the procedures for proposing amendments and who has the authority to consider such proposals. What the national councils need is a brochure with specific instructions on how to formulate a request for amending a law or other regulation, to whom in the parliament and the Government to address it and how to send it.

At the end of November, the National Council of Ruthenians forwarded to the Ministry of Education proposals for bringing the Draft Law on Elementary Education into harmony with the Law on National Councils of National Minorities. The proposals were not incorporated in the Draft.

During its nine-year mandate, the National Council of the Bunjevac national minority has made innumerable requests to various Serbian institutions, including the president of the state and the prime minister, as well as to OSCE to protect the Bunjevac national minority from encroachment and assimilation by the Croat national minority. It says that all its efforts to make the Croat national minority stop the assimilation process have borne no fruit although the competent republic authorities have the possibility and means to do that. The National Council could not explain why its initiative was not accepted and why nothing had been done about its complaints. Although the Bunjevac national community has its rights in accordance with international conventions, the Constitution and the Law on National Councils of National Minorities, it is powerless to protect its culture, traditions and customs from encroachment by another national minority and can obtain no protection from the authorities whose duty it is to apply the law and regulations. The fact that Bunjevac culture, customs and traditions have been in evidence in these parts for some 400 years shows that they are autochthonous and peculiar to the Bunjevci themselves. This is all the more reason why Serbia should not let itself be deprived of any culture including that of the Bunjevci.

## **Cooperation with International and Regional Organizations, and the Mother Country**

A national council cooperates, in accordance with the law, with international and regional organizations, with state authorities, organizations and institutions in the mother country and with national councils or similar bodies of national minorities in other states.

The Bosniak National Council cooperates with various Bosniak national institutions and foundations in the territory of the former Yugoslavia. The Bosniak National Council has signed a cooperation agreement with the Council of the Congress of Bosniak Intellectuals in Sarajevo.

The Council of Jewish Municipalities cooperates with international Jewish organizations and Israel in matters of common interest.

The National Council of Czechs cooperates with other organizations through the Czech societies *Matica češka* and *Češke besede*. The Council has signed a Declaration on cooperation in the field of culture with the Democratic Alliance of Czechs and Slovaks in Romania and has good relations with the embassy of the Czech Republic and, through it, with the Czech Ministry of Foreign Affairs. They have jointly invested funds in the revitalization of the Museum in *Češko selo* and the Czech Library in *Bela Crkva*. Both the Czech Republic and the National Council assist Czech associations in their work.

The Greek National Council has excellent relations with nearly all other national councils through mutual participation in cultural events and panel discussions. It communicates with its mother country Greece through the embassy in Belgrade and has contacts with local administrations of Greek towns. The embassy has engaged a Greek language professor to help the Council with child education.

Representatives of the National Council of Ruthenians and of a similar Ruthenian organization in Croatia met and reached an agreement in principle on future cooperation. No document was signed officially. The National Council of Ruthenians initiated the signing of an inter-regional agreement between the province of Vojvodina and the province of Zakarpattia in Ukraine. The signing is expected at the beginning of April 2012.

Substantial cooperation with Ruthenian organizations in Ukraine is expected after the agreement is adopted by the state authorities of the two countries. Agreements of this kind are expected to be signed with several other regions of European countries populated by Ruthenians (Croatia, Hungary, Slovakia, Poland).

The National Council of the Bunjevac national minority does not cooperate with national councils in other states and with the mother country simply because, it says, Serbia is the mother country of the Bunjevci. It cooperates with Bunjevci cultural institutions in Hungary.

The National Council of Slovaks cooperates with many Slovak partner organizations in the diaspora. This cooperation takes the form of an exchange of cultural values and the realization of joint projects (organization of joint events, realization of projects, publication of *Dolnozemsky Slovak*, the joint periodical of Slovaks in Serbia, Romania, Hungary and other countries). The National Council has successful cooperation with many Slovak institutions in Slovakia, in particular with the Slovak Diaspora Office, which finances many National Council projects, and with the Ministry of Education, which organizes various education and advanced vocational training courses for Slovak teachers and pupils who attend classes in the Slovak language and awards scholarship to students from Serbia studying in Slovakia. There is also cooperation with several faculties in Slovakia and many cultural institutions.

The National Council of Slovenes cooperates with other national councils and participates in the work of the Coordination of National Councils. In the mother country, it cooperates with the Slovenian government office for Slovenes in the country and abroad, the Centre for the Slovene language as a foreign language at the Faculty of Philosophy in Ljubljana and the Ministry of Culture. The cooperation is of a consultative nature in the field of preservation of language and culture.

The National Council of Macedonians cooperates with the Republic of Macedonia and has regular contacts with the Macedonian president, government and Ministry for Foreign Affairs. Special emphasis in this cooperation is placed on scholarships for students from Serbia.

In the previous period, the National Council of Vlachs cooperated with international and/or regional organizations through active participation in their projects supporting the implementation of standards of human rights and protection of national minorities in Serbia and their compliance with EU standards. The National Council has so far had no cooperation with national councils in other states.

### **Financing of National Councils**

Most national councils point out that their annual financial resources are insufficient for carrying out their regular activities. They say that their financial resources have been drastically reduced year after year and are far below what is needed for their regular, efficient and professional functioning.

The National Council of Ruthenians says that the annual resources at its disposal are for the most part adequate for carrying out its regular activities. It says that the scope of these activities is planned in accordance with the resources made available to it. More annual resources would be of considerable help to some Council members and committees in closely monitoring of and participation in solving of problems and legislative issues, making proposals, launching and implementing initiatives.

The financial resources made available to the National Council of the Bunjevac national minority are insufficient for carrying out its regular activities. While the resources are sufficient for the Council's current expenses (rent, telephone bills, office supplies, employing a technical secretary, travel expenses, etc), the Council cannot afford professional services in four fields delegated to it under the Law on National Councils of National Minorities, i.e. culture, education, information and official use of the language. Members of the National Council of the Bunjevac national minority say that they are at a disadvantage compared to other national councils because unlike other minorities the Bunjevac minority has no state of domicile and the resources made available to it from the Serbian budget are not enough to ensure its quality work. The Council demands

that its country of origin, the Republic of Serbia, apply the principle of affirmative action in its case.

The national councils obtain most of the resources necessary for their work from the Serbian and Vojvodina budgets. The National Council of Jews operates on the basis of donations from abroad or anonymous contributions. Contributions by local self-governments are mostly in the form making available premises owned by municipalities or cities. Most national councils are dissatisfied with the financial support they receive from the local self-governments (Article 114 of the Law). In many towns it is not forthcoming although the local self-government authorities are required by law to make certain resources available to national councils for their work.

The National Council of Vlachs is financed from the republic budget and from the budgets of such local self-governments as are providing financial resources in accordance with the law. Unfortunately, the number of the local self-governments in question is very small in relation to the (geographically) large territory on which members of the Vlach national community live.

The financial resources the National Council of the Slovak national minority needs for its work are made available from the republic and provincial budgets. Although the Law on National Councils of National Minorities stipulates that local self-governments must also provide resources for the work of national councils (Article 114), only the City of Novi Sad earmarks such resources from its budget for the National Council of the Slovak national minority. The Slovak National Council also receives resources from the Slovak Republic through projects.

The National Council of the Bunjevac national minority is financed from the republic budget monthly and from the budget of the Provincial Secretariat for Legislation, Administration and National Communities quarterly. By 2011, it had received no funds from the budget of the City of Subotica although the Law on Local Self-Government obliges it to do so.

The National Council of Ruthenians receives funds from the republic budget (the Ministry for Human and Minority Rights, Public Administration and Local Self-Government – Department for Human and Minority

Rights), the Vojvodina budget (the Provincial Secretariat for Education, Administration and National Communities) and the budgets of local self-governments (i.e. those local self-governments where Ruthenian is in official use).

National councils earmark most of their resources for: financing or co-financing programmes and projects in the field of education; culture, information and official use of the language and alphabet of the national minority; printing of periodicals and brochures; cultural events; renting and use of premises; employees' pay, taxes and contributions; fees and contributions relating to services used by the national council; travel expenses and daily allowances for business trips; office supplies and work equipment.

As founder, the National Council of the Bunjevac national minority provides additional funds for the principal activity of the Mijo Mandić Foundation and for the newspaper-publishing institution Bunjevački informativni centar. It also finances the work of electronic media and the purchase of a number of copies of the *Bunjevačke novine* and the children's paper *Tandrčak*, which is supplied to elementary schools pupils attending lectures in the elective subject 'Bunjevac speech with elements of national culture'.

The founding rights over the newspaper-publishing company Ruske slovo are the only founding rights transferred to the National Council of Ruthenians (back in 2004). The funds contributed by the Council were almost negligible compared with the company's budget and were earmarked for specific projects.

The National Council of Slovaks co-finances the work of the Museum of Vojvodina Slovaks in Bački Petrovac.

Most of the other national councils have had no founding rights transferred to them.

## **Communication and Cooperation with Governmental Institutions**

Several national councils expressed their dissatisfaction with their communication with Serbia's state authorities (for instance, it took the Department for Human and Minority Rights several months to agree to a meeting regarding a change in the National Council of Slovenes, and after it did no solution was found). The National Council of Slovenes says it had good cooperation with the Office of the Protector of Citizens and the Commissioner for information of public importance; the National Council of Greeks says it is necessary to empower the Coordinating Body of National Councils of National Minorities to help national councils to formulate their common problems and present a united front to government institutions. It also considers that the Coordinating Body should take over some functions from the Department for Human and Minority Rights.

Unlike all the others, the Bunjevac national minority did not realize its right to its own institute of culture in Vojvodina. The Bunjevac National Council says that as a consequence it has been unable to provide quality and lasting protection for the minority's cultural and traditional heritage. The institutes of culture are financed from the Vojvodina budget. The National Council of the Bunjevci national minority has for several years awarded scholarships for students of ethnology, history and music with a view of finding them employment in certain institutions including an institute of culture. Owing to the above-mentioned problem, however, the students who finished their studies had to look for work elsewhere. The National Council of Bunjevci could not explain why the Vojvodina parliament lacked political and democratic will in 2008 to acknowledge the need for a Bunjevac institute of culture. An institute of culture is very important for national minorities receiving funds from the republic and Vojvodina budgets: a minority having an institute of culture in accordance with the adopted criteria earns 50 points which entitle it to an increase in the budgetary allocation.





## VII – RELIGIOUS COMMUNITIES



## Gradual Normalization

The census year in the region was marked by numerous calls on believers by religious dignitaries that as many of them as possible should declare themselves followers of their church or religious community. Almost all South East European countries scheduled the census for April 2011, except Serbia and Romania, due to the lack of funds, and Albania, due to local elections, where it was postponed until the autumn<sup>518</sup>.

The Serbian Orthodox Church called on “all believers, members of the Serbian people and Serbian community to declare themselves freely and without fear as Serbs of the Orthodox faith”. In the Instructions for Believers issued by Serbian Patriarch Irinej in April 2011 on the occasion of the census, it was emphasized that, by participating in the census, believers would observe Christ’s command to “give to the king what is the king’s and to God what is God’s” and “exercise their fundamental human rights and freedoms, thus preserving their religious, cultural and national identity, which is also guaranteed under Articles 9 and 14 of the European Convention on Human Rights and Fundamental Freedoms”<sup>519</sup>.

The Patriarch stated that the Instructions referred to census taking in Montenegro, Macedonia and Croatia, and not to that in Kosovo and Metohija.<sup>520</sup>

So, for example, three days before the census date in Montenegro, the highest religious dignitaries, Patriarch of the Serbian Orthodox Church, Reis-ul-Ulema of the Islamic Community in Bosnia and Herzegovina Mustafa Cerić and Chief Mufti of the Islamic Community in Serbia Muamer Zukorlić called on their believers to rally around “their faith, nation and language”. The Patriarch called on Serbs to declare themselves as Serbs of

518 The timeframe for conducting a census in Bosnia and Herzegovina has not yet been established.

519 *Information Service of the Serbian Orthodox Church*, 25 March 2011, [http://spc.rs/sr/uputstvo\\_vernima\\_povodom\\_popisa\\_stanovnistva\\_u\\_aprilu\\_2011\\_godine](http://spc.rs/sr/uputstvo_vernima_povodom_popisa_stanovnistva_u_aprilu_2011_godine).

520 *Danas*, 27 March 2011.

the Orthodox faith “without fear and freely” in the census. In Serbia, the Patriarch’s call was justified by the fact that the pressure exerted on Serbs in Montenegro reached such proportions that the Patriarch had to encourage Serbs to declare themselves freely, “in the way they feel”.<sup>521</sup>

There were also different initiatives launched by religious leaders. So, for example, the Islamic Community in Serbia led by Mufti Muamer Zukorlic and its institutions called on Bosniaks to boycott the census due to “discrimination as a form of state terror”.<sup>522</sup> On the other hand, the Islamic Community of Serbia led by Reis-ul-Ulema Adem Zilkic called on Bosniaks to declare their religious, national and linguistic affiliation in an honest and dignified way.

The census results represent very important data, especially for allocating the budgetary funds of the competent ministry, which are approved, *inter alia*, on the basis of the number of believers. It must be noted that the census results should be interpreted with caution because the census does not ask about one’s religiousness; instead, it asks about one’s confessional affiliation, so that it is not surprising that there is a big gap between statistics and reality or, in other words, between the declaration of one’s religious affiliation and decline in religious practice and church visits.

The census in Serbia was conducted from 1 to 15 October 2011. However, until the processing and publication of the census data, the 2002 data will be used, i.e. 95 per cent of the total number of inhabitants declared themselves as believers; 85 per cent declared themselves as Orthodox, 5.5 per cent as Catholics, 3.2 per cent as Muslims and 1 per cent as Protestants.

After the reshuffle of the Serbian Government, which was adopted on 14 March 2011, the Ministry of Religion was fused with the Ministry of Diaspora, thus forming the new executive body – Ministry of Religion and Diaspora.<sup>523</sup> The hitherto Minister of Diaspora, Srdjan Cvetkovic, was appointed Minister of Religion and Diaspora, while the former Min-

<sup>521</sup> *Blic*, 29 March 2011.

<sup>522</sup> *Danas*, 16 October 2011.

<sup>523</sup> Ministry of Religion and Diaspora: <http://www.mzd.gov.rs/cyr/default.aspx>

ister of Religion, Bogoljub Sijakovic, was appointed State Secretary in this Ministry.<sup>524</sup>

The Ministry of Religion and Diaspora performs administrative activities related to religious matters through its three organizational units: the Sector for Upgrading the Status of Churches and Religious Communities, Religious Schools and Religious Education, the Department for Cooperation with Churches and Religious Communities, Religious Schools and Religious Education, and the Group for Keeping the Register of Churches and Religious Communities and Administrative Procedures, and Upgrading the Legal Status of Churches and Religious Communities.

## Legal Regulations

The chronic problems of the unconstitutional character of the Law on Churches and Religious Communities and its arbitrary implementation by the competent institutions have not yet been solved. The same applies to the discriminatory provisions of the Rules on the Content and Method of Keeping the Register of Churches and Religious Communities. 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, provisions of Article 18 of the International Covenant on Civil and Political Rights, and the provisions of Articles 43, 44 and 21 of the Constitution of the Republic of Serbia.

Formally, according to the last section of Article 7 of the Rules on the Contents and Method of Keeping the Register of Churches and Religious Communities, “a religious organization that has not applied for entry and does not wish to be entered in the Register shall enjoy religious freedom in accordance with the Constitution and international conventions on human rights and religious freedom, in accordance with Articles 1, 2 and 5

524 According to unofficial information obtained by the daily *Danas*, there is speculation in high political and church circles that, despite attempts to analyze Sijakovic's performance as Minister of Religion before his appointment as State Secretary, he was appointed to the new position under pressure from the Holy Synod of Bishops of the Serbian Orthodox Church and Democratic Party, to which the position of State Secretary in the Ministry of Religion belongs (“Parastos bez državnih zvaničnika”, *Danas*, 24 March 2011).

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, printing and publishing religious literature, paying value added tax and the like.

According to the official data accessible on the official website of the Ministry of Religion and Diaspora and pursuant to the Law on Churches and Religious Communities and the Rules on the Content and Method of Keeping the Register of Churches and Religious Communities, legal subjectivity has been recognized to the following churches and religious communities: Serbian Orthodox Church, Roman Catholic Church, Slovak Evangelical Church of the Augsburg Confession, Christian Reformed Church, Evangelical Christian Church of the Augsburg Confession, Jewish Community, Islamic Community and the Romanian Orthodox Diocese of Dacia Felix with the seat in Deta (Romania) and administrative seat in Vrsac.

Pursuant to the Decisions on Entry in the Register of Churches and Religious Communities, the following religious communities have been entered in the Register: Christian Adventist Church, Evangelical Methodist Church, Church of Jesus Christ of Latter-Day Saints, Evangelical Church in Serbia, Love of Christ Church, Spiritual Church of Christ, Alliance of Christian Baptist Churches in Serbia, Christian Nazarene Religious Community, Church of God in Serbia, Protestant Christian Community in Serbia, Brethren in Christ Church in Serbia, Free Church Belgrade, Jehovah's Witnesses – Christian Religious Community, Zion Covenant Church, Union of the Seventh Day Adventist Reform Movement, Protestant Evangelical Church Spiritual Centre and Christ Evangelical Church.

Some of the listed religious communities were entered in the Register only after such a court decision was brought, while some are still involved in a lawsuit against the Ministry both before domestic courts and the International Court for Human Rights in Strasbourg. Acquiring legal subjectivity is a prerequisite for solving numerous problems encountered by

religious communities in their daily activities, including the problem related to the restitution or return of illegally seized property. Property was also seized from many non-traditional religious communities, but their current legal (registration) status affects the realization of their right to property restitution.

The problem related to the legal regulation of restitution was revived during 2011. On several occasions, representatives of the traditional churches and religious communities held press conferences and issued public statements on the problem of implementing the Law on the Return (Restitution) of Property to Churches and Religious Communities.

The traditional churches and religious communities responded by warning about the “impermissible influence of the executive branch on the Constitutional Court of Serbia conducting the procedure of verifying the constitutionality of the Law on the Return of Property to Churches and Religious Communities”. Religious dignitaries held that “there is quite evident pressure from the executive branch to declare the mentioned law unconstitutional and abolish it after many years of its implementation”. In their joint statement, the traditional churches and religious communities pointed to the inappropriate statements made by some high government officials, postponement of the appointment of the new Director of the state-run Directorate for Restitution, instructions given by state officials that the Law should not be implemented despite being effective. They also pointed out that the Constitutional Court did not allow the traditional churches and religious communities to acquaint themselves with the content of the initiative for verifying the constitutionality of this law. During the initiative for verifying the constitutionality of the Law on the Return (Restitution) of Property to Churches and Religious Communities, the Jewish Community of Serbia announced that it would appeal to the International Court in Strasbourg should the Constitutional Court declare the Law unconstitutional.<sup>525</sup> The above mentioned initiative was not accepted by the Constitutional Court.

A few months later, the traditional churches and religious communities submitted to the Constitutional Court the initiative to verify the

<sup>525</sup> *Danas*, 21 February 2011.

constitutionality of certain provisions of the Planning and Construction Law in order to protect the property being an object of restitution from further alienation. At the press conference held at the Patriarchate in Belgrade, the representatives of the traditional churches and communities, Bishop Irinej of Backa, Belgrade Archbishop Stanislav Hocevar and Aleksandar Necak, President of the Federation of Jewish Communities in Serbia, pointed out, inter alia, that the property seized from the churches and religious communities was being sold, thus preventing its restitution.

In the statement signed by the representatives of seven traditional churches and religious communities it was warned, inter alia, that the Serbian Government failed to implement the current Law on the Return of Property to Churches and Religious Communities, which is in direct violation of the Constitution of the Republic of Serbia; it failed to appoint the Director of the Directorate for Restitution, although the term of office of the previous one ended on 31 December 2010; it failed to provide the necessary material base for the implementation of the Law; it insisted on the adoption of the Privatization Law and Planning and Construction Law, but without stipulating protective measures for the church property subject to claims for restitution. Apart from the full implementation and enforcement of the Laws by the Serbian Government and the appointment of the Director of the Directorate for Restitution, the proposed problem-solving measures include initiating the procedure for amending the Planning and Construction Law and Privatization Law in order to restrict their application to church property being an object of restitution.<sup>526</sup>

Bishop Irinej of Backa stated that the Law on the Return of Property to Churches and Religious Communities encountered various obstacles from the very beginning, that only 20 per cent of their property was returned and that, despite numerous pressures, only the Directorate for Restitution tried to conduct the process of returning seized property.<sup>527</sup>

The relativization of replacement restitution as an option for returning property seized from churches and religious communities was also the object of dispute between religious officials and the Serbian Government. In

526 *Information Service of the Serbian Orthodox Church*, 21 July 2011., <http://www.spc.rs/sr/>

527 *Politika*, 21 July 2011.



their joint statement, the traditional churches and religious communities criticized the Government's open announcement that it intended to abolish the legal possibility of returning property seized from churches and religious communities in the form of other appropriate property, thus endangering the vested right of churches and religious communities to this form of property restitution should natural restitution prove to be impossible. It was also stated that the religious communities acquired the property rights in accordance with the current provisions of the Law on the Return (Restitution) of Property to Churches and Religious Communities, and that they resolutely requested full protection of their rights before domestic courts and the European Court for Human Rights.

The representatives of the traditional churches and religious communities found grounds for criticism in the Draft Law on the Return of Seized Property and Compensation, which is undergoing public debate. Thus, they appealed to the Serbian Government and deputies in the National Assembly to take into account all justified remarks and proposals of the traditional churches and religious communities, as well as citizens' associations and foundations whose property had been seized, when preparing the Draft Law on the Return of Seized Property and Compensation.<sup>528</sup>

The criticized Draft Laws on Public Property and on the Return of Seized Property and Compensation, as well as the Draft Amendments to the Law on the Return of Property to Churches were adopted on 5 September 2011, at the telephone session of the Serbian Government. As it was planned, these proposals had to be considered by the deputies at the session of the National Assembly beginning on 22 September, so that their implementation could begin in the first half of October.<sup>529</sup>

However, only a few weeks later, the Draft Amendments to the Law on the Return of Property to Churches was withdrawn from parliamentary procedure for "additional adjustments". According to Goran Radosavljevic, the head of the working group charged with drafting this law, it is possible that it will not be amended and that the restitution of property to churches and religious communities will be carried out in accordance with

<sup>528</sup> *Danas*, 15 August 2011.

<sup>529</sup> *Danas*, 6 September 2011.

the old law. The destiny of the Draft Amendments to the Law depends on the outcome of the talks with religious communities. In other words, there will be no amendments if they confirm that they are fully satisfied with the current Law.

The announced formation of the Restitution Agency with 250 employees will facilitate and speed up the process of property restitution, especially if one takes into account that this task is now performed by only fifteen or so employees in the Directorate for Restitution, the only competent institution until the formation of the Agency. In accordance with the 2006 Law, the Serbian Orthodox Church and other religious communities in Serbia filed a request for the restitution of 83,000 hectares of land, but so far only 20 per cent has been returned.<sup>530</sup> For example, the Diocese of Vranje submitted 70 restitution requests to the Republican Directorate for Restitution and so far only 785 hectares of forest land on Mt Kozjak have been returned to the Monastery of St Prohor Pcinjski.<sup>531</sup>

The problem related to the privatization of the property being an object of restitution is most evident in the case of the Jewish Municipality building in Kralja Petra Street in Belgrade. Namely, the state sold all flats in this building, so that it is not state-owned any more and cannot be restituted. Another example can be one unsolved restitution request of the Roman Catholic Church. Namely, it requests the return of a plot of land in Dorcol, which was bought before World War II for the construction of its cathedral. At this location there is now the Braca Baruh Elementary School. Speaking in favour of replacement restitution as an efficient solution at one of their joint conferences, the representatives of the traditional churches and religious communities mentioned that the total property to be restituted accounts for only five per cent of the property of the Republic of Serbia.

530 "Kako crkva kaže", *Danas*, 8-9 October 2011.

531 "Manastirska imovina u parlogu", *Danas*, 29 August 2011.

## Cooperation between State Institutions and Religious Communities

After the adoption of the Law on the Serbian Armed Forces in December 2007 and, in particular, the Law on the Performance of Religious Services in the Serbian Army in March 2011, the conditions were created for the introduction of religious services in the Serbian Army. The Serbian Government also adopted the Decree that provided a basis for the establishment of a normative framework in the Ministry of Defense and the Serbian Army, which includes necessary changes to the relevant regulations such as the Rules of Service and the like, and will be a prerequisite for the functioning of religious services in the Serbian Army. In January 2011, Defense Minister Dragan Sutanovac and the then Minister of Religion, Bogoljub Sijakovic, acquainted the members of the Inter-Religious Council of the Ministry of Religion and high dignitaries of the traditional churches and religious communities in Serbia with the Draft Decree on the Performance of Religious Services in the Serbian Army.<sup>532</sup>

The first agreement regulating the mutual relations in the performance of religious services in the Serbian Army was signed by Defense Minister Dragan Sutanovac and Patriarch Irinej in Nis, on 28 June 2011.<sup>533</sup> Almost four months later or, more precisely, on 18 October 2011, the Defense Minister also signed the agreements with the representatives of six (remaining) traditional churches and religious communities. On behalf of these churches and religious communities the agreements were signed by Metropolitan Archbishop of Belgrade Stanislav Hocevar, Bishop of the Slovak Evangelical Church Samuel Vrbovski, Bishop of the Christian Reformed Church Istvan Czete-Semesi, Superintendent of the Evangelical Christian Church Arpad Dolinski, Reis-ul-Ulema of the Islamic Community of Serbia Adem Zilkic, President of the Federation of Jewish Communities in Serbia Aleksandar Necak and Rabbi Isaac Asijel.

532 *Vojaska Srbije*, 25 March 2011, [http://www.vs.rs/index.php?news\\_article=a06bc57c-a821-102e-9d5d-000c29270931](http://www.vs.rs/index.php?news_article=a06bc57c-a821-102e-9d5d-000c29270931)

533 *Novosti*, 30 June 2011.

According to the Defense Minister, the signing of these agreements with all traditional religious communities in Serbia shows that the Serbian Army “lives and wishes to live multi-ethnically and multi-religiously, and observe the rights of all citizens.” Minister of Religion and Diaspora Srdjan Cvetkovic stated that the signing of these agreements made another important contribution to the improvement of human rights, good relations between people regardless of their ethnicity and religious affiliation.<sup>534</sup> Religious service providers or chaplains will not bear arms and will strictly keep the confessions of members of the defence system secret. They will also have the function of an advisor to the commander.

At the meeting held at the Patriarchate, which was attended by Patriarch Irinej, Minister of Religion and Diaspora Srdjan Cvetkovic, Director of the Republican Pension and Disability Insurance Fund Dragana Kalinovic, Director of Tax Administration Dragutin Radosavljevic and representatives of the Ministry of Finance and Ministry of Labor and Social Policy, it was stated that all data needed to regulate the clergy pension arrangements had been adjusted. In other words, the conditions were created that the state (as it was practiced before) could contribute a certain percentage towards meeting the obligations arising from the pension, disability and health insurance of priests belonging to the traditional churches and religious communities in Serbia.<sup>535</sup>

The Ministry of Religion and Diaspora explained that, in the opinion of the Serbian Orthodox Church, it would be fair if the state contributed 50 per cent towards pension, disability and health insurance like before. However, this will require broader consent and agreement with the Ministry of Finance because it is the question of a significant amount.<sup>536</sup>

The practice of government-subsidizing such contributions for the priests of the Serbian Orthodox Church already exists in Serbia. The funds for the contributions for a part of the clergy are allocated from the state

<sup>534</sup> *Vojska Srbije*, 18 October 2011, [http://www.vs.rs/index.php?news\\_article=9bd6e0d4-4ac7-102f-8d2f-000c29270931](http://www.vs.rs/index.php?news_article=9bd6e0d4-4ac7-102f-8d2f-000c29270931).

<sup>535</sup> *Information Service* of the Serbian Orthodox Church, 18 November 2011, [http://www.spc.rs/sr/reshenje\\_dugogodishnjeg\\_problema](http://www.spc.rs/sr/reshenje_dugogodishnjeg_problema)

<sup>536</sup> *Politika*, 18 November 2011.

budget through the competent ministry under the project “Support for the Clergy and Monastic Communities in Kosovo and Metohija”, which provides insurance for all diocesan priests, as well as a similar project under which the contributions for priests from border and economically under-developed regions are paid.

During 2011, the process of strengthening the relations between the state and the majority church in Serbia continued. At its session held on 26 May 2011, the Serbian Government adopted the decree stipulating the payment of an additional 10-dinar postage stamp for all mail sent from 6 June to 20 August for the construction of St Sava Memorial Church in Belgrade. Pursuant to this decree, all money collected from the sale of this additional postage stamp will be channelled to the Synod of the Serbian Orthodox Church to finance building finishing work, including mosaic and painted decoration. Thus, the amount of about 65 million dinars (about 650,000 euros) was collected from the sale of this compulsory postage stamp printed in 7.5 million copies.

Due to this decree, the Serbian Government was a target of public criticism and one argument was that this money was forcefully collected from non-believers and those belonging to other confessions. In other words, not all people are members of the Serbian Orthodox Church. Responding to such criticism, the Serbian Government stated that the completion of the St Sava Memorial Church “is not a matter of belief, religion and believers”; rather, it is the national project that was initiated as early as 1939, but has not been completed to the present day.<sup>537</sup>

After the adoption of the disputed decree, Gender Equality Trustee Nevena Petrusic stated that other religious communities were not discriminated against and that they could also initiate the procedure for obtaining approval for the issuance of an additional postage stamp for financing their projects – under the same conditions set forth in the Law on the Issuance of an Additional Postage Stamp – and that discrimination would exist only if such a request was turned down despite meeting the legal requirements.

<sup>537</sup> *Danas*, 28 June 2011.

The response to criticism also came from Dimitrije Kalezić, retired professor of the Theological Faculty. He stated that St Sava Memorial Church was the symbol of Serbia and Belgrade, and that every citizen should make a voluntary contribution towards its construction. "I don't see why it is a problem for someone who is not a Serb, but is a citizen of our state or Belgrade, to give ten dinars for an additional postage stamp when his city or state will gain greater cultural significance".<sup>538</sup>

This is not the first time that – by imposing a compulsory charge on all citizens, postal service users – the Serbian Government secures funds for the construction of St Sava Memorial Church. Pursuant to a similar decree, the amount of 135.8 million dinars, or about 1.63 million euros at that time, was collected from 16 January to 31 July 2006, and the then Government was also a target of severe public criticism. Milan Radulović, the then Minister of Religion, resolutely dismissed all criticism as being unfounded and this decree was the subject of the Constitutional Court's debate even twice. Naturally, the initiative for the verification of the constitutionality and legality of the disputed decree was rejected on both occasions.

## The Majority Church in Serbia

Kosovo is an absolutely dominant theme in the ideological and practical discourse of the Serbian Orthodox Church or, as it was already articulated by Bishop Irinej of Backa in 1992, "the most expensive Serbian word – naturally, after the word God".<sup>539</sup>

The status of Serbian cultural heritage in Kosovo and Metohija was the main reason for the inclusion of the representatives of the Serbian Orthodox Church in the negotiations between Belgrade and Pristina concerning the status of the southern Serbian province.

Serbia's negotiating team was also joined by the representative of the Diocese of Raska and Prizren in the negotiations about cultural heritage in Kosovo and Metohija. Belgrade's negotiating team warned the European Union and Pristina's team that an attempt to rename Serbian cultural

<sup>538</sup> *Danas*, 6 October 2011.

<sup>539</sup> "Nismo saveznici partija" (interview with Bishop Irinej of Backa), *NIN*, 20 March 1992.

heritage in Kosovo and Metohija on the UNESCO World Heritage List into Kosovo cultural heritage would be senseless because in Kosovo and Metohija there are, inter alia, 1,500 cultural monuments owned by the Serbian Orthodox Church which, due to their significance, belong to the whole world. The Abbot of Visoki Decani Monastery, Archimandrite Sava (Janjic), the number one man of the Information Service of the Diocese of Raska and Prizren, warned that this “unfortunate attempt to abuse cultural heritage for political ends could bring into question the hitherto successful cooperation between the Serbian Orthodox Church and UNESCO”. According to him, “the Church is suprised and concerned over an attempt to rename Serbian cultural heritage into Kosovo’s heritage, all the more so because this is contrary to the hitherto dominant international stance that it is the question of Serbian Orthodox heritage in Kosovo that must preserve its identity and autonomy”.<sup>540</sup>

After the discussion at the UNESCO World Heritage Centre in Paris, when it was proposed to declare the Patriarchate of Pec and the Monasteries of Visoki Decani, Gračanica and the Mother of God Ljeviska as Kosovo cultural heritage, the reaction came from Bishop Teodosije of Raska and Prizren, who sent a letter to the Director General of UNESCO expressing his concern over this proposal. He warned that Serbian cultural heritage in Kosovo was endangered by its unnecessary politicization and that the omission of Serbia’s name in connection with these sanctities would jeopardize four monuments belonging to the UNESCO World Cultural Heritage List<sup>541</sup>.

In order to monitor the situation in Kosovo more precisely and more thoroughly and pursuant to the decision of the Holy Synod of Bishops and the Committee for Kosovo and Metohija of the Holy Assembly of Bishops of the Serbian Orthodox Church, the Office of the Kosovo Committee was reopened. Vicar Bishop Jovan (Culibrk) of Lipjan was appointed its head. According to him, the Committee for Kosovo and Metohija is the advisory body of the Assembly, which enables it to gain a deeper and broader insight into the situation in Kosovo.

<sup>540</sup> *Danas*, 1 July 2011.

<sup>541</sup> *Press*, 3 July 2011.

The Office will perform several tasks. Apart from preparing and documenting the sessions of the Committee, its longer-term task will be to file, document and collect archival, library and other materials related to Kosovo and Metohija.<sup>542</sup>

During the blockade of roads in northern Kosovo, Patriarch Irinej upheld the rights of Serbs to build barricades in order to defend themselves and called on Serbs to persist.<sup>543</sup> During his visit to Kosovska Mitrovica with the aim of meeting with Serbs at the barricades, the head of the Serbian Orthodox Church stated: "If you suffer, you know why you will suffer, if you must spill your blood, you know why you'll do it. That is holy martyrdom and defense of the holy land. That is the message of our Church, its Bishops and all those who care for you".<sup>544</sup>

During a multi-month crisis in Kosovo, the anti-European stance of the Serbian Orthodox Church, based primarily on the thesis that Serbia should sacrifice Kosovo and Metohija in order to become a member of the European Union, represented a point of difference between the state and the church concerning the Kosovo programme. While state officials, primarily President Boris Tadic and Borislav Stefanovic, the head of the negotiating team, were calling on Serbs to remove the barricades, the officials of the Serbian Orthodox Church openly supported their persistence to remain at the barricades. The Holy Synod of Bishops of the Serbian Orthodox Church appealed to "all participants in the drama in Kosovo and Metohija not to allow this drama to be turned into a tragedy". It asserted to the Serbian President and Serbian Government that the "Church expects and asks that they not abandon the people of 'Old Serbia' because of the chimera known as the status of candidate country for membership in the European Union". In the statement signed by the spokesman for the Serbian Orthodox Church, Bishop Irinej of Backa, it is emphasized that "for the accountable state authorities and political elites of Serbia, Serbia and Serbian people as a whole have no alternative and all else, even

542 14 October 2011.

543 *Press*, 15 October 2011.

544 *Danas*, 18 October 2011.



the ideologized and mythologized European Union, has an alternative.”<sup>545</sup> This appeal of the Serbian Orthodox Church to Serbs in northern Kosovo was interpreted by the state authorities as a call on them to remain in an impasse situation.

Serbia’s path towards the European Union, in the spirit of the dominant thesis that “Kosovo has no alternative”, was also relativized a few months earlier, when the Patriarch addressed a gathering of citizens during his “historic visit” to Jagodina. According to him, Serbia is faced with a great temptation being offered to join the European Union, but at a “terrible price” – to renounce Kosovo and Metohija. On that occasion, the Patriarch also said: “If we must sacrifice Kosovo and Metohija in order to join Europe, let’s thank them for their goodness and love. Let them leave us alone, let them not do again to us what they’ve recently done and let our Kosovo remain ours”. The Patriarch also emphasized that “we must not and cannot renounce our Sacred Land” and thank “our former friends, who are now taking from us something being the most valuable and most sacred to us for such friendship”.<sup>546</sup>

In this statement, the Patriarch continued the categorization of friends and enemies, which he presented a few days earlier, during his visit to Mileseva Monastery in the company of Russian Ambassador Alexander Konuzin. On that occasion, he also stated that the Serbian nation had had “many friends – at least that’s what we thought – but many of them sided with those who do not like us and who hate us”. “We stand with few friends now, but we have our greatest friend, the Russian people”.<sup>547</sup>

The strong link between the Serbian Orthodox Church and Russia was revived and reaffirmed on several occasions during the year. During his visit to Serbia, in St Sava Memorial Church in March 2011, Vladimir Putin, Prime Minister of the Russian Federation, was awarded the highest decoration of the Serbian Orthodox Church, St Sava Medal of the First Order, as a token of deep gratitude for his love towards the Serbian Ortho-

545 *Novosti*, 3 December 2011; “Ne ostavljajte svoj narod na Kosovu”, *Pravda*, 3-4 December 2011.

546 *Danas*, 17 October 2011.

547 *Danas*, 18 October 2011.

dox Church and invaluable support in the attempt to preserve Kosovo and Metohija within Serbia. The highest decoration of the Serbian Orthodox Church was awarded to Putin by the Decree of the Holy Synod of Bishops as early as 2007, at the proposal of the then Serbian Patriarch Pavle.<sup>548</sup>

That same month, a strong link between the Serbian Orthodox Church and Russian Orthodox Church was also affirmed when Patriarch Irinej played host to Russian Metropolitan Hilarion of Volokolamsk, head of the Department for External Church Relations of the Moscow Patriarchate. The significance of his visit or, more precisely, the link between the Serbian Orthodox Church and Russian Orthodox Church or, one might say, between Serbia and Russia, is also evidenced by the fact that, apart from the members of the Holy Synod of Bishops, the reception at the Patriarchate was also attended by Foreign Minister Vuk Jeremic, Russian Ambassador Aleksandr Konuzin and Professor Dr Bogoljub Sijakovic, the former Minister of Religion (now the State Secretary in the Ministry of Religion and Diaspora).<sup>549</sup>

The distance from the European Union, which is persistently kept by the Serbian Orthodox Church, especially in the context of the status of Kosovo and Metohija, is small relative to the distance from NATO. During the NATO Strategic Military Partner Conference, which was held in Belgrade, in June 2011, Patriarch Irinej stated that it was unacceptable to hold such a gathering in Belgrade, since NATO "was our bitter enemy until yesterday" and that "the wounds inflicted by NATO on the Serbian people have not yet healed".<sup>550</sup>

The confirmation for this very negative attitude of the Serbian Orthodox Church towards NATO can also be found in the statement of Metropolitan Amfilohije, who supported Montenegro's membership in the European Union, but not in NATO, stating that Montenegro should help abolish NATO through its membership in the European Union.<sup>551</sup>

548 *Press*, 24 March 2011.

549 *Press*, 1 April 2011; "Ruski mitropolit Ilarion u poseti Srbiji", *Politika*, 1 April 2011.

550 *Press*, 15 June 2011.

551 *Danas*, 4 January 2011.

The traditional support of the Serbian Orthodox Church or, more precisely, the majority of its officials to the Hague indictees in the struggle against “Hague tyranny”, forms an integral part of the strong nationalist discourse of the majority church. After the fulfilment of Serbia’s obligations towards the Hague Tribunal, that is, delivery of all indictees, it switched from the rhetoric of protecting “national heroes who are hidden by people” to the preservation and cherishing of the legacy of those “Serbian heroes”. The launching of the book of the convicted war criminal Milan Lukic in the Parish House of St Sava Memorial Church in Belgrade provoked severe responses from the civil sector. The Fund for Humanitarian Law called on Serbia’s institutions and citizens to publicly condemn the use of a religious building to glorify a war criminal and asked the Patriarch to name the priests who had participated in this event and inform the public how such a situation could occur.<sup>552</sup>

This year, Patriarch Irinej also used harsh words for the announced Pride Parade, which he called a “parade of shame”, and appealed to the competent authorities not to allow this dishonourable parade to be held because “there has been enough humiliation and fulfilment of foreign wishes”.<sup>553</sup>

Due to high security risks, the police banned the Pride Parade in Belgrade in 2011, but the previous year’s one (which was held) was still of topical interest for the Serbian Orthodox Church. Namely, at the beginning of March 2011, five months after the event, Gender Equality Trustee Nevena Petrusic called on Metropolitan Amfilohije of Montenegro and the Littoral to publicly apologize to the participants of Belgrade’s Pride Parade for the use of hate language to justify violence in the streets of Belgrade on 10 October 2010.<sup>554</sup> Let us recall that – one day after the Parade, when addressing the gathered people in the village of Klinči near Lustice – Metropolitan Amfilohije called the members of the LGBT community “stench of Sodom” and characterized them as being “dedivinized and wrongheaded” and “plague and the scourge of Sodom”.

<sup>552</sup> *NIN*, 11 August 2011.

<sup>553</sup> *Alo*, 1 October 2011.

<sup>554</sup> *Politika*, 6 March 2011.

Soon after Nevena Petrusic's call, Metropolitan Amfilohije stated that those asking him to apologize had no right to do that because he did not demonstrate hate towards man; he condemned the sin. The Metropolitan also said that someone would have the right to ask him to apologize only if he, as the Bishop of the Christian Orthodox Church, demonstrated hate towards people as God's creatures, towards man as God's icon, in his statements. The coordinator of the Legal Council of the Metropolitanate, Velibor Dzomic, said that Nevena Petrusic overstepped her competence stipulated by the Serbian Constitution and relevant laws and that she also violated the principle of separation between state and churches and religious communities<sup>555</sup>.

Thereafter, the Gender Equality Trustee decided not to take legal action against him, which was justified by the fact that her office lacked the capacity to handle such a case, since it has only four employees, and that the law recognizes so-called strategic lawsuits.<sup>556</sup> As could be expected, the Trustee's decision provoked very sharp criticism from the Anti-Discrimination Coalition.

For his decision to ban the Pride Parade in Belgrade, Interior Minister Ividac received recognition from the Diocese of Raska and Prizren at the Liturgy Reception in the Monastery of Mileseva on the occasion of the consecration of the biggest church bell in Serbia. While awarding the newly established Order of White Angel to Ividac, Bishop Filaret said that this decoration was awarded to the Interior Minister because he "upheld the honour of Serbia these days", when "some democrats" tried to put it on the wall of shame and cause the spilling of Serbian blood on the streets of Belgrade. Here one could also hear anti-European and pro-Russian messages. Namely, Bishop Filaret of Mileseva stated that nobody would set Serbia and Russia against each other, and that some people are now saying: "Europe, Europe, and it has taken our heart – Kosovo and Metohija – away from us!", and shouted: "We want Russia, long live Russia".<sup>557</sup>

<sup>555</sup> *Novosti*, 7 March 2011.

<sup>556</sup> *Danas*, 7 March 2011

<sup>557</sup> *Kurir*, 7 October 2011.

Apart from Interior Minister Ivica Dacic, recognition from the Diocese of Mileseva was also received by Patriarch Irinej, Metropolitan Nikolaj of Dabrobosna, Bishop Pahomije of Vranje, Bishop Vasiije of Zvornik and Tuzla and Bishop Irinej of Backa. The news that caused the greatest stir in public was recognition awarded to Bishop Pahomije, who had been tried on charges of raping four underage boys.

Pahomije's case, as it is publicly known, deserves a short chronological survey. In early 2003, criminal charges were filed against Bishop Pahomije on suspicion of sexually abusing four underage boys. The trial was finished on 6 March 2006 and Bishop Pahomije was acquitted of all charges. The Council of the Municipal Court in Nis dismissed the charges that he sexually abused underage boys in 1999 and 2000 due to an absolute statute of limitation. As for other two charges, brought against him in 2001 and 2002, the defendant was acquitted. Judge Katarina Randjelovic, the Chairman of the Council of the Municipal Court in Nis, stated that there was a "certain degree of reasonable doubt, but it was not certain that the Bishop committed the acts with which he was charged". On 10 May of the same year, the Municipal Court in Nis dismissed the municipal prosecutor's complaint as groundless, so that the acquitting decision became legally valid. Aleksandar Stojkovic, the lawyer who represented the injured boys in the court case against Pahomije, filed a request for the protection of legality "due to serious breaches of a number of international conventions on human rights and the rights of the child". In October 2007, the Supreme Court of Serbia accepted the request, stating that "during the trial there were breaches of the legal procedure, while the court decisions were unlawfully brought, in favour of the defendant".

It is worth mentioning the statement of Slobodan Homen, the State Secretary in the Ministry of Justice, that there was plenty of disputable facts concerning the legal proceedings against Bishop Pahomije, which was evidenced by case file documentation and the decision of the Supreme Court of Serbia that there was a breach of legality in the proceedings to the detriment of the injured underage persons. His statement that the first government of Vojislav Kostunica deliberately hushed up the case against Tomislav Gacic provoked many reactions and again raised the question of

whether legal proceedings should be subject to the statute of limitation. The media disclosed that the judges and prosecutors who had participated in the legal proceedings against Pahomije were not re-elected.<sup>558</sup>

In October 2011, four boys abused by Bishop Pahomije according to the indictment filed by the Municipal Public Prosecutor's Office in Vranje, were paid one million dinars each in damages. The decision of the Supreme Court of Serbia relating to the request for the protection of legality, which was filed by the Republican Public Prosecutor, provided a basis for the Ministry of Justice to conclude a settlement, despite the lack of any legal or court obligation to do that. According to Slobodan Homen, there was no legal framework for such payment, but the moral framework did exist. He explained that the Supreme Court of Serbia did not decide whether someone was guilty or not; it determined that the proceedings were obstructed and that the right to trial within a reasonable time was violated, thus inflicting damage on the boys.<sup>559</sup>

## **The Serbian Orthodox Church and Its Neighbours**

During 2011, the already bad relations between the Serbian Orthodox Church, on one side, and the Montenegrin Orthodox Church and Montenegrin authorities, on the other, were further aggravated both in character and scope. Severe criticism launched against the Montenegrin Orthodox Church as well as the Montenegrin authorities and media by the Metropolitanate of Montenegro and the Littoral of the Serbian Orthodox Church, became increasingly intensified.

According to the Podgorica media, on the occasion of the 20th anniversary of his accession to the throne of the Metropolitanate of Montenegro and the Littoral, Metropolitan Amfilohije stated that one part of Montenegrin society was stirring up hatred against Serbs and everything Serbian by affirming "Montenegrism" in the way alien to contemporary civil Europe<sup>560</sup>. Such severe criticism of the "current ruling stratum" in Mon-

<sup>558</sup> *Press*, 12 October 2011.

<sup>559</sup> *Politika*, 12 October 2011.

<sup>560</sup> *Novosti*, 4 January 2011.

tenegro, which “disparages” Serbdom by “imposing” Montenegrism<sup>561</sup>, expressed in January 2011, was repeated by the officials of the Metropolitanate throughout the year.

The relations between the Serbian Orthodox Church and Montenegrin authorities were further aggravated when the High State Prosecutor’s Office in Podgorica initiated disciplinary proceedings against Metropolitan Amfilohije due to his Christmas Eve message sent to those supporting the removal of the metal church of Holy Trinity on Mt Rumija, which rises above the town of Bar: “Whoever destroys that church, may God destroy him and his posterity and may the Honourable Cross judge him”<sup>562</sup>. These disciplinary proceedings had to prove that by using “hate language” Metropolitan Amfilohije violated the law. The state prosecutor also announced the possibility of filing criminal charges against him for instigating national, racial and religious hatred. Metropolitan Amfilohije was also charged with mocking the new Montenegrin script on 14 January – while addressing the believers he called it “cirgilica” after Adnan Cirgic, one of its “authors” – and with giving the warning on 18 January that the announcement of the demolition of the church on Mt Rumija might provoke religious conflict in Bar and that some believers said that they might respond by demolishing the mosque<sup>563</sup>.

Several months later, the trial to Metropolitan Amfilohije in the disciplinary court in Podgorica was postponed for an indefinite period due to the defence lawyer’s request for the exclusion of the judge and the president of the court because of “inadequate working conditions in the courtroom”.<sup>564</sup>

This was followed by direct accusations exchanged between Montenegrin Parliament Speaker Krivokapic and Metropolitan Amfilohije. The Parliament Speaker compared the Metropolitan with Bin Laden and the Metropolitan responded that he was “krivomozgic” (crooked brain) and not Krivokapic (crooked cap). The Metropolitan also repeated the curse

<sup>561</sup> *Danas*, 4 January 2011.

<sup>562</sup> *Novosti*, 8 January 2011.

<sup>563</sup> *Novosti*, 20 January 2011.

<sup>564</sup> *Danas*, 12 September 2011.

and added that the church on Mt Rumija disturbed primarily Mehmet Bardhi, the leader of the Democratic Alliance of Albanians in Montenegro, and his ideas of a Greater Albania<sup>565</sup>.

The case of the metal church on Mt Rumija was also brought before the European Parliament through Slovenian deputy Jelko Kacin, who submitted an amendment calling for the demolition of the church and condemnation of the statements made by the leaders of the Serbian Orthodox Church. The amendment was rejected in the European Parliament's Committee on Foreign Affairs by a majority vote.<sup>566</sup>

Several initiatives of Montenegrin politicians aimed at starting a dialogue between the Orthodox churches were met with a severe and resolute reaction from the Serbian Orthodox Church. After Montenegrin Prime Minister Igor Luksic had pointed to the need to start a dialogue about the ownership and use of churches in Montenegro, thus finding a substantive and final solution to the problem in a systematic way, and had announced that during his term of office as Prime Minister he would emphasize the need for such a dialogue at any level with the aim of achieving full ethnic harmony and religious tolerance, there followed a resolute reaction from the Serbian Orthodox Church. The Diocesan Council of the Orthodox Church in Montenegro, chaired by Metropolitan Amfilohije, has informed the Prime Minister that a dialogue with all legitimate representatives of traditional churches and religious communities has always been open and will always be open as far as the Orthodox Church is concerned. However, a dialogue with pseudo-church communities and former or false priests has never been possible nor will it be possible in the future. A more concrete interpretation of the position of the Serbian Orthodox Church on the mentioned initiative of the Montenegrin Prime Minister was given by Bishop Irinej of Backa: "Neither is Miras Dedic a Bishop nor is the Montenegrin Church a church".<sup>567</sup>

The Serbian Orthodox Church also severely reacted after the announcements of Milo Djukanovic, the leader of the Democratic Party of

<sup>565</sup> *Press*, 26 January 2011.

<sup>566</sup> *Kurir*, 13 February 2011.

<sup>567</sup> *Politika*, 21 March 2011.



Socialists (DPS), that the goal set forth in the programme of his political party was to unify the church in Montenegro, the idea which, according to him, was supported by the Parliament and his Speaker. The Patriarchate of the Serbian Orthodox Church stated that the behaviour of the Montenegrin authorities was contrary to the European principles of separation between church and state, and if Montenegro aspired to join the European Union, the authorities had to understand that they should not interfere with the organizational structure of the church.

The announcements coming from Podgorica were also severely criticized by the Russian Orthodox Church or, more precisely, its representative Nikolai Balashov, Secretary of the Commission for Inter-Orthodox Church Relations, who said that the Orthodox Churches of the whole world had no doubts that the so-called Montenegrin Orthodox Church was a non-canonical schismatic organization. Reaction also came from the Serbian Minister of Religion, Srdjan Sreckovic, who stated that church life should be completely separated from secular one and that the time when politics could influence church life had passed<sup>568</sup>.

The statement of Metropolitan Hilarion of Volokolamsk, responsible for the foreign relations of the Moscow Patriarchate, that the Montenegrin Orthodox Church was a "self-proclaimed group trying to present itself as an Orthodox Church", was severely condemned by Montenegrin academicians and public and cultural figures. In an open letter to the Montenegrin authorities, 110 members of the Montenegrin Doclean Academy, public and cultural figures, severely condemned Metropolitan's Hilarion "inappropriate statements that offend the dignity and sovereignty of Montenegro", emphasizing that the "Russian Metropolitan's ruling in the Montenegrin church dispute in favour of the Serbian Church represents the gross denial of Montenegro's sovereignty and insult to all citizens, especially to nationally-minded Montenegrins". It was also stated as follows: "There is plenty of evidence that the Serbian Church is an ethnophylethic, war-mongering and anti-Montenegrin institution, which is best shown

568 *Blic*, 19 May 2011.

by the fact that there is not one nationally-minded Montenegrin among more than a thousand of their clerics in Montenegro".<sup>569</sup>

According to some Belgrade media, during his talks with the highest government officials in Podgorica, Metropolitan Hilarion stated that the Russian Church does not recognize the so-called Montenegrin Orthodox Church and that it only recognizes the Metropolitanate of Montenegro and the Littoral as part of the Serbian Orthodox Church. In Belgrade, he advanced the idea that the Metropolitanate of Montenegro and the Littoral should obtain "confederal status" within the Serbian Orthodox Church in order to ease current tensions in its relations with the Montenegrin state and among Orthodox believers in Montenegro. The high representative of the Moscow Patriarchate referred to the policy and practice of the Russian Orthodox Church after the collapse of the Soviet Union, when new independent states were established and the tendencies similar to those in Montenegro appeared. For example, the Orthodox Churches in Ukraine, Belarus, Moldova and the Baltic countries were granted a significant degree of autonomy, which was already enjoyed the Orthodox Churches in Japan and China. It was emphasized, however, that greater autonomy did not mean autocephaly, since all these Churches remained a part of the Russian Orthodox Church.<sup>570</sup>

In mid-June 2011, the Montenegrin Ministry of the Interior announced that 86 priests of the Serbian Orthodox Church had no residence permit in Montenegro and, being foreign citizens, they could resolve their status in three ways prescribed by law: to register themselves for a 90-day stay, or to apply for temporary or permanent residence in Montenegro, if they fulfill the prescribed requirements. Metropolitan Amfilohije severely condemned the Montenegrin authorities claiming that, by controlling the stay of foreigners in the monasteries and churches of the Serbian Orthodox Church, the Montenegrin police was "terrifying the monks, nuns and priests".<sup>571</sup>

<sup>569</sup> *Politika*, 23 July 2011.

<sup>570</sup> *Danas*, 24 July 2011.

<sup>571</sup> *Blic*, 13 June 2011.

According to the Montenegrin print media, sixty or so priests and monks could be expelled from Montenegro, since the competent services had rejected their applications for a temporary residence permit and their complaints had not been answered.<sup>572</sup> The application of Archpriest Velibor Dzomic was also rejected, which was justified by some obstacles associated with national security, public order and public health.<sup>573</sup>

Archpriest Velibor Dzomic, the coordinator of the Legal Council of the Metropolitanate of Montenegro and the Littoral, is the most vocal critic of the Montenegrin authorities after Metropolitan Amfilohije. In conformity with his status in the Metropolitanate, his criticism has been especially levelled against the request of the Montenegrin authorities that the Metropolitanate should be registered with the Ministry of the Interior which, in his opinion, was absolutely unacceptable, since the “current Law on Religious Communities of 1977 does not stipulate the registration of the churches and religious communities already existing at that time; this obligation applies only to those which will be subsequently formed”. He interpreted pressure exerted on the Serbian Orthodox Church as the “abuse of the official powers of the Interior Minister and his Social Democratic Party”.<sup>574</sup>

After the Montenegrin authorities settled their relations with the Roman Catholic Church by signing a concordat in late June 2011, the Metropolitanate requested that the relations with other religious communities in Montenegro should be regulated in the same way and to the same extent. The Montenegrin Government’s response that it is open to defining the relations with other religious communities under similar agreements, provides a realistic basis for the final settlement of the status of the Serbian Orthodox Church in Montenegro.

There were many sporadic incidents, mostly local in character. Such incidents are mostly the result of chronically bad relations between the Montenegrin authorities and the Metropolitanate. One such incident was recorded in Niksic. Namely, Radomir Nikcevic, Archpriest of the Serbian

<sup>572</sup> *Novosti*, 20 June 2011.

<sup>573</sup> *Novosti*, 9 October 2011.

<sup>574</sup> *Blic*, 24 June 2011.

Orthodox Church, burned the indictment against him in front of the Basic Court, which was qualified by lawyers as a criminal act. He was charged with abusing his official position as Director of the Publishing House of the Metropolitanate of Montenegro and the Littoral and inflicting financial damage on the state by improperly calculating the employees' salaries. While burning the indictment, Nikcevic explained to journalists that his trial was an "instrument of political pressure used by a small arrogant party in power" and that the indictment against him was raised by the "usurped and narrow-party prosecutor's office, shrouded in the clothing of a state institution".<sup>575</sup>

Due to its activities in Montenegro – apart from increasingly distancing itself from the state and its institutions – the Serbian Orthodox Church or, more exactly, the Metropolitanate of Montenegro endangers traditionally good relations with other religious communities. The tradition of ascending to the top of Mt. Rumija, as a joint sacred site, which was observed by Orthodox Christians, Catholics and Muslim believers on Holy Trinity Day, was terminated in 2005, when the Metropolitanate, in cooperation with the then Army of Serbia and Montenegro, erected a metal church on the top of the mountain, thus monopolizing a joint spiritual space. A protracted dispute with the authorities over the survival of the metal church, coupled with very severe criticisms and condemnations, resulted in the fact that Metropolitan Amfilohije's call to Catholics and Muslims to join Orthodox believers in the liturgical procession was not responded.<sup>576</sup>

In mid-February 2011, the Montenegrin Orthodox Church ordained Vojislav Miljanic from Niksic as a priest in the future parishes of the Montenegrin Orthodox Church in Novi Sad and Lovcenac. After his ordination, the first priest of the Montenegrin Orthodox Church in Serbia thanked the Krstas Association of Serbian Montenegrins for its support to the Montenegrin Orthodox Church in Serbia and called on believers to help build the first church in Lovcenac<sup>577</sup>. As could be expected, this initiative of the

<sup>575</sup> *Danas*, 22 September 2011.

<sup>576</sup> *Danas*, 12 June 2011.

<sup>577</sup> The cornerstone for the church devoted to St Ivan Crnojevic was laid by the Montenegrin Orthodox Church two years ago and at that time it was announced that the

Montenegrin Orthodox Church in Serbia provoked severe criticism from the officials of the Serbian Orthodox Church. On behalf of the Diocese of Backa, in whose territory the institutionalization of the Montenegrin Orthodox Church in Serbia was initiated, the Diocesan Secretary said the following: "Nobody has informed us that an unrecognized church wishes to bring its priest here. There is no need to do that because we hold that the Montenegrin Orthodox Church is not a church. It is a citizens' association and its efforts to establish a church here should be dealt with by the government bodies."<sup>578</sup> Considering this initiative of the Montenegrin Orthodox Church as a "pure political provocation before the census in Montenegro", Archpriest Velibor Dzomic, the coordinator of the Legal Council of the Metropolitanate of Montenegro and the Littoral, said the following: "This is evident by the fact that behind this initiative stands an insignificant Montenegrin party, which violates the constitutional principle of separation between state and churches and religious communities, as well as the Law on Churches and Religious Communities." According to him, the Montenegrin Orthodox Church in Serbia has no legal status and cannot operate until solving its status in accordance with the current laws.<sup>579</sup>

Throughout the year, another chronic problem or, more precisely, the canonical (non-)recognition of the Macedonian Orthodox Church and status of the Ohrid Bishopric of the Serbian Orthodox Church in Macedonia, was overshadowed by occasionally tempestuous and intensive events in Montenegro. The public was mostly informed about the arrests of Bishop Jovan, the head of the Orthodox Ohrid Bishopric, as well as the repetition of the already senseless mutual condemnations. After Bishop Jovan's arrest at the Bulgarian border as early as November 2010, on the basis of an international arrest warrant issued by the Basic Court in Bitola<sup>580</sup>, there

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Krstas Association obtained "relevant documentation, including all necessary permits" for the construction of the Krstas ethno-park and that it first planned to build a church.

<sup>578</sup> *Novosti*, 15 February 2011.

<sup>579</sup> *Politika*, 17 February 2011.

<sup>580</sup> The court in Bitola sentenced Bishop Jovan (Vraniškovski) to two and a half years in prison for embezzling 250,000 euros of the church funds at the time he was the head of the Orthodox Ohrid Archbishopric, which is not recognized by the Macedonian authorities.

followed a ban on his leaving Bulgaria and the decision of the District Court to extradite him to Macedonia. However, pursuant to the final decision of the Appellate Court in Sofia, the mentioned decision on his extradition was rejected and ban on his leaving Bulgaria was abolished "with the justification that the court decision brought in FYR Macedonia is the result of his persecution on religious grounds".

Soon after leaving Bulgaria, Archbishop Jovan was again detained at the Greek-Macedonian border. According to the Ohrid Archbishopric, Archbishop Jovan is entitled to a retrial, since he was tried in absentia, as well as to being released pending trial.

It has been announced that Bosnia and Herzegovina will renew its charges against Serbia before the International Court of Justice in The Hague. It has already prepared the list of "criminals from the Yugoslav People's Army and Army of the Republic of Srpska". On the list prepared by non-governmental organizations, which was submitted to the Police of the Federation of Bosnia and Herzegovina, there is also the name of Bishop Vasilije Kacavenda.<sup>581</sup> The processing of Bishop Vasilije's case is highly unlikely because the representatives of the Republic of Srpska in the joint bodies of Bosnia and Herzegovina have already stated that they will never give approval for the renewal or new charges against Serbia, regardless of the fact that official Belgrade created a problem within one nation living on both sides of the Drina by arresting Bozidar Vucurevic.

The traditionally strong link of the Serbian Orthodox Church to the Republic of Srpska, "the guardian of the honour and soul of the Serbian Orthodox people",<sup>582</sup> as it was stated by Metropolitan Amfilohije in September 1994, has also been affirmed today. During his visit to Foca, amidst a political crisis in Bosnia and Herzegovina, which broke out after the decision of the Parliament of the Republic of Srpska to hold a referendum on the operation of the state Court and Prosecutor's Office of Bosnia and Herzegovina, Patriarch Irinej openly supported this initiative. Apart from emphasizing that referendum is a product of democracy worldwide and expressing his expectations of a positive settlement of this issue in the Re-

<sup>581</sup> *Pravda*, 8 April 2011.

<sup>582</sup> *Pravoslavlje*, 1-14 September 1994.

public of Srpska, the Patriarch said, "The truth and justice are on our side. We must be patient and wise in response to such pressures".

## Muslims in Serbia

The status of Muslims in Serbia is still burdened by the organizational division within the Islamic community or, more exactly, the existence of two Islamic communities. The parallel functioning of two organizational structures and persistent insistence on one's own position resulted in the formation of parallel institutions, which only increases the existing distance and makes reconciliation more difficult.

After 20 years of the existence of the two Islamic communities – which especially refers to the last five years – there are now almost identical institutions within these rival structures. As of recently there have been two higher education institutions operating within these two Islamic communities, one in Novi Pazar and the other in Belgrade. The Islamic Community of Serbia founded the Faculty of Islamic Sciences with the seat in Belgrade and a branch in Novi Pazar. At the opening ceremony, Mehmed Becovic, Acting Dean of the Faculty of Islamic Sciences, stated that the aim of its founders is to have "this faculty operate within, or under the auspices of the University of Belgrade, or some other state university. We wish to be a part of the Serbian education system in every respect". Commenting on the founding of the Faculty of Islamic Sciences, the Meshihat of the Islamic Community in Serbia – which has jurisdiction over the respectable Faculty of Islamic Studies in Novi Pazar – stated that this was the "continuation of Belgrade's practice to establish parallel institutions in Sandzak".<sup>583</sup>

The marking of St Sava's Day, as the school patron saint's day in schools in the Sandzak municipalities, was severely criticized by the Meshihat of the Islamic Community in Serbia, especially its Chief Mufti Muamer Zukorlic. In the Meshihat's opinion, the organization of this event in the schools where Bosniak children constitute a majority and their inclusion in the programmes represent "discrimination and an attempt to assimilate Bosniaks in the region". At its extraordinary session held on 25

<sup>583</sup> *Politika*, 21 March 2011.

January 2011, the Meshihat of the Islamic Community in Serbia gave full support to Muslim pupils, parents, teachers and principals in their resoluteness not to accept the unconstitutional and unlawful Christianization of Muslim children through schools. They were also called upon to report any pressure to participate in St Sava's Day celebrations in schools to the Islamic Community. The Serbian Orthodox Church was also asked to dissociate itself from the forceful participation of Muslim children in St. Sava's Day celebrations. It was also stated that it was not in the interest of the Serbian Orthodox Church or the state to forcefully Christianize Muslim children.<sup>584</sup>

Minister of Education Zarko Obradovic regarded Mufti Zukorlic's calls on Muslim children not to participate in this festivity as being immaterial and stated that "St Sava's Day has been celebrated as the school patron saint's day since 1841, while Zukorlic has been present on our scene over the past ten or so years and so far has not said anything like that. Thus, the question that imposes itself is why this issue is so important to him today".<sup>585</sup>

Parallel to the formal meeting dedicated to St Sava, which was attended by Bishop Teodosije of Raska and Prizren and retired Bishop Atanasije of Zahumlje and Herzegovina, the Bosniak Cultural Community organized the debate on the "imposition of St Sava's Day as the school patron saint's day on Bosniak children" in the premises of the Meshihat of the Islamic Community in Serbia.

On that occasion, Mufti Zukorlic emphasized that by boycotting St Sava's Day celebrations the Bosniaks passed an important historical test, demonstrated their maturity and preserved their religious and national identity.<sup>586</sup> Pointing out that the calls to boycott St Sava's Day celebrations in schools did not contain "any element of underestimation, desecration or denial of the right to the Serbian people to celebrate and respect their sanctities and religious values", Mufti Zukorlic also said that "once Sand-

584 *Meshihat of the Islamic Community in Serbia*, 25 January 2011. [http://mesihat.org/index.php?option=com\\_ezine&task=read&page=4&category=19&article=5005](http://mesihat.org/index.php?option=com_ezine&task=read&page=4&category=19&article=5005).

585 *Politika*, 28 January 2011.

586 *Novosti*, 28 January 2011.



zak achieves autonomy, he guarantees to all Serbian Orthodox children that they will not be forced to participate in the celebration of Bairam, or any other religious observance; instead, they will be guaranteed their religious, national and spiritual identity".<sup>587</sup>

On the other hand, the representative of the Islamic Community of Serbia, Deputy Reis-ul-Ulema and Serbian Mufti Muhamed Jusufspahic sent his greetings to the Minister of Education on the occasion of the school patron saint's day in which, among other things, he expressed his regrets that "this day is passing in an attempt to increase tensions and intolerance". The Serbian Mufti of the Islamic Community of Serbia called on Bosniaks "to preserve their religious and national dignity and be wise when passing judgment, as befits the believers of Islam"<sup>588</sup>

It is interesting to note that the Civic Initiative of Goranci responded to very severe reactions from Chief Mufti Zukorlic on the occasion of St Sava's Day celebrations in Sandzak schools. It requested from the state authorities not to turn a blind eye to the secessionist intentions of Mufti Zukorlic. In the statement issued by this organization, which was signed by its leader Orhan Dragaš, it is said that "Zukorlić has been seriously and aggressively working on the secession of Sandzak for a longer period and that the top government officials are turning a blind eyes to his activities".<sup>589</sup>

Bishop Irinej of Backa also reacted to the severe condemnations of the "Christianization of Muslim children": "Enough is enough, even when it comes from Efendi Zukorlic, a politician temporarily working in the religious shere. Although there has been nothing he can do that can surprise us for a long time, his latest statement still took us by surprise." Pointing out that only an ill-intentioned man can see danger in St Sava, the Bishop also said that the interpretation of Islam by Muamer Zukorlic was inflicting the greatest damage on Islam itself. "Inadvertently yet perniciously, it confirms the basic theses of the exponents of Islamophobic movements

587 *Danas*, 28 January 2011.

588 *Novosti*, 27 January 2011.

589 *Novosti*, 26 January 2011.

and organizations, who argue that, by its very nature, Islam is always and inevitably intolerant and violent.”<sup>590</sup>

The mentioned warning of the Civic Initiative of Goranci, was also inspired by Mufti Zukorlic’s other statements. Thus, it is worth mentioning his statement concerning the announcement of the repeated elections for the Bosniak National Council: “Autonomy is not aquired at any counter in Belgrade; it is born, cultivated and raised in one’s mind and heart, and it is in the hearts of all Bosniaks. We need autonomy not as the goal but as the means; the Serbian regime had the whole decade at its disposal to demonstrate Serbia’s capacity to make us equal citizens. Nothing has been done with respect to this problem; the blame should be put on those in Belgrade...”<sup>591</sup>

By tradition, Mufti Zukorlic used every opportunity to criticize the Belgrade authorities. So, at the closing Mavlid ceremony in Belgrade, organized on the occasion of Prophet Muhammad’s birthday by the Islamic Community in Serbia at the Novi Pazar Sports Centre, on 16 February 2011, Mufti Zukorlic warned the authorities that the Egyptian scenario could easily happen in Serbia if they were not careful. He argues that the Serbian authorities treat insults to Islam and Muslims, as well as the Islamic community and its leaders as the freedom of speech, and when Muslims in Serbia raise their voice that is hate speech.<sup>592</sup>

After the annulment of the elections for the Bosniak National Council<sup>593</sup>, the former Minister Svetozar Ciplic scheduled new elections for 17 April. Their postponement followed after the reshuffle of the Government

590 *Novosti*, 27 January 2011.

591 *Novosti*, 21 January 2011.

592 *Danas*, 18 February 2011.

593 At the elections for the National Bosniak Council held in June 2010, in which three election lists participated, most seats out of 35 were won by the Bosniak Cultural Community (17), led by Mufti Muamer Zukorlic, then by the Bosniak List (13), led by Sulejman Ugljanin, and finally by the Bosniak Revival (5), which was supported by Rasim Ljajic’s Sandzak Democratic Party. After two candidates from the Bosniak Revival lent support to the Bosniak Cultural Community, Mufti Zukorlic formed the Bosniak National Council at the constituent meeting on 7 July 2010, which was not recognized by the other two lists and competent state institutions.

and merger of the Ministry for Human and Minority Rights and the Ministry of Public Administration and Local Self-Management, and the appointment of Milan Markovic as Minister. As the new date for these elections they first mentioned September and then October.

After the last postponement of the elections for the Bosniak National Council, Samir Tandir, the Chairman of the Executive Committee of the Bosniak National Council, which is not recognized by the state, said that the main reason for postponing the elections was an “increased level of nervousness in the Belgrade regime because their representatives in Sandzak, two Serbian ministers with Bosniak names, have lost any support here”. In his opinion, this is the “continuation of persistent discrimination against the members of the Bosniak people”.<sup>594</sup>

On 11 September 2011, the organizations and institutions led by the Bosniak National Council and Islamic Community in Serbia adopted the declarations on discrimination in Sandzak and the formation of the Sandzak National Council<sup>595</sup>. Article 2 of the Declaration on Discrimination in Sandzak reads as follows: “The regime’s aggression against the Islamic Community has been organized with the aim of undermining the basic pillar of survival for the Bosniaks in Sandzak”. Article 3 of the Declaration reads as follows: “The attack on Islamic religious education by the Ministry of Religion and Diaspora and the Ministry of Science and Education is being implemented with the aim of Christianizing Muslim children.”<sup>596</sup> It also proposes certain measures “if the regime fails to urgently change its behaviour”.

The adoption of the Declaration on Discrimination in Sandzak, including the proposed measures, was preceded by graffiti written on the town façades with black spray paint, which read “Tunisia, Egypt, Libya, Sandžak!” and linked to Zukorlic’s message to the Serbian authorities six

<sup>594</sup> *Danas*, 28 July 2011.

<sup>595</sup> The National Council of Sandzak was formed by renaming the All-Bosniak Assembly of Sandzak.

<sup>596</sup> (Declaration on Discrimination in Sandzak), *Islamic Community in Serbia*, 11 September 2011, [http://mesihat.org/index.php?option=com\\_ezine&task=read&page=2&category=12&article=5740](http://mesihat.org/index.php?option=com_ezine&task=read&page=2&category=12&article=5740).

months earlier that the Egyptian scenario could happen in the squares, as well as the announcement of all subsequent activities.<sup>597</sup>

A few months earlier, the Meshihat of the Islamic Community in Serbia condemned the “continuation of hostility” for Islam and Muslims by Radio Television Serbia (RTS). It claimed that “despite a number of warnings, the so-called public service led by Aleksandar Tijanic participates in the regime’s media lynch of Chief Mufti Muamer Zukorlic”. The Meshihat’s reaction was prompted by the TV show “Yes, Maybe Not” in which its author, Olivera Kovacevic, tried to “present Muslims who are discriminated against as a danger to those who think differently”. The Meshihat reproached RTS for inviting Urban-in NGO Director Aida Corovic to its show because she “unscrupulously represents the interests of the Belgrade regime in Sandzak”.<sup>598</sup>

The problem relating to the appointment of Islamic religious teachers was raised again at the beginning of the school year. The representatives of the Islamic Religious Teachers’ Association met with Mufti Zukorlic on which occasion it was requested that the Meshihat of the Islamic Community in Serbia should issue a fatwa about the “religious validity of religious education under current circumstances” and should urgently summon the All-Bosniak Assembly of Sandzak (Sandzak National Council). The Reis-ul-Ulema of the Islamic Community of Serbia, Adem Zilkic, dismissed all charges on account of the selection of religious teachers stating that this year’s list was “99 per cent the same as last year”.<sup>599</sup>

Mufti Muamer Zukorlic also took a tough stance on the census in Serbia, pointing out that his compatriots were exposed to an “unprecedented media-political torture”, that underway was a “media-orchestrated attack on everything that does not suit the Belgrade regime and its exponents in Sandzak”. The Islamic Community in Serbia and its institutions called on Bosniaks to boycott the census in Serbia due to “discrimination as a form of state terror”. At the press conference, Mufti Zukorlic explained that the “campaign to boycott the census is necessary for the further path to the

<sup>597</sup> *Danas*, 13 September 2011.

<sup>598</sup> 6 March 2011.

<sup>599</sup> *Danas*, 15 September 2011.

freedom of Bosniaks and realization of their rights”, and called on census takers to withdraw from participation, so that their “neighbours do not remember them as being the instrument of a shameful action directed against the Bosniak people”.<sup>600</sup>

At the session of the Meshihat of the Islamic Community in Serbia it was concluded that the “printing of census forms using only the Serbian language and Cyrillic script is another form of discrimination and brutal violation of Bosniak rights.” It was also stated that the aim of census taking under current conditions is “to falsify the number of Muslims in Serbia and other relevant data” and therefore “Muslims will not participate in the action of falsifying the facts on their existence and identity”. The Sandzak National Council also called on Bosniaks to boycott the census in order to “turn the attention of the international community that they do not agree with long-standing discrimination and state terror”.

On the other hand, the Meshihat of the Islamic Community of Sandzak, which is under the jurisdiction of the Islamic Community of Serbia, issued a public statement calling on Bosniaks to participate in the census, since the “participation in the census is in conformity with our religious teachings” and therefore the “religious obligation of every Muslim Bosniak is to participate in all legal activities, including the census, which is a prerequisite for the improvement of living conditions”. The Meshihat of the Islamic Community of Sandzak calls on Bosniaks to “take this opportunity to declare their religious, national and linguistic affiliation freely and in a dignified manner”. In the statement signed by Sandzak Mufti Hasib Suljovic, it is said that the members of the Bosniak national community are “often exposed to harmful statements and activities of various individuals and interest groups”, as is now the case with their “open calls for census boycott”.<sup>601</sup>

Unfortunately, the previous year also did not pass without incident. The windows on the masjid in Sabac were broken and its walls scribbled with graffiti; several nishans (tombstones) were overturned and one commemorative plate at the Muslim cemetery in the Sjenica village of Brn-

600 *Danas*, 16 October 2011.

601 *Danas*, 30 September 2011.

jica was broken. However, the greatest media coverage was received by the attempted burglary of the mosque in Borca, a suburban settlement of Belgrade, as well as the setting of fire to this building belonging to the Islamic Community of Serbia. This incident was severely condemned by Protector of Citizens Sasa Jankovic and Gender Equality Trustee Nevena Petrusic.<sup>602</sup>

### **An initiative for the Unification of the Islamic Community**

During 2011, after several years of vacuum, a new initiative was launched to unify the Islamic Community or, more precisely, overcome the dispute(s) between the rival organizational structures. This time, amicable settlement was initiated by Turkish Prime Minister Taip Erdogan, Foreign Minister Ahmet Davatoglu and Mehmet Gormez, the head of the Turkish Islamic Community.

According to the media, apart from the Turkish officials, the agreement was created at several meetings by Serbian Minister without Portfolio Sulejman Ugljanin, Minister of Labour and Social Affairs Rasim Ljajic, Bosniak member of the Presidency of Bosnia and Herzegovina, Bakir Izetbegovic, and the Reis-el-Ulema of the Islamic Community in Bosnia and Herzegovina, Mustafa Ceric.<sup>603</sup>

The whole initiative was carried out under very disputable circumstances. Its authors kept meeting and saying that they agreed on all issues. However, they avoided saying anything about the content of the agreement, so that it was unknown to the public for a long time. At the end of October already, Turkish Foreign Minister Ahmet Davutoglu came to Belgrade to present the agreement on the unification of the Islamic communities in Serbia to the Serbian officials, President Boris Tadic and Head of the Serbian Diplomacy Vuk Jeremic. After their meeting, it was announced that the signing of this agreement was expected these days in Istanbul.<sup>604</sup>

<sup>602</sup> *Danas*, 5 September 2011.

<sup>603</sup> *Danas*, 16 October 2011.

<sup>604</sup> *Danas*, 25 October 2011.

The professional public was wondering as to what agreement on the unification of some religious community was in question, if the decision on its content was primarily brought by the representatives of two secular states. According to the basic principle of secularism, the organizational structure of a religious community falls within the scope of its autonomy. Therefore, it is disputable to say the least that its structure was first discussed and agreed by the representatives of the secular authorities.

During the whole process, apart from the lack of transparency and disputable role of government institutions in the creation of the agreement, the absence of one of the two interested parties – the Islamic Community of Serbia – was also apparent. The regular participant in these negotiations was Reis-ul-Ulema Mustafa Cerić, the Head of the Islamic Community in Bosnia and Herzegovina and the main religious authority of the Islamic Community in Serbia, whose Meshihat operates within the Islamic Community in Bosnia and Herzegovina. As can be assumed, the Reis-ul-Ulema unconditionally represented the interests of the Islamic Community in Serbia led by Chief Mufti Muamer Zukorlić, while the other side, the Islamic Community of Serbia, was completely excluded from the negotiating process and mostly received all yet very sparse information on this agreement through the media.

According to some media, the draft agreement anticipated a single Islamic Community with the seat in Novi Pazar, which would operate in the entire territory of Serbia and be organized in six muftiats: Sandžak, Belgrade, central Serbia, Vojvodina and Presevo.

Should this 15-point agreement be concluded, the elections for all positions in the religious community should be held within one month after the date of signing. The elections should be carried out without political and other pressures, and would be monitored by an independent six-member commission, comprised of two members each from Serbia, Bosnia and Herzegovina and Turkey. The representatives of the rival parties who had taken part in the conflict in any way, would not be allowed to participate in the commission. The draft agreement also anticipates that the leaders of the rival organizational structures cannot be candidates for the highest positions in the unified Islamic community. The same applies

to those who contributed to these divisions. Muftis, imams and religious officials are forbidden to engage in political activities and campaigns; they cannot form political parties or lobby for any political option; also, the mosques cannot be used for a political propaganda.

The second, third and fourth point of the agreement have allegedly been known since the launching of the initiative for the unification of the Islamic community and they stipulate that the single Islamic community should operate "in accordance with the Serbian laws and Constitution, observing the country's territorial integrity and sovereignty".

The full name of the agreement was not specified in its draft; it was planned to do that prior to signing this document, whose final text had to be signed by the leaders of Muslims in Turkey and Bosnia and Herzegovina, Mehmed Gormez and Mustafa Cerić, as well as Muamer Zukorlić, Chief Mufti of the Islamic Community in Serbia, and Adem Zilkic, Reis-ul-Ulema of the Islamic Community of Serbia.<sup>605</sup>

At its session held on 19 November 2011 in Sarajevo, the Assembly of the Islamic Community in Bosnia and Herzegovina unanimously accepted the agreement on the reunification of the Islamic community in Serbia and gave its support to Reis-ul-Ulema Mustafa Cerić to continue the relevant activities. The Reis-ul-Ulema and his Turkish colleague Mehmed Gormez proposed the principles of the agreement and would be its signatories should it be accepted in Ankara, Belgrade and Sarajevo. Although the agreement was read at the Sarajevo session, the text was not presented to the public, since it was the question of an internal document. Reis-ul-Ulema Cerić thanked the Islamic Community of Turkey and Reis-ul-Ulema Mehmed Gormez for taking part in solving this problem and expressed his hope that "Belgrade will consider the Turkish initiative as being serious and with good intentions" and that "it will ensure stability not only in Serbia, but also in the region".

Although the Islamic Community of Serbia was completely excluded from the creation of this agreement, its head, Reis-ul-Ulema Adem Zilkic, commented the Turkish initiative about which he had been mostly informed through the media in the following way: "I am ready to sit immediately at the negotiating table and I will be flexible in these talks as much as possible,

605 *Danas*, 27 October 2011.



but if Turkey insists on the dissolution of the Ryaset, no agreement will be reached." As expected, the Reis-ul-Ulema of the Islamic Community of Serbia supports unification in principle, but not the solutions contained in the Turkish proposal. While criticizing the involvement of Reis-ul-Ulema Cerić, the head of the Islamic Community of Serbia said that he was ready to resign from his position provided Chief Mufti Muamer Zukorlić was also replaced.

Another visit of the Turkish Foreign Minister to Belgrade and his meeting with the highest ranking Serbian officials ended without official information and statements. The media speculated on the basis of "well-informed sources" that Serbia did not accept the proposed agreement; instead, it put forward several requirements differing from the Turkish proposal: insistence on the preservation of the Ryaset, which means that the future Islamic Community should not be organizationally linked to Sarajevo, and that the centre of Muslims in Serbia should be in Belgrade. However, the most interesting proposal was the alleged requirement concerning Mufti Zukorlić – insistence on his withdrawal not only from the Islamic Community, but also from public life.<sup>606</sup>

After the mentioned visit of the Turkish Foreign Minister to Belgrade, the initiative for the unification of the Islamic community in Serbia, dwindled abruptly and was not publicly mentioned any more. Speculations and assumptions on the resoluteness of the Belgrade authorities to stick to their requirements as the main reason for the abrupt stoppage of this initiative turn out to be founded.

Apart from the Islamic Community of Serbia, which was excluded from the whole process of drafting the mentioned agreement, it is interesting to note that Muslims living in southern Serbia were also completely excluded from the process. In late October 2011, the Mufti of the Islamic Community for Presevo, Bujanovac and Medvedja, Dzemailjedin Hasani, testified that he and his believers were informed about the Turkish initiative "only through the media, and we will not recognize any agreement in which we have not participated". He did not believe that it would be realistic to form a unique Islamic community in Serbia with six muftiats, including the Presevo one because "nobody can appoint the muftis or muftiats

606 *Danas*, 24 November 2011.

without elections". He explained his doubt over the success of this initiative in the following way: "The muftis are elected by the votes cast by all mosque imams and jamaat members, that is, people praying in mosques. Neither muftis nor muftiats can be appointed just like that. The establishment of six muftiats in Serbia, as mentioned in the media, is not possible without elections and prior agreement in which the Islamic Community for Presevo, Bujanovac and Medvedja must also participate."<sup>607</sup>

The position of Muslims in the municipalities of Bujanovac, Presevo and Medvedja is very specific, since some 60 mosques and 70 imams are under the jurisdiction of at least four organizational structures, which are individually linked to Pristina, Novi Pazar, Belgrade and even Riyadh.<sup>608</sup> None of these organizational structures was mentioned in the agreement on the unification of the Islamic community.

## Instead of the Conclusion

Although the preparations for marking the 1700th anniversary of the Edict of Milan in Nis are carried out in the shadow of a latent dispute within the Holy Assembly of Bishops of the Serbian Orthodox Church whether the head of the Catholic Church should be invited or not, it is worth mentioning that the meetings organized within the mentioned preparations certainly have a positive character. In February 2011, the Diocesan Church House in Nis was the venue of the international conference entitled "Eternal Value and Perpetual Topicality of the Edict of Milan" in Nis, which was attended by Bishop Irinej of Backa, Belgrade Archbishop Stanislav Hocevar, Muhamed Jusufspahic, Mufti of the Islamic Community of Serbia, Aleksandar Necak, President of the Federation of Jewish Communities in Serbia, Bishop Istvan Czete-Semesi, Christian Reformed Church, and the representatives of the Russian Orthodox Church led by Metropolitan Hilarion. The speakers also included Radovan Bigovic, Professor at the Theological Faculty in Belgrade, Christian Gasteber, Austrian Academy of Sciences, Erika Juhasz, University of Debrecen, Hungary, Sebastian

<sup>607</sup> *Danas*, 27 October 2011.

<sup>608</sup> *Danas*, 7 November 2011.

Panteghini, Institute for Byzantine Studies, Austria, as well as Professors Milutin Timotijevic, Darko Tanaskovic and Radivoj Radic. The meeting was also attended by Minister of Science and Technological Development Bozidar Djelic and Mayor of Nis Milos Simonovic. Apart from the Committee of the Holy Assembly of Bishops of the Serbian Orthodox Church, the organizers of this international meeting also included the Association of NGOs of South East Europe – CIVIS, Pro Oriente Foundation from Austria and Peace and Crisis Management Foundation from Switzerland.<sup>609</sup>

In October 2011, as opposed to his intolerant stance immediately after the enthronement as the head of the Serbian Orthodox Church, when he insulted Muslims with his interpretation of the “philosophy of Islam”, Patriarch Irinej acted in the way befitting a Christian dignitary. During his several-day visit to the Diocese of Mileseva, Patriarch Irinej also visited Priboj and Sjenica. In Sjenica, he addressed the gathered people with the following words: “You live here with your brothers who do not belong to your faith, your Muslim brothers. Respect their faith. Every faith is precious in comparison with unbelief. Like us, they are also believers and we have a lot in common. We all believe in one God. Many elements of Islam are also the elements of our faith. For that reason, but not only for that reason, God is the Creator and Father of all of us, brothers and sisters. We all have the soul. The soul that is God-like thanks to which we resemble God, we Christians, Muslims and all others. Consequently, we all are God’s children or God’s people. And thus, loving God and being faithful to God, we must love our brothers with whom we live. God loves them as much as He loves us.”<sup>610</sup>

Probably the best example of social responsibility befitting one’s belonging to the most respectful institution in Serbia, if public opinion surveys are to be trusted, is the gesture of Bishop Lavrentije who bequeathed his bodily organs.<sup>611</sup> As the first dignitary of the Serbian Orthodox Church who made such a bequest, Bishop Lavrentije gave a good example how someone having spiritual authority can demonstrate and recommend the model of socially responsible behavior.

609 *Politika*, 26 February 2011.

610 *Danas*, 13 October 2011.

611 “Vladika Lavrentije zaveštao organe”, RTS, 22 January 2011.



## VIII – SOCIOECONOMIC FRAME



## Economy: Unexpected Decline

At the beginning of 2011 it seemed that the Serbian Government had a plan how to boost economic activity, achieve the status of candidate for accession to the European Union and get the date for the beginning of negotiations on the conditions for entry into the European association, thus ensuring the good prospects of the ruling coalition at regular parliamentary elections in 2012. This aim seemed all the more desirable because it turned out that the presidential elections had also to be held by the end of the same year (at the latest). However, despite this “pre-election interest” of the ruling coalition, Serbia started to slide irrepressibly into a new recession, which was accompanied by increasingly greater financial problems and rising unemployment, while the country’s EU candidacy was first postponed (on 9 December 2011) and then accepted (on 1 March 2012), but without the date for beginning negotiations. This uncertainty about European policy is probably still the main cause of Serbia’s lack of economic prospects.

The mentioned economic downturn at the end of 2011 could not even be stopped by the Serbian Government’s emergency measures, which also involved a pro-inflationary approach aimed at encouraging economic activity. Therefore, a series of incentives to investors and producers was granted, in addition to maintaining a high level of public consumption. However, the recession was accelerating its pace. Finally, in the process of adopting the national budget for 2012, in December 2011, the supervision arrangement with the International Monetary Fund was factually and practically abandoned, so that economic policy holders could have a free hand over economic policy in the election year in order to maintain massive investment levels in public enterprises and elementary liquidity of these enterprises whose operating costs exceeded their prices by speeding up consumption and approving a number of state guarantees for public sector credits.

## Indicators Do Not Reflect the Depth of Crisis

When one considers Serbia's basic economic indicators in 2011, the depth of the crisis cannot be properly perceived at first glance. Namely, compared to 2010, real GDP rose by 1.9 per cent<sup>612</sup> and industrial production by 2.1 per cent<sup>613</sup>; as for agriculture, an increase was recorded only in wheat and fruit production, while all other yields were either falling or were stagnant, which was partly due to "savings" on the agricultural budget.

In 2011, the average consumer prices rose by 11 per cent, compared to the 2010 average. When the level of these prices in December 2011 is compared to that in December 2010, one can observe a 7 per cent price increase, which means that the "inflation target" for 2011, set at 4.5 per cent – plus or minus 1.5 per cent, was exceeded. On the other hand, nominal salaries also rose by 11.2 per cent (or, more exactly, almost nothing in real terms), but the feeling of expanding poverty was very much present. The average paid net salary in Serbia in 2011 amounted to 37,976 dinars (363 euros), thus increasing by 0.2 per cent in real terms, compared to 2010. However, average pensions declined by 3.6 per cent in real terms.

At the end of the year, Serbia's foreign exchange reserves amounted to 12,058 billion euros; in 2011, exports amounted to 8,439 million euros, thus increasing by 13.9 per cent, compared to 2010; imports amounted to 14,450 million euros, thus increasing by 13.4 per cent; the current account deficit amounted to 10.2 per cent of GDP<sup>614</sup>; the budget deficit was 4.4 per cent of GDP; public debt accounted for 45.1 per cent of GDP, while at the end of 2011 it reached 14,466.1 million euros in nominal terms.

During 2011, the Serbian Government increased public debt by over 2.3 billion euros and, after a long time, sold its bonds on the international market. To be more precise, Serbia's public debt increased from 12.2 billion euros as on 1 January 2011 to the mentioned amount of about 14.3 billion euros by the end of November. The problem lied in the fact that

612 "Flash assessment" by the Republican Statistical Office.

613 Republican Statistical Office.

614 National Bank of Serbia.



the prescribed limit of the share of public debt in GDP, set at 45 per cent, was almost reached, or probably exceeded. However, an even greater problem was posed by the debt level, anticipating the annual debt repayments amounting to over 10 per cent of Serbia's GDP. Consequently, "credit installments" already amount more than twice the budget deficit level approved by the IMF for next year (4.25 per cent).

It seems that the crucial moment in this expansion of government borrowing occurred on 21 September 2011, when the Serbian Government, with the assistance of JP Morgan and Deutsche Bank consultants, silently and rapidly realized one big transaction that was prepared for a long time – the sale of Serbian Eurobonds for one billion dollars. On that occasion, Prime Minister and Minister of Finance Mirko Cvetkovic pointed out that the demand for Serbian bonds was "twice as large as the supply", that is, the agreed issue, so that the state obtained "long-term sources of financing budget liquidity" (Beta).

It seems that, thanks to the sale of its securities, Serbia managed to escape at the last moment the tidal erosion of European government bond markets, which already occurred in early October. This should mean that the agreed annual interest of 7.25 per cent on Serbian Eurobonds (with a ten-year repayment period) would have been much higher if the transaction had been realized a few days later.

A little earlier, it was predicted in financial circles that Serbia could expect the interest of 6-8 per cent in view of the fact that Montenegro and Albania were selling their securities with the yield of 7.5 per cent. Serbia fared a little better, so that it can be stated that, with this move, the Cvetkovic Government probably realized the most significant transaction in 2011, although many experts hold that borrowing cannot be considered a success in a rather heavily indebted country.

Nevertheless, when the share of Serbia's public debt in GDP in 2011 is observed, one gets an impression that Serbia is still a moderately indebted country, since the worldwide average national debt is higher than 100 per cent of GDP. Serbia's main problem is still a very low share of imports in GDP (27 per cent), so that its public debt is almost twice the level of last

year's exports, which causes concern over Serbia's ability to service its public debt in the future because 80 per cent of this debt is denominated in foreign currency.<sup>615</sup>

The amount of Serbia's public debt is not considered small even by foreign experts. So, IMF Resident Representative in Belgrade Bogdan Lissovlik has warned that in the Eastern Europe Region a larger debt relative to GDP is recorded only in Poland and Hungary, while in all other countries this debt is smaller. Lissovlik has also stated that the ratio of pensioners to employed persons is disturbing – it is approaching a 1:1 ratio and that in Europe only Italy and Ukraine spend a larger portion of GDP on pensions than Serbia. The share of pensions in Serbia's GDP reached 14 per cent, while in developing countries it accounts for 5.9 per cent of GDP on the average.<sup>616</sup>

In 2011, the net inflow of foreign direct investment amounted to 1,826.9 million euros (or one billion euros more than in 2010); portfolio investments in the country amounted to 1,619.1 million euros, while other investments amounted to 1,107.1 million euros.<sup>617</sup> At the end of 2011, Serbia's total foreign debt amounted to 24.1 billion euros, thus increasing 2.4 times compared to 2010. The net debt of the public sector reached 10.8 billion euros.<sup>618</sup> However, the increase in public consumption was smaller than the rate of inflation, while public sector revenues in 2011 declined in real terms by 4.2 per cent relative to 2010 (current revenues declined by 3.8 per cent, capital revenues by 8.2 per cent and donations by even 67.7 per cent).<sup>619</sup>

615 *Vreme*, 29 December 2011.

616 *Danas*, 8 March 2012.

617 Serbian Chamber of Commerce, *Current Economic Trends*, the report submitted to the Assembly session of the Serbian Chamber of Commerce held on 19 March 2012.

618 Ibid.

619 Ibid. It is interesting to note that, according to the data of the Ministry of Finance, which were published on 20 February 2012, during the past four years (2008-2011), budget revenues were increasing (in nominal terms) at the annual rate of 15.8 per cent, while budget expenditures were increasing at the annual rate of 7.6 per cent on the average.

In the first half of the year, the National Bank of Serbia pursued a restrictive policy and the reference interest rate was 12 per cent and then 12.5 per cent. In the second half of the year, those restrictions were mildly reduced, while the reference interest rate began to fall and will stop falling at 9.75 per cent at the end of 2011.

The data on retail store turnover probably most adequately point to a decline in the living standards of Serbia's population during 2011. According to the data of the Republican Statistical Office, this turnover declined by 7.3 per cent in current prices and by 16.7 per cent in constant prices.<sup>620</sup> This difference in the pace of turnover decline in current and constant prices points to the conclusion that Serbia is threatened by the worst solution – stagflation.

All these indicators are mostly the indicators of a weak national economy, but Serbia used to have even much worse economic results in the past, lasting for a considerable number of years, so that public sentiment is not so pessimistic, especially when business circles are in question. Such sentiment regarding the overall economic situation also prevails among the broadest sections of the population. It is mostly influenced by a continuous decline in employment, since the rate of unemployment increased by about 3 percentage points in just one year. The extent of the problem is evidenced by the fact that at the end of 2011 the rate of unemployment reached a dramatic 23.7 per cent, thus being among the highest in Europe – and its further increase is being constantly announced.

## **A Sense of Hopelessness**

Macroeconomic indicators simply point to one difficult year but, if the rate of unemployment is excluded, it was not dramatic, or at least not so dramatic, as was experienced not only by businessmen, but also by the population as a whole.

Such an unfavorable and almost defeatist atmosphere of the Serbian economy during 2011 was contributed in large measure by bad news from world markets, which was mostly instrumentalized by conservative forces

620 The quoted report of the Serbian Chamber of Commerce.

in the country for domestic political ends as being “catastrophic”. Those catastrophic games relying on world news started with some scuffling in the United States over renewing and raising the federal government’s debt ceiling. The problem was resolved only 24 hours before the expected “technical bankruptcy” of the United States, on 2 August 2011. At the last moment, the Democrats and Republicans reached a political compromise on raising the federal government’s debt ceiling by 2,400 billion dollars. The US Government was obliged to adopt the \$2,700 billion budget saving plan for the next ten years within a few months in order to avoid increasing the tax liability of more affluent taxpayers. This is how, gambling with the financial stability of the entire world ended, allegedly in a cheerful mood, as a “historic agreement”, according to President Barrack, because the United States borrows even 4,125 billion dollars (out of its total public debt of about 14,000 billion dollars at present) from the world – and the conflict over the law on raising this debt limit, could affect the rating of the world’s largest economic power, increase interest rates, weaken the dollar, increase oil prices and push the whole world into a new recession.

Such a trend cheerlessly continued in Europe. Attention was focused on the Greek crisis, but Europe’s concern burst out only when Italy’s liquidity was threatened. In this country, the crisis culminated amidst the autumn tensions over the revision of the national budget. All this was coupled with the well-known fears over the financial future of Spain, Portugal and Ireland. It has been emphasized on a number of occasions that their problems are rather different and, as a rule, these countries have a high public debt to GDP ratio. The Greek public debt accounts for 143 per cent of its GDP; Italian – 119 per cent; Irish – 96 per cent and Portuguese – 93 per cent, while the Spanish public debt accounts for only 50 per cent of GDP. However, Spain is still considered the second most threatened country, after Greece, due to its economic stagnation, slow pace of economic recovery (below 1 per cent of GDP growth) and high and growing unemployment (21 per cent). And the situation in Serbia is similar.

This was the world and domestic context of Serbia’s economic life in 2011, including the current challenges that the Government failed to meet by taking some recognizable economic policy measures.

However, at the beginning of 2012, the opinion still prevails that, in an economic sense, Serbia is in a no-go position regardless of the fact that its economy achieved only “average bad” results in the global environment marked by protracted crisis. The year 2011 started relatively enthusiastically and well, but all things started to go downhill in April. For example, in the first quarter of 2011, a rise in GDP was estimated at 3.7 per cent, in the second at 2.5 per cent, in the third at 0.5 per cent and in the fourth at 0.8 per cent relative to the comparable periods last year. During the first three months, exports were increasing at the rate of about 30 per cent; in the end, their annual rate declined to the mentioned 13.9 per cent. During the year, all positive indicators were declining, as opposed to the negative ones.

The economic situation in Serbia is very bad, although the country did not fall into illiquidity; the financial system was mostly stable; banks were liquid; inflation was high as usual; salaries increased nominally and slightly increased in real terms; foreign capital inflow was still high, while external debt was strongly increasing in real terms, thus maintaining domestic demand at the existing level. Despite all this, economic activity slowed down abruptly, while industrial production almost collapsed – it declined by more than 7 per cent from May until the end of the year.

It is not easy to identify the reasons for fading production. One might say first that Serbia is also a great victim of Europe’s protracted stagnation and the euro-zone financial crisis – which allegedly significantly reduced the Serbian industry’s export orders (especially in the second half of the year) due to a crisis of demand in European countries. However, the exact indicators do not fully corroborate this claim, especially when one considers the trade balances with EU members. Namely, during 2011, Serbia recorded the above-average growth of its exports to the EU market by 18.8 per cent (exports to Germany increased by even 26.8 per cent).

It should also be pointed to the thesis that appeared in Serbia that – due to the Interim Trade Agreement with the EU, which was signed together with the Stabilization and Association Agreement on 29 April 2008 – customs revenues declined greatly, while Serbian exporters did not benefit from trade liberalization, so that this was one of the main causes of the

“exhaustion” of the Serbian economy and national budget in 2011. This thesis contradicts the facts presented to the public by the Serbian Government’s European Integration Office, since it ignores the development of trade between Serbia and the EU and does not consider the customs benefits realized by Serbian exporters under those agreements with the EU. If the situation is observed over the years, that looks like this: in 2008 already Serbia’s exports to the EU amounted to slightly over 4 billion euros and imports to 8.2 billion euros, thus improving import/export coverage – 48.8 per cent. Next year (2009), when the global crisis was raging, exports and imports declined to 3.2 billion euros and 6.5 billion euros respectively (import/export coverage was 48.9 per cent). In 2010, trade was revived, so that Serbia’s exports to the EU exceeded 4.2 billion euros and imports were covered 59.9 per cent. In 2011, import/export coverage reached 61.4 per cent. Insofar as the balance of “customs gains and losses” is concerned, it turns out that over a period of three years Serbia did not collect the customs duty of 439 million euros on its imports from the EU due to the Interim Trade Agreement but, on the other hand, its exporters realized the customs benefits worth 1,488 million euros.<sup>621</sup>

In fact, the whole campaign against Serbia’s pro-European policy would not have had greater consequences had it not been for the Government’s hesitancy or, in other words, its ambivalent European policy, which caused the ebb of the announced arrangements with Europe, probably more than Europe’s financial problems.

The feeling of an insoluble economic crisis in Serbia can also be explained by the hypothesis that the Serbian economy was affected very much by the “relative stagnation” of investments made by commercial banks, which are factually in foreign (European) ownership. They explain a slowdown in investments in Serbia by a fast rise in contaminated loans and lack of quality programs and reliable debtors with favorable prospects.<sup>622</sup>

621 *Novi magazin*, 23 February 2012.

622 According to the data of the Serbian Chamber of Commerce, the share of dubious loans in the total amount of loans granted to Serbia in the fourth quarter of 2011 was 19.2 per cent, while the share of such

If we consider the total amount of loans granted to the economy, domestic loans and direct foreign borrowing by the economy, it will be shown that they increased by 8.6 per cent in 2011. This means that the pace of investment growth (which was extremely high during the last decade, especially in the first years after 2000) slowed down to a great extent and that the needs of the economy for new loans are evidently on strong rise. In other words, banks hold that Serbian businessmen and domestic companies are already heavily indebted – and that there are slim prospects that they will increase their revenues in the coming period and keep a sustainable pace of business activity. However, considering a small number of creditworthy firms, the question that imposes itself is why the average loan interest rate in 2011 was also very high – 14.24 per cent (higher by about four percentage points than previous year). Bankers actually make up for the damage caused by a rise in dubious loans, which now account for 18.8 per cent of all investments.<sup>623</sup>

The third explanation for the “depressing assessments” of Serbia’s economic situation can be sought in an apparent delay in carrying out the reform of the public sector that is still characterized by the growth and accumulation of business losses which – due to the expected socialization of its losses and failures – pushes the entire sector into an even broader inefficiency. What is especially important is that such expectations encourage the old forces advocating the “re-nationalization of the economy”, or something more moderate – “the revision of all privatizations”, since they all were allegedly associated with corruption and various machinations, primarily on the part of those economic circles which act in collusion with the political elite.

A great economic ebb in the Serbian economy, particularly evident in the second half of 2011, could be especially explained by the allegedly strong rise in internal resistance to European integration policy, for which it has become clear that it cannot be based on the so-called “both Kosovo and the EU” policy any more. Namely, since August 2011, when the crisis

loans in the total amount of loans granted to businesses was 24.4 per cent – and this rate was continuously increasing during the year.

623 *Blic*, 3 March 2012.

in northern Kosovo erupted after an attempt to place this region under the control of the Kosovo and EULEX customs authorities, all Serbia's partners faced a dilemma of whether Belgrade's hitherto pro-European policy was really credible and sincere or, more exactly, the extent of Serbia's real commitment to the continuation of reforms and completion of the transition process in order to harmonize its system with European rules and standards. During the autumn of 2011, when it was becoming increasingly evident that Serbia's unreadiness for the pro-European shift was not leading to the EU's decision to grant Serbia candidate status and the date for starting accession negotiations (which resulted in the postponement of a positive decision until 9 December 2011), Serbia's economic partners and entrepreneurs understood this crisis of European strategy as the blurring of the perspective in economic relations between Serbia and the European Union, which possibly contributed to the further weakening of mutual economic relations and business arrangements within Serbia.

This feeling of a lack of perspective and the fear of Serbia's upcoming isolation from Europe were especially enhanced when it became clear that Serbia was abandoning its arrangement with the IMF (after the adoption of the 2012 budget on 23 December 2011) and returning to the economic policy model from the period of stumbling socialism (or to some even more archaic model).

### **Some Major Economic Events**

The start of 2011 did not promise the continuation of a murky economy. In early March 2011, one of the largest sales contracts in Serbia's economic history was finalized. Belgium's Delhaize purchased Serbia's retail chain Delta Maxi for the total amount of 932.5 million euros. According to Pierre-Olivier Beckers, President and Chief Executive Officer of Delhaize Group, this amount includes the debt of 300 million euros to the suppliers of the Serbian company.

At the press conference held after the conclusion of the transaction on 3 March in Belgrade, Miroslav Miskovic, the seller, owner and number one man of the company, stated that with this move Serbia made one big step



toward the European Union and that the largest portion of the sale's proceeds would be invested in Serbian agriculture. He added that Delta Maxi suppliers would obtain a larger market, since Delhaize has significant retail capacities in Romania, Greece and Belgium.<sup>624</sup>

For some time the realization of this business deal seemed uncertain because the Government's Commission for the Protection of Competition and Securities Commission were slow to issue the required opinions. However, all formalities were properly completed until the beginning of August. In official statistics this business deal was recorded as realized foreign investment, so that according to the level of foreign capital inflow in 2011 Serbia was placed first among the countries in the region in statistical terms. It is interesting to note that in 2010 and 2011 Serbia attracted as much foreign investment as Croatia and Slovenia together.<sup>625</sup>

After Deltsa Maxi's sale, there was one more news that was positively received by the Serbian public. Namely, on 25 July in Slovenia, fruit juice producer Nektar from Backa Palanka signed the contract with Slovenian brewery Pivovarna Lasko (or, more precisely, with its firm Union) for the purchase of the well-known Slovenian fruit juice producer Fructal from Ajdovscina for 50 million euros. This is one of the biggest Serbian investments abroad and the biggest in Slovenia.

As emphasized by Branko Radun, Executive Manager of Nektar, the fusion with Fructal resulted in the establishment of the firm that is "the region's absolute champion in the production of soft drinks and other non-alcoholic beverages" and ranks among the top 20 European producers, with 1300 employees and the annual sales worth 150 million euros.

This business deal achieved almost symbolic significance for the Serbian public not only because one Serbian company made a breakthrough in Slovenia, but also because a significant amount of credit was provided by the European Bank for Reconstruction and Development. After all, in SFR Yugoslavia this branch of industry learned from Fructal what business

624 *Vreme*, 29 December 2011.

625 The assessment of the Serbian Government's European Integration Office in *Information on the Relations Between Serbia and the European Union and Their Perspective in 2012*, Belgrade, January 2012.

with non-alcoholic beverages and water was like and that it was possible to make a profit from it.

As for major economic events in 2011 which can be considered negative, one should mention the cases of Telecom Serbia and us Steel in Smederevo.

Namely, in the summer of 2011 a significant contribution to the creation of an unfavorable business climate in Serbia was also made by the unsuccessful tender for the sale of the state's stake in telecommunications company Telecom Serbia. At the end of 2011, after this unsuccessful tender for the sale of a 51 per cent stake in a successful company, there was a certain "shift" with respect to the reform and sale of the entire public sector. Such a conclusion was mostly derived from the Government's decision to repurchase a 20 per cent stake in Telecom Serbia from Greek company OTE for 380 million euros. It was believed that this was a decisive step towards a new tender for the sale of Telecom Serbia since the planned acquisition probably failed due to the scuffling of the Greek partner as well.

Namely, the Serbian Government set the lowest tender price for the majority parcel of shares at 1.5 billion euros. When the tender documentation was opened, it turned out that none of the interested companies, including Telecom Austria, which had expressed great interest in the purchase, got closer to that price, so that in late March it was announced that the tender was unsuccessful. It seems that the main stumbling block was the fact that Deutsche Telecom, the owner of Greek company OTE which had a 20 per cent stake in Telecom Serbia, set special conditions. Now, when OTE's stake was purchased, it could be assumed that this was done "for the known buyer" of the whole company, while the "new lowest price" could be about 2 billion euros. However, the management of Telecom Serbia and some politicians state that the company should not be sold; rather, it should be developed "in the national interest". It remains to be seen whether these statements were of tactical nature.

Another unpleasant event was the departure of us Steel from Serbia, which sold its ownership of the Smederevo steelworks to the state of Serbia for a token amount of one dollar. There was talk of the withdrawal of the Americans from the steelworks in narrow circles throughout the

autumn, but without the public's knowledge, while the decision on their departure was made public as late as January 2012. This news was bad both for the state and businessmen because US Steel was the largest exporter and its output was valued at about 1.5 per cent of Serbia's GDP and its exports constituted 15 per cent of Serbia's exports.

### **New Uncertainties after the Elections**

Consequently, Serbia faced many difficulties, traumatic events, wanderings and uncertainties in 2011. It is paradoxical that poor economic results "work" in favor of the opposition parties which, on the other hand, mostly have no serious alternative economic program, so that after the 2012 elections it can happen that one unsuccessful economic policy is replaced with an even worse one.



## Social and Economic Rights: Social Mechanisms of No Avail

The second wave of the global economic crisis about which experts were already warning in early 2010, caused further job losses and a rise in the already high level of unemployment in Serbia. This inevitably boosted the underground economy which, according to various estimates and studies, employed 300,000–1,000,000 workers in 2011. High labor market competition, coupled with seriously endangered survival prospects, resulted in the violation of economic and social rights with which all tacitly agreed: the unemployed – in order to find any job, the state – in order to preserve a fragile social peace or at least avoid greater tensions, and employers – in order to maintain a minimum level of business activity.

Although the National Employment Strategy for the period 2011–2020<sup>626</sup> projected employment growth from 45.5 per cent to 66 per cent, the share of the economically active population in the total population amounted to 67.6 per cent in 2011, thus being lower than in any new EU member country. In 2011, the total number of employed declined by 2.8 per cent compared to 2010. In December 2011, the registered unemployment rate of active job seekers was 30 per cent. According to the Labor Force Survey conducted in November 2011, the unemployment rate for the country's working-age population was higher compared to the same period in 2010 and amounted to 24.4 per cent.<sup>627</sup>

In such a situation, all control mechanisms, from inspection to security supervision and trade union organizing, failed. Although Serbia ratified the most important conventions of the International Labor Organization and has the legal framework to regulate labor relations, there

626 The Government of the Republic of Serbia adopted the National Employment Strategy 2011–2020 on .....

627 Ministry of Finance, Belgrade, December 2011, *Bilten javnih finansija* <http://www.mfin.gov.rs/UserFiles/File/bilten%20javne%20finansije/bilten%20-%2088%20-%20SRP%20za%20web%281%29.pdf>.

is no doubt that the assumed obligations and guaranteed rights were not observed. It is hard to expect that something will change in 2012 despite some announcements of changes to the Labor Law, which should contribute to the decline of moonlighting. Without having any protection, the army of unemployed will continue to pay the highest price of the crisis, which is not just a result of the real state of the global economy, but is also a result of the inability of the political elite. Bearing in mind that 2012 is the election year, there are grim yet probable prospects that Serbia will lose one more year required for structural changes.

As the initiator of change and reform, and a partner in social dialogue, the trade union not only failed to achieve a respectable position, but even lost the little reputation and confidence it had enjoyed. The fact that Serbia has over 20,000 various trade unions also illustrates their inability. Therefore, it is no wonder that hardly 15 per cent of citizens have confidence in the work of trade unions, while trade union members are very little acquainted, or are not acquainted, with the activities of their organization.<sup>628</sup>

Despite several blockades, which mostly took place near the Serbian Government building in 2011, the number of strikes was actually much smaller than in previous years. Until September, according to the trade union data, there were three times less strikes when compared with the same period in 2010. Trade unions also claim that at least 50,000 employed persons took part in protests during the first six months,<sup>629</sup> but it is difficult to verify this figure. However, there is no doubt that strikes lost ground both in terms of quantity and quality. Trade union solidarity most often failed, protests lost their intensity within a short time, while the aims were unrealistic and undefined. All this resulted in a mostly negative public attitude and thus the lack of broader public support. Since all these protests were exclusively aimed at increasing the salaries of a narrowly defined group, it is quite logical that there is a lack of understanding on the part of its environment and other employees, who also face serious existential problems.

628 Democratic Political Forum, [http://www.politickiforum.org/dokumenta/44\\_Socijalni.pdf](http://www.politickiforum.org/dokumenta/44_Socijalni.pdf).

629 Večernje novosti, 10 August 2011

This especially refers to the protests of the employed in the public sector. The strikes of policemen, teachers and health workers, as well as the employed in cultural activities were aimed at the republican budget and were prompted by the Government's budget restriction in an attempt to reduce public consumption. However, neither the Government succeeded in reducing public expenditure to the desired level nor the employed succeeded in receiving the requested salary increases.

In 2011, the average net salary in the public sector amounted to 43,506 dinars, thus being lower by 1.5 per cent in real terms. At the same time, the average net salary outside the public sector was significantly lower and amounted to 37,976 dinars, thus increasing by 0.2 per cent in real terms compared to the previous year. In 2011, the average pension was 21,285 dinars, thus decreasing by 3.6 per cent compared to 2010.

On many occasions and in its reports, the European Commission stated that Serbia was continuously postponing the reforms needed to deal with structural deficiencies.<sup>630</sup>

In 2011, the privatization of socially-owned enterprises was also at a standstill. Only 14 enterprises were sold – two by tender, two at auction and ten on the capital market. The privatization proceeds amounted to 11.3 million euros, while the contracted investments were worth 4.35 million euros.

During this period, four enterprises were sold following the termination of the previous contracts and the proceeds from their sale amounted to 970,000 euros. The proceeds from the sale of the minority package of shares (in 50 previously privatized enterprises) by the Share Fund on the Stock Exchange amounted to 6.7 million euros. In 2011, the total privatization proceeds amounted to only 19 million euros.<sup>631</sup>

Many sales contracts were revoked. The privatization of public enterprises was not mentioned in the previous year, so that it was evidently postponed for an indefinite period.

630 Delegation of the European Commission to the Republic of Serbia, [http://www.europa.rs/srbija/Eu/kljucni\\_dokumenti/2010.html](http://www.europa.rs/srbija/Eu/kljucni_dokumenti/2010.html).

631 Ministry of Finance, Belgrade, December 2011. <http://www.mfin.gov.rs/UserFiles/File/bilten%20javne%20finansije/bilten%20-%2088%20-%20SRP%20za%20web%281%29.pdf>.

The Republican Statistical Office announced that in 2011 the inflation rate in Serbia was 7 per cent, while the average annual growth rate was 11 per cent. The total annual value of GDP in 2011, obtained as the sum of four quarterly periods, increased by 1.6 per cent compared to 2010<sup>632</sup>.

In addition, the business environment was still hindered by complicated administrative procedures and the absence of the rule of law, as well as competition deficiencies. Naturally, in the pre-election year it was not realistic to expect that the political elite would make sharp cuts and bring difficult and unpopular decisions.

Apart from the Labor Department, the Ministry of Labor and Social Policy still has the Pension and Disability Insurance Department, Persons with Disabilities Support Department, Family Care and Social Welfare Department, and Disabled Veterans' Support Department. Despite objectively difficult circumstances and insufficient budgetary funds, the Ministry succeeded in preserving social peace and some kind of stability, as well as enabling the Government to survive up to its full term.

On the legislative plane in 2011, only one yet important and long-awaited law was adopted – the Law on Social Protection.<sup>633</sup> It stipulates an increase in the number of users of all social protection services and higher pecuniary benefits for the poorest citizens, as well as the development of social protection services at the local level.

When explaining the proposed law in the Serbian Assembly, Minister Rasim Ljajic said that the number of beneficiaries of pecuniary social assistance would be increased by at least 80,000 and that budgetary funds would be increased by about 70 per cent due to increases in the amount of assistance and number of beneficiaries.

The most significant provisions include the introduction of new groups of beneficiaries that have not so far been sufficiently recognized in

632 Republican Statistical Office, <http://webzrzs.stat.gov.rs/WebSite/public/PublicationView.aspx?pKey=41&pLevel=1&pubType=2&pubKey=1064>.

633 The Law on Social Protection was adopted on 31 March 2011, *Official Gazette of the Republic of Serbia*, No. 24-11.



social protection practice: victims of domestic violence, abuse, neglect and self-neglect, as well as victims of human trafficking.

As for the development of social protection services at the local level, it is stipulated that the municipalities and towns will receive special budgetary funds to establish day care centers for children with developmental disorders and homes for the elderly, as well as to improve home care services.

The initial effects of the new law are already evident. Centers and shelters providing a wide range of services to various vulnerable groups have already been established. At the beginning of October in Novi Sad, the Shelter for Human Trafficking Victims was opened within the Women's Safe House, the first such institution in Serbia established under the social protection system. At the opening of this shelter, Minister Rasim Ljajic pointed out that in Serbia, in the period from early 2009 to mid-2011, there were 284 cases of human trafficking with women accounting for 72 per cent of all victims.<sup>634</sup> This shelter can simultaneously accommodate six human trafficking victims for six months each. Similar safe houses should also be opened in Subotica, Nis, Pozarevac, Kraljevo and some other Serbian towns.

A great problem is still posed by violence among young people and so-called peer violence. In the previous year, Serbia did almost nothing to define a comprehensive and multidisciplinary approach to solving this great social problem. Violence and more serious types of crime are on the rise.

Within the scope of its competence, the Ministry of Labor and Social Policy made an effort to include offence-prone children and young people without parental care in various programs devised to increase their social inclusion. In May in Pozarevac, a social rehabilitation club for young people with behavioral disorders was opened. Its basic purpose is to support the re-socialization of juvenile perpetrators of criminal offences. Otherwise, Pozarevac is the fourth local self-government unit which provides such services to children with behavioral disorders.

<sup>634</sup> Dnevnik, 4 October 2011.

However, these and similar examples will hardly contribute to a more significant success in juvenile crime prevention. A great problem is also posed by the lack of official statistics and a system for monitoring this risky population. For example, the authorities do not even know what is happening with underage and young people against whom some measure had been pronounced, or who had been sentenced to juvenile prison. According to the data given by the media, there are over 24,000 children with antisocial behavior, registered only after being involved in an incident<sup>635</sup>.

Better results were recorded in the area of foster care. Since 2001, when 1,800 children were accommodated with foster families, their number tripled, so that at the end of 2011 there were 5,431 children in foster care.

At present, there are 3,204 registered foster families in Serbia and it is planned to increase their number as much as possible, so that child homes and institutions are used only as a measure of last resort. According to the Ministry's announcements, they should be transformed, so that they can provide other social protection services, including specifically the accommodation of children with severe psychophysical impairments, since it is very difficult to find appropriate, well-trained foster parents for them.

In the previous year, four family accommodation centers were opened – in Belgrade, Kragujevac, Cuprija and Nis – in order to provide support and professional assistance to foster families or, more exactly, families providing family accommodation services and adoptive parents.

As for the accommodation of about 58,500 children with developmental disorders, about 1,200 are accommodated in child homes and social care institutions, but it is planned to halve their number over the next four years. There are still stereotypes, so that parents hesitate very much to accept a child with developmental disorders. The new Law on Social Protection should help the advancement of specialized foster care and SHOULD support biological families having children with developmental disorders.

In 2011, the number of unemployed persons with disabilities was reduced by 2,500, but their employment and education still pose one of the greatest problems in Serbia. After the Law on the Employment and Rehabilitation of Persons with Disabilities came into force in May 2009, jobs

635 Ministry of Labour and Social Policy, [www.minrzs.gov.rs](http://www.minrzs.gov.rs).

were found by 9,000 persons having some kind of disability. However, at the end of the year, 17,500 persons with disabilities were registered with employment offices, which points to the conclusion that it is still necessary to do many things in order to facilitate the life of members of this population and their families.

Apart from increasing the number of beneficiaries covered by some form of social protection, the Law also stipulates the package of urgent measures aiming to support the most endangered population groups in Serbia's 70 least developed municipalities, as well as higher pecuniary benefits.

Although it is difficult to predict the extent to which the anticipated solutions can be realized, this law was necessary because the previous one, adopted in 1991, seriously affected social protection reform despite some changes.

In November 2011, Serbia submitted its first report on the implementation of the Revised European Social Charter. The Charter was ratified in 2009 and represents the Council of Europe's basic document governing the protection of social and economic rights.

The report of the Committee of Ministers, which will contain the recommendations for advancing economic and social rights, is expected in the course of 2012.



## **IX – DISCRIMINATION**



## Roma: Still Most Vulnerable

The Roma are both the largest and the most at-risk national minority in Serbia. They face systematic and widespread discrimination. The Serbian Government has no exact figures about the number of Roma living in Serbia. Estimates vary between 250,000 and 500,000 including the 22,000-46,000 Roma who fled from Kosovo after 1999.

In June 2008, the Serbian Government took over the presidency of the Decade of Roma Inclusion and the Ministry for Human and Minority Rights proclaimed housing as one of the Government's four priorities. Commitments were made to address the legalization and improvement of Roma settlements and to provide Roma with cheap housing. Further, in 2009, the Government adopted the new National Strategy for the Promotion of the Position of Roma (National Strategy for the Roma). However, since 2005 the Government has made little progress in implementing its measures; consequently, it has not succeeded in guaranteeing the Roma the right to adequate housing. The City of Belgrade for its part has not only undertaken very few measures to improve but has violated Roma's right to adequate housing through its programme of forced evictions.<sup>636</sup>

### Right to Housing and Forced Evictions

There are some 600 Roma settlements in Serbia with a population of some 300,000. The Roma settlement near 'Bellville' in Belgrade consists of about 100 shacks. Most of its residents arrived from Kosovo and Metohija and from central and southern Serbia.

A census of informal settlements in Belgrade was proposed by the Ministry for Human and Minority Rights in December 2010. The object of the project, which should have been carried out in 2011, was to provide the settlements with legal addresses, investigate the welfare, educa-

<sup>636</sup> Amnesty International report, *Home if more than a roof over your head*, April 2001.

tional and health needs of their Roma population and find out whether the settlements could be legalized or relocated.

Since April 2009 the number of forced evictions has plainly been on the rise, forcing some of the residents to live in metal containers in segregated settlements and others to return to poverty in southern Serbia and a life in inadequate housing. According to the Institute for Public Health, owing to poor sanitary conditions and lack of clean water, Roma children living in informal settlements are often prey to intestinal diseases and skin disorders and, not infrequently, to tuberculosis. Instead of stopping forced evictions, the Serbian authorities continue to carry them out in ever larger numbers. In doing this, they are driving the Roma from their homes and forcing them to live in inadequate housing.

The Roma living in informal settlements have great difficulties in obtaining documents such as birth certificates and residence registration certificates. Consequently, they are often denied to services of great importance for the exercise of human rights such as education, health care, social protection and employment.

Some of the Roma from the informal settlements in Belgrade have been moved to segregated settlements on the outskirts of the city where they live in metal containers. Others have been forcibly displaced to southern Serbia, in violation of the Government's obligation to respect their right to freedom of movement and right to adequate housing.

There are 93 registered Roma settlements on the territories of 28 local self-governments in Vojvodina. Their population is roughly estimated, on the basis of data supplied, at up to 40,000. Most of the housing units in these settlements are made of bricks, compressed earth or any other available material. More than 40% of these settlements are classified as slums and erected without a plan from low-quality waste materials and mostly without any infrastructure.

In spite of the fact that over 45% of Roma settlements are built in hazardous and unhealthy locations including waste dumps, depressions and the vicinity of industrial plants, funds for addressing the housing problems of their residents are neither provided nor planned in the budgets



of more than 40% of local self-government units. Only 14-20% of settlements have a sewer network, atmospheric water drainage, heating system or access to non-potable water (and most of them only one of these) and six have no infrastructure at all. Refuse is not collected in 20 and 34 settlements are not even equipped with dustbins.

The City of Belgrade carries out forced evictions of Roma communities living in informal settlements. Also, the Serbian Government has failed to ensure respect for their right to adequate housing by failing to prohibit and protect them against forcible evictions. This includes failing to provide people who may be forcibly evicted with all relevant information and to consult them regarding the possibility, the alternatives and the relocation sites in cases where no alternative exists.

Forced to live in informal settlements in Belgrade due to lack of other housing options, the Roma in question have lost their homes, sources of income and often all their possessions.

### **The Pančevo Bridge Case<sup>637</sup>**

The forced eviction of 12 families from the informal Roma settlement under the Pančevo bridge in Belgrade took place on 7 June 2011 without any prior notification and consultation and in the presence of representatives of the City government, the Social Work Centre, communal police and the public cleansing company. The families were immediately transported to a container settlement without water and electricity supply and sewerage in the village of Dren near Obrenovac. At about 10 o'clock in the morning, officers of the City of Belgrade government and of the aforementioned services turned up in the settlement and ordered the residents to move out of their homes within two hours. The residents had not been informed in writing in advance and were not served any eviction orders. On this occasion too the evicted persons were not given an opportunity to take their personal property with them. Before the deadline expired

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<sup>637</sup> Case report adopted from the Report on the Situation of the Roma in 2011, Regional Centre for Minorities, <http://minoritycentre.org/>

they were pushed into a bus, with communal police being in the bus and outside all the time. Following reactions from human rights protection organizations and public pressure, the families were resettled in the four existing container settlements (in Kijevo, Makiš, Mladenovac and Krnjača) which have some infrastructure and which were established to accommodate the evacuated residents of the informal settlement under the Gazela bridge in Belgrade.

### **The Ratko Mitrović Case<sup>638</sup>**

On 5 October 2011, the demolition of five facilities housing 21 on the corner of Bulevar Milutina Milankovića and Omladinskih brigade streets began pursuant to a demolition order and in the presence of many police, public utility company workers, New Belgrade municipal officials and City of Belgrade officials. Only a few of the residents had been notified in writing, and that only two days before, that their workers' shacks would be torn down. No alternative accommodation was provided for the families affected.

As soon as demolition began the police formed a cordon preventing any human rights organization activists from approaching the shacks to find out whether the forced eviction was proceeding according to human rights standards. In addition to asking the activists to produce their papers, the police used force against them – particularly while apprehending the Women in Black activist Marija Perković and a number of residents who tried to resist the eviction. One shack was demolished with a power shovel but the rest were spared owing to the presence of the numerous activists and media representatives. In the presence of police officer, an activist of the Regional Centre for Minorities was physically assaulted by the public utility services coordinator for City of Belgrade Council, Darko Glavaš, who wrested away the activist's camera and deleted the pictures. In connection with the incident, the Regional Centre for Minorities next day filed a request to the head of City of Belgrade Council to institute disciplinary proceedings against Glavaš. The Centre never received a reply.

638 Ibid.

During forced evictions human rights defenders, who are present to establish whether human rights standards are respected and to give the victims political and emotional support, are increasingly subject to pressure from police officers assisting in the execution of the eviction orders. On the one hand, they are threatened with arrest and criminal and misdemeanour charges and asked to produce their documents; on the other, as has been the case recently, they are arrested and charged criminally with obstruction of justice. The purpose of the pressure is above all to criminalize solidarity with the victims of human rights violations.

### **The Case of Mevljuda Kurteši<sup>639</sup>**

On 25 October 2011, Mevljuda Kurteši and her six underage children were forcibly evicted from their flat at 4 Lješka Street in the Belgrade district of Banovo Brdo. The eviction took place in spite of the prior condemnation of the general public, the taking of all possible legal steps to prevent it and an international solidarity campaign with the participation of Amnesty International. The Directorate for City Building Land, which first placed the flat at Kurteši's disposal in 2006 and then demanded that she move out, did not offer her any alternative accommodation nor did it tell her the reasons for the eviction. The municipality of Čukarica where the flat is located received requests from several non-governmental organizations that the eviction procedure be called off. Two activists of the Regional Centre for Minorities who blocked the door to the flat in order to prevent Kurteši's eviction were taken to the local police station and questioned in the presence of a lawyer from the Lawyers Committee for Human Rights (YUCOM). A criminal complaint was filed against them for 'obstructing justice' under Article 336b of the Penal Code. Following the eviction, Kurteši and her family went to stay with their relatives in a cardboard shack in the Bellville informal Roma settlement. Owing to pressure from the public and human rights protection organizations and media coverage, Kurteši and her children were soon afterwards temporarily accommodated at the Centre for the Protection of Infants, Children and Youth

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639 Ibid.

in Zvečanska Street. After staying a week at the Centre, she was offered accommodation in the Roma container settlement in Makiš to which the families evicted from the informal settlement under the Gazela bridge had been moved.

## Education of the Roma

Although the problem of the lack of education can be identified in relation to members of various economically and socially marginalized groups, the extent of the problem is at its most apparent within the Roma national minority.

A comparison of legislation in the field of education and legislation regulating the manner of exercising other, particularly economic and social rights, shows that it is in the field of education that the most progress has been made in removing normative obstacles which might bar access to guaranteed rights to members of the Roma population. The right to education is one of the few rights which a person can exercise under the law without having to produce a single document.<sup>640</sup> However, in spite of the March 2007 recommendation of the Ministry of Education that schools should enrol children without asking for a complete set of documents, some 20% of Roma children, mostly those living in informal settlements, are not enrolled if they can produce no birth and residence certificates and a medical examination certificate from a health centre. Enrolments are nevertheless made with the discretion of the school administration, but schools are under no obligation to communicate with parents whose children are not enrolled, to urge them to enrol their children and to monitor the situation of such children.<sup>641</sup>

Unlike for members of the Hungarian and Albanian national minorities, no regular programme of education and upbringing on the Romany language and no Serbian language classes are provided for Roma children.<sup>642</sup> Roma attend classes mostly in Serbian though, depending on

640 Praxis, November 2011. godine

641 Amnesty International report, *Home is more than a roof over your head*, April 2001.

642 There is an exception in Vojvodina, where since the 1997/98 school year instruction

where they live, they can also attend classes in the language of a national minority such as Albanian and Hungarian. The deep poverty of the Roma population is one of the biggest obstacles to the exercise of its right to education. Surveys show that nearly 50% of Roma parents do not send their children to school because of lack of money, and a further 20% do not do that because they have no personal and other documents and cannot obtain them.<sup>643</sup> The effects of the exclusion from the system are many: for instance, Roma parents do not enrol their children in school because they are aware that they cannot bear the costs; and, owing to poverty, many of the children who are enrolled drop out early because they need to work or because their parents migrate for economic reasons. Surveys show that about 73% of Roma children who are enrolled in the first year of primary school do not finish even their primary education.<sup>644</sup>

As many as 14% of Roma girls aged 15 to 19 enter into marriage before they are 15, with every third giving birth to her first child before coming of age.<sup>645</sup> This also has a bearing on even the primary education of Roma girls, most of whom drop out of school at about the age of 12. In Serbia fewer than 30% of children are brought up by entirely non-violent methods and as many as two-thirds aged 2 to 14, particularly Roma children, experience some kind of psychological aggression or physical violence. The bad situation of the Roma in the field of education was evidenced by the failure of the 2011 drive to enrol more than 100 Roma in state-run universities. The failure of the drive can be laid at the door of the Ministry of Education and the Ministry for Human and Minority Rights.<sup>646</sup>

The low level of literacy of the Roma population and the small number of its members who have at least primary education show plainly that the

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has been provided in the *Romany language through the subject Romany language with elements of Romany culture*, though it is purely optional. In the 2009/10 school year instruction was given in 27 schools in 14 municipalities. See: Izveštaj udruženja romskih studenata i Novosadskog humanitarnog centra, Novi Sad, 2007.

643 See: Strategy for improving the situation of Roma in the Republic of Serbia, page 11.

644 Praxis, November 2011. godine

645 *Danas*, 15 July 2011.

646 *Politika*, 29 January 2001.

education system is not prepared to accept Roma culture and traditions as part of the world cultural heritage in the field of the right to education.

Achievement of universal education in Serbia is inconceivable without paying special attention to this particular group. Only when this population group is included in the education system will it be possible to expect the accomplishment of the Millennium Development Goals relating to the universality of primary education.

In addition to measures designed to improve the situation of the entire Roma population, it is necessary to envisage special measures to help Roma women because they are doubly discriminated against: as members of the stigmatized Roma community and as women. Of special importance are measures aimed at increasing Roma women's access to education and employment, because at present it is highly restricted on account of racial and gender prejudices.

Only 3.5% Roma women in Serbia live longer than 65 years. The average lifespan of Roma women is 48 years. Surveys show that 75% of Roma women are illiterate, 35% finish primary school, 25% secondary school and 3% have higher education. The Council for Gender Equality says that 45% of Roma women find it difficult to exercise their rights in the fields of health and social protection because they have no personal documents. 23% of Roma women between 15 and 19 already have one child.

The situation of Roma women in Serbia cannot be improved without adequate affirmative action measures.

### **The Case of Nada Đuričković<sup>647</sup>**

Nada Đuričković was employed by the Stevan Sindelić primary school in the Belgrade district of Zvezdara as a Roma assistant from 2009 to February 2011. Her job was to help the Roma children to master the teaching material in accordance with the regular teaching plan and programme, as well as helping teachers in their work with Roma and other children in

<sup>647</sup> Case report adopted from the Report on the Situation of the Roma in 2011, Regional Centre for Minorities, <http://minoritycentre.org/>.

need of such support. After February 2011 the Roma assistants were renamed educational assistants although their job description and role in the process of education and training remained the same.

At the beginning of the 2011/12 school year the school enrolled, in accordance with the education inclusion instructions, a boy suffering from cerebral palsy and epilepsy. The school head teacher instructed Đuričković to look after the pupil. Although she has pointed out repeatedly that the assignment is incompatible with the duties of an educational assistant laid down by the Law on the Foundations of the Education System, she is still requested to double as a personal assistant and cater for the pupil's hygiene and health needs. In view of this and other problems facing educational assistants in their daily work, a meeting was held with the Protector of Citizens in October 2001. Those present were given assurances that the institution would petition the appropriate authorities to adopt a plan and programme of work of educational assistants particularly because this was not an isolated case. Although the School Administration of the City of Belgrade issued a decision, in connection with this case, in which it detailed the job description and duties of educational assistants in accordance with the law and the Rules on the Training of Educational Assistants, Đuričković still has to double as a personal assistant. Further, according to a doctor's opinion Đuričković should not lift any objects over 10kg on health grounds. The job of caring for a pupil with developmental difficulties is clearly beyond her physical capabilities on this score alone. The school's head teacher and professional service have no consideration for her health problem.

### **"Invisible" People**

The Protector of Citizens, Saša Janković, organized a meeting in the parliament in connection with a report on the status of legally invisible persons. His activities and the activities of many local and international non-governmental organizations, as well as those of the Council of Europe and the European union, have forced the state to take certain measures, even if insufficient and very limited.

The parliament speaker, Slavica Đukić-Dejanović, told the meeting that Roma account for the majority of legally invisible persons. She said that even children of parents finding it impossible to obtain personal documents, although born in medical institutions, cannot be registered through regular procedure. She said that the regulations in force make it more difficult for them, if not impossible, to exercise this right through subsequent registry procedure.<sup>648</sup>

Đukić-Dejanović said that it would be necessary to amend the Law on Non-Contentious Proceedings which regulates and simplifies the matter in order to eliminate a situation where law denies reality. She said that while there should have been no need to amend the law because the lawmaker's duty is to attune norm to life in the first place, it was a mere coincidence that the initiative should have reached parliament during a pre-election period. Đukić-Dejanović said she was sure that one of the priorities of the next parliament would be to decide on the motion to amend the Law on Non-Contentious Proceedings.<sup>649</sup>

Minister of the Interior Iвица Dačić said that the problem of legally invisible persons, i.e. of citizens without personal documents, was a high priority and that the Ministry (MUP) was actively involved in its solution. He recalled that most Roma are without documents and that the MUP was involved in the implementation of the Strategy for Improving the Situation of Roma through implementing the Decade of Roma Inclusion 2005-15. He stressed that this was of special relevance to the issuance of personal documents as a necessary condition and an initial basis for the exercise of their social, health and other rights. He recalled that the Law on Permanent and Temporary Residence of Citizens, which was adopted on motion of the MUP, incorporates provisions making it easier for Roma to register their permanent residence as a necessary condition for the issuance of personal documents.<sup>650</sup>

648 [http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=03&dd=20&nav\\_category=12&nav\\_id=592637](http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=03&dd=20&nav_category=12&nav_id=592637)

649 Ibid.

650 Ibid.



## Conclusion

In Serbia discrimination is a widespread phenomenon in both public and private spheres. Cases of public manifestation of racism, misogyny, xenophobia, homophobia, hate speech and other forms of discrimination are still tolerated and justified. For this reason the Serbian authorities must abide by their international commitments regarding the Roma, which implies:

Guaranteeing the Roma the right to housing, which would ensure to them use of sanitary facilities, access to public services and employment and safety from forced evictions in the future.

It is necessary to adopt legislation outlawing and stopping forced evictions of Roma and providing them with adequate housing.

Amendment of the Law on Non-Contentious Proceedings should be accelerated to make it possible for all invisible persons to acquire the necessary documents.

In addition to adopting and consistently implementing relevant legislation, it is necessary to change individuals' and society's attitude to racism and let it be known that it will not be tolerated in any form.

## Education

In Serbia, some 47% of children between four years old and the age for going to school are included in the system of pre-school training and education, compared with over 88% in the European Union. Children from underdeveloped areas (partly on account of the underdeveloped network of pre-school establishments) and those from less educated families are the least numerous.

Poor children, Roma children and children from non-urban settlements stay away from pre-school establishments not only owing to the lack of capacities but also because their parents believe that their children do not need such training and education, says the Analysis of the State of Pre-School, Primary, Secondary General and Arts Education (as part of the

2010 Report on the Work of the National Education Council). The Analysis says that the preparatory pre-school programme is attended by 88% of children although it is compulsory and free of charge. Attendance is lowest in eastern Serbia (50%) and highest in Vojvodina province (96.4%).

The coverage of children by primary education is about 98%, and in the last three years 99% of those who have enrolled in primary schools have graduated. Roma children account for 7.4% of the total number of enrolled children. Compared with the previous school year, the percentage of Roma children enrolled in the first year has increased by some 10% and of children with developmental handicaps by some 6.6%. The Analysis says that secondary education encompasses some 83% of children. The secondary schools are attended by fewer children from families where the head of family has a low level of education and from poor families, by Roma children and by refugee and internally displaced children.

The share of young people between the ages of 18 and 24 who have finished only primary school is 30%, compared with the 15% or so of young people who are leaving education too early in the EU. In Serbia, the share of pupils dropping out of schooling before finishing secondary education in three-year schools is 23.5% and in four-year schools 9.3%. The majority of dropouts are children from rural environments and poor families and Roma children, the National Education Council says, adding that precise data is lacking.

The number of children enrolled in the first year of primary schools in 2011 was 1,897 less than in 2010.<sup>651</sup>

The percentage of gross domestic product earmarked for education in Serbia corresponds to the average in the EU. However, most of it is spent on primary education, as much as twice as much as in the EU. The school network is uneconomical, with 90% of pupils enrolled in 50% of schools. Neither the personnel nor the school network is tailored to the demographic reality. Another problem is the unsatisfactory educational struc-

651 '[...] this year primary schools are enrolling 76,000 first-year pupils or 1,897 fewer than last year, which is an alarming figure, the minister of education and science, Žarko Obradović, stressed in Kraljevo yesterday', *Danas*, 'Alarmantno manji broj prvaka u Srbiji', 2 September 2011.

ture of the economically active population. One-third of young people aged 18 to 24 have given up schooling altogether. The number of children attending secondary schools is low and university students are taking too long to finish their degree.<sup>652</sup>

The Strategy for the Development of Education and Training up to 2020, which is due for adoption by the parliament by the spring of 2012, has set the following goals, among others: increasing the number of children attending nursery schools from 40% at present to 70%; preventing the dropping out of children from primary schools; reforming the grammar schools and increasing the number of pupils enrolling in grammar schools from 25% to 30-40%; introducing a general school-leaving examination to replace university entrance examinations and increasing the number of highly educated people from 11% to 30%.

The EU has adopted an action plan according to which 40% of its population aged 30 to 34 years will have higher education. The object of the designers of the Strategy for the Development of Education and Training is that 30% of Serbia's population should have higher education by 2020. In order to achieve this objective, the grammar schools will have to be reformed as the chief generator of pupils proceeding to higher education. Reform of grammar schools will have to be accompanied by higher investment in education. While Serbia sets aside about 4% of GDP for education, developed European countries earmark 6%. There can be no education reform without changing the concept of teacher training. In order to achieve this it is necessary to develop a system of sound basic teacher training at faculties.

652 *Večernje novosti*, 23 September 2011.



## The Young: Escalation of Violence

Peer violence in schools is highly widespread and is far more pronounced in primary than in secondary schools, according to a survey conducted by the Protector of Citizens and the Young Advisers Panel on child protection in schools. The survey encompassed a total of 1,257 respondents in 72 Serbian schools – 37 primary and 35 secondary schools.

As many as 73% of respondents said that peer violence occurred in their schools frequently, occasionally or rarely. Nearly 90% of primary school pupils questioned reported having had direct or indirect experience of peer violence, compared with 60% of their secondary school opposite numbers.

Regarding teacher violence against pupils, the survey cites 23% of primary and secondary school pupils as having witnessed such violence in some form or another. Unlike peer violence, teacher violence was more in evidence in secondary schools, indicating that teaching staff were more inclined to be violent against older children.<sup>653</sup>

It is necessary to point out that teachers too are victims of violence at the hands of pupils in a large number of cases.<sup>654</sup>

As regards measures aimed at preventing school violence and pupil participation in them, 60% of respondents said that such measures had not been implemented in their schools or that they had no knowledge

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653 This is testified to by the following media report: '[...] the duty judge of the Basic Court in Loznica yesterday examined B.M., who is suspected of committing in the school laboratory an indecent act against a pupil [...]', *Novosti*, 24 February 2011.

654 There are more media reports: '[...] the latest in the series of violent incidents is the beating of the 12th Belgrade Grammar School professor, after which the professors held a protest meeting and repeated their demand for protection of their profession [...]', *Politika*, 'Roditelji ne interesuje nasilje u školi', 18 January 2001; '[...] in the first 10 months of the year pupils, and also their parents, have carried out 12 attacks on lecturers, principals and education officers in Belgrade primary and secondary schools', *Kurir*, 19 December 2011.

that any such measures to diminish, curb and eliminate violence had been implemented.<sup>655</sup>

The survey results also show that regulations on child protection against violence at school were least implemented regarding the obligation of schools to set up teams for protection against violence, bullying and neglect, with as many as 70% of primary and secondary school pupils saying their school did not have such a team or they were not aware of its existence.

The Protector of Citizens concludes in his report on the protection of children and pupils against school violence<sup>656</sup> that this form of violence is spreading and that the degree of both peer and teacher violence against pupils is the same if not actually higher, and this in spite of the adoption of strategic documents, laws and subordinate legislation which contain clear and binding rules. Further, a UNICEF survey shows that every tenth child in Serbian schools was subjected to violence between December and March 2011. According to the survey, 2% of pupils were found to be aggressive. The disquieting situation in schools is corroborated by pupils' claims that one-quarter of them have been subjected to violence by their teachers and that more than 40% of them have witnessed acts of aggression by pupils against teachers.

In the last decade the number of children with behavioral disorders has increased by 70%. Experts are especially concerned about pupils under 14 years of age.

Lidija Kozarčanin of the Republic Institute for Social Protection says that behavioral disorders among pre-school and primary school children are manifested as bad relations with peers, disrespect for authority, truancy from school, continual talking and walking about during classes, making telephone calls during classes, distracting and harassing others,

<sup>655</sup> Tanjug, 11 December 2012.

<sup>656</sup> The report of the Protector of Citizens on the protection of children and pupils in schools is based on the results of a survey carried out from March to June 2011 by children members of the Young Advisers Panel and on data collected by the republic Ombudsman in the course of school work control proceedings pursuant to citizens' complaints and on his own initiative whenever he had cause to suspect violations of children's rights.

carrying knives in school and so on. The number of junior pupils who sleep during lectures because their parents allow them to play computer games at night is not negligible.

She said, 'If a child is under 14 years, all this is treated as antisocial behavior; three years ago we had 2,777 reported cases, in 2010 there were 3,604, and we expect that the May report will show an increase for the last year too.'<sup>657</sup>

There was a slight increase in the number of reports about minors who have offended against the law but cannot be held criminally responsible because they are under 14 years of age (from 1,150 to 1,790), as well as about those between 14 and 18, who are still treated as children but are criminally responsible (from 8,600 to 8,820). Taken together, the number of reports made to various centers over the past decade about children with problems due to behavioral disturbances has increased by 70%, from slightly more than 15,000 in 2002 to much more than 26,000 at present.

The percentage of children in need of help increases automatically during certain periods. For instance, strong affective reactions in pupils occur at the end of the school year or during the time of entrance examinations. Also, professional help is sought for children from problem families who have to spend more time at home owing to the prolonged winter school break.

But not all children are destructive. Some withdraw into themselves, turn silent all of a sudden and change their mood dramatically. Kozarčanin points out that '[...] treatment is given, unfortunately, mostly to more aggressive children who are a nuisance to their environment. By the time the environment notices in the child a serious change in behaviour of a different kind, it is already late.'

The school's psychologist and education officer are the first to interview the child; counseling centers attached to health centers are the second instance; the last resort are the institutes for mental health (the one in Palmoćićeva street in Belgrade and those in Novi Sad and Niš), child clinics and private psychology counseling centers. All of them are extremely busy.

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<sup>657</sup> [http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=03&dd=20&nav\\_category=12&nav\\_id=592855](http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=03&dd=20&nav_category=12&nav_id=592855)

The child psychiatrist and psychoanalyst, Oliver Vidojević, says that institutions specializing in child psychology have had children with medically defined behavioral problems. 'At present, [these institutions] are receiving, on the recommendation of school education officers and psychologists, those whose behavior has become a liability to the school or the parents,' he says. Because serious offences, he says, are often not distinguished from restlessness, child psychiatrists are occasionally 'given assignments' to 'cure' children even of talking in class! 'The parents and the school behave as if they cannot do anything about it, which accounts for the growing trend of consultations with mental health experts. They evacuate the problem in this way and leave the solution to the institutions,' Vidojević concludes.<sup>658</sup>

A survey carried out as part of the School without Violence program shows that fights between pupils, especially between younger ones, are on the increase in Serbia's primary schools.<sup>659</sup> Spreading like an epidemic, the number of fights has increased in almost all schools on average by some 15%, with third-year pupils accounting for most of them. As regards social violence, there has been no respite. Intriguing, manipulating and social banishment are difficult to identify.<sup>660</sup> The survey shows that 81% of pupils would seek adult help in the school and that 82% consider that teachers react to violence adequately.<sup>661</sup> What is of particular concern is the growing use of weapons (knives, baseball bats, iron bars, chains, pistols) in fights and the increase in the number of group and mass fights, more and more of which are with tragic outcomes.<sup>662</sup>

658 Ibid.

659 The survey encompassing 45 primary schools involved 1,976 parents and 12,670 3rd-, 5th – and 7th-year pupils.

660 Dijana Plut says that this form of violence is also largely tolerated by adults.

661 *Blic*, 29 November 2011.

662 Here are some more incidents reported by the media: 'Following the articles about peer violence and the shocking account of the ill-treatment of little Jasna Živković (aged 10) in the Bora Stanković primary school in Belgrade and of Aleksa Janković (aged 14) from Niš, who killed himself after being repeatedly beaten in his school, our editorial office has been contacted daily by readers with shocking accounts of violence and tales of other problems in schools. Besides in connection with peer violence, we have had



The School without Violence program is being implemented in only 13% of primary and only 9 secondary schools, the latter located in Vojvodina. Such a preventive programme has the least effect on older boys and is not successful in schools where several different factors combine such as low social status, urban environment, large size, etc. In most people any mention of aggressiveness and violence conjures up a picture of physical violence, a direct attack and infliction of bodily harm on another person. It is wrongly assumed that physical violence is the most widespread and harmful form of violence because it is evident and attracts more attention from the competent authorities and the public than other kinds of violent behavior, as well as because it is more dramatic and results in visible injuries.<sup>663</sup>

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complaints from a number of parents of beatings and psychological abuse suffered by their children at the hands of their teachers and professors. This is not to say that pupils do not beat and ill-treat their teachers and professors too. A mother told us that she had to withdraw her 10-year-old daughter from her school in the village of Kukljin near Kruševac because since the first year she had continually been harassed and beaten by her teacher, who beat her with a pair of school callipers and a stick and accused her of 'speaking nasally and being week-kneed'. This teacher still teaches in the school in spite of the fact that now she is bullying other children, our reader told us. We were also contacted by the mother of boy attending the fourth year in a primary school in Vračar [Belgrade district] who was brutally beaten by the day room female teacher. The teacher was dismissed from work. Nevertheless, the boy's teacher continued to ill-treat and ignore him and the boy is now seeing a psychiatrist, his mother told us. After complaining about the teacher to the school, the mother was told to 'put up with it until [the boy enrolls in] the fifth year', *Press*, 'Zvonilo je, vreme je za popravni', 13 November 2011; '[...] with drug dealers and bullies parading through school yards, young people are left with the choice of being victims or aggressors', *Politika*, 'Likuše se tuku muški', 13 November 2011.

663 Here are some more incidents reported by the media: 'The number of criminal offences in Niš involving minors is on the increase; last year alone the police solved more than 350 criminal offences committed by minors, an increase of 14% from the year before. Within less than a month, two serious incidents have occurred during breaks in secondary schools in Niš. First, a pupil of the '15. maj' school bit off a peer's ear, while only yesterday a girl seriously wounded a boy from her class with a knife in the Catering-Tourist School', Media Research Centre, 'Vršnjačko nasilje u porastu', 11 March 2011.

However, psychological and social violence are the much more frequent forms: they are not as easily detected and may have much worse and long-term effects on a child's personality. Psychological and social violence is most often associated with verbal abuse, i.e. insults, taunts, slights, mockery, humiliation, as well as intimidation, threats, taking money and other objects by force and so on, while in social terms it can take the form of banishment and isolation. Research shows that girls are more frequently victims of this form of violence and more prone to exhibiting more subtle ways of violent behavior such as slandering, spreading rumors, intriguing, deciding on who can be whose friend and so on.

Savage fights and score-settlings in schools are often reported by the media. Owing to the development of information technologies, placing images of brutal incidents on websites such as You Tube, Facebook, Twitter and others is becoming increasingly popular among young people. At the present time violent behaviour is transcending the boundaries of the physical environment and becoming a major problem in the interaction of children and youth on the Internet. Consequently, a new aspect of peer violence in the shape of cyber bullying has emerged.

Cyber bullying or harassment occurs when mobile phones, social networks or other communication media are used for making threats, intimidation, ridiculing or any other form of verbal abuse. Harassment of this kind is becoming increasingly frequent by the day. In cases of peer bullying, ill-treatment in an online environment often indicates the existence of ill-treatment in real life. However, the specifics of the Internet environment are helping the increasing spreading of this kind of bullying, which, according to some, is more dangerous for the psychological well-being of the victim. They argue that it is more dangerous because, unlike 'classic' bullying in school or in some other environment, this form of ill-treatment is not physically limited and the victim cannot escape it.

There are also the social networks where victims of ill-treatment are often subjected to various campaigns of public humiliation and ridicule typically by large groups of peers. The incidence of 'hate groups' or 'hate pages' inviting comments from 'all who hate So-and-So' is high. Sexting too is becoming increasingly popular in Serbia, with young people

sending sexually explicit photographs and messages to their partners, who then forward them to others. Such photographs and messages often end up on Facebook or You Tube bearing the full name of the person featured.

Considering that cyber bullying is a new and insufficiently researched form of harassment, it is still not easily identified as a problem in schools, either because teachers, school psychologist and parents are not informed about it and cannot identify it or because effective prevention and intervention mechanisms are lacking. The Ministry of Education and Science has opened the first sos telephone line for reporting violence in schools. The ministry explained that its and the Education Inspectorate's experts would use the line to register complaints and react in collaboration with other competent authorities. The line will operate in accordance with the Protocol for reporting violence in schools: a person reporting a violent incident will be asked 20 questions though anonymous complaints will also be taken into consideration.

## **Conclusion**

While occasional fights and conflicts have long been considered part and parcel of growing up and of school atmosphere and life, the increasing use of weapons in fights, the numerical inequality of those taking part (with large groups often attacking individuals), the absurdity of the reasons for score-settling and the growing brutality indicate that violence and the culture of violence are a serious social problem. Therefore, all relevant factors must become involved in a systemic fight against the escalation of school violence. Prevention of all forms of violence among the youth calls for concerted efforts by parents, school, institutions and the community as a whole, including the involvement of problem children in various school activities, hobby groups and sports.



# Women: Continued Marginalization

## Introduction

Being a woman in Serbia is not an advantage. Women work at less paid positions in same professions as men, taking care of children is their life mission, they are subject to domestic violence, often with a fatal outcome, whereas the perpetrators go unpunished.

In spite of the fact that, on a normative level, women and men have equal rights, women are exposed to structural, indirect, and even direct discrimination and marginalization, the causes of which are the deeply rooted, traditional, patriarchal stereotypes about the role and obligations of women and men in the family and the broader community.

Research shows that women are at a disadvantageous position as compared to men in all areas of social life, which is particularly true for women belonging to national minorities and minority groups, the Roma women, women with disabilities, refugees and displaced persons, women living in poverty, women from rural areas, single mothers, women of a different sexual orientation and others.

Women's rights are an inalienable part of human rights and, in accordance to all international documents, they must be guaranteed, respected and protected.

## Violence against Women

Violence against women represents a manifestation of historically unequal relations of social power between men and women which have led to discrimination and domination of men over women and to the prevention of full advancement of women. Violence against women is one of the basic social mechanisms through which women are forced to be subordinated to men. Violence against women is an obstacle in achieving equality, development and peace.<sup>664</sup>

Violence against women is a phenomenon which exists in all epochs and in all societies. Given its prevalence, violence against women is a leading problem in the domain of human rights, but it is also an important health, economic and social issue. The most brutal and most extreme form of violence against women is femicide.<sup>665</sup>

Domestic violence, sexual violence, trafficking women and other forms of gender-based violence are very widespread. Reports by non-governmental organizations point to this, given that on the state level, there is no record-keeping of certain forms of gender-based violence. Women belonging to marginalized and groups discriminated on several bases are particularly exposed to violence.

Male violence against women is any act against a woman's will that jeopardizes her psychologically, physically, sexually or economically. The violent perpetrator can be a family member (husband, son, father, brother, uncle etc.), or any other known (friend, acquaintance, boss, colleague) or unknown man. Violence can happen to any woman and is not the result of the woman's behavior, but that of the system of patriarchy<sup>666</sup> in which

664 Definition of violence against women according to United Nations documents.

665 Femicide – murders of women in Serbia, Annual quantitative-narrative report, 2001, Network "Women Against Violence", [www.zeneproktivnasilja.net](http://www.zeneproktivnasilja.net)

666 ... "Our peasant is disposed to pushing or hitting a woman, but most often reverts to psychological harassment. Any type of humiliation ("look at yourself, no one wants you, if I hadn't taken you, you would never have gotten married"), insults ("you don't know anything, you were born stupid"), or ridicule ("you are fat, you are no good"). The next step is coercion ("you must go to your parents and ask for money", "or I will return you home and you will be the village's laughing stock"), or isolation ("you

men have power, and violence against women is a way of keeping that power. Violence against women is an example of misuse of power of one sex over the other.

There were 46 women murdered in Serbia in 2011, in 27 cases out of which it resulted from domestic violence, warning us about the need for all state bodies to get more involved in fighting against domestic violence, and for citizens to report it.

There were 6,000 families that have reported domestic violence in their own respective families in 2011 alone.

According to data from the Ministry of Labor and Social Policy, every other woman in Serbia has been exposed to some form of violence, be it sexual, physical, psychological or economical; whereas violence often remains invisible, masked with patriarchal forms, until a tragic outcome results.

In the period between January 1 and December 31 2011, 37 women have been murdered in the territory of Serbia, out of which 29 were killed in a family/partner context (30 murders in 2010).<sup>667</sup> The largest number of murders have been committed by firearms (58.62 percent); the manner in which these murders have been committed testifies of the brutality of this form of violence<sup>668</sup>, the perpetrators owned firearms in 41.38

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can't go anywhere without me, women only teach you how to fight with me"). Other members of the household often target the sister/daughter/etc. in law ("everything that is happening to us at the house/ is her fault, we lived well until she came"), and the last stage is a murder threat ("if you leave and tell anyone or try to leave me, I will kill you and the children"). In the Serbian village, economic control over a woman is customary; she does not have the right to make decisions about anything, including the money she had earned herself. Rural households are often separated by several kilometers, which is the reason why women cannot gather, talk and help each other. Women in villages are tired of fighting for their lives all the time and nearly all of them have grown up with a violent father, to that they accept violence as a normal way of life"... Source Vesti.rs "You are fat and were born stupid," March 19, 2011

667 Femicide – murders of women in Serbia, Annual quantitative-narrative report, 2001, Network "Women Against Violence," [www.zeneproktivnasilja.net](http://www.zeneproktivnasilja.net)

668 A pregnant woman was beaten to death, one woman was killed by a bomb in front of her underaged child, Source <http://www.vesti.rs/Hronika/TRUDNU-ZENU-UBIO-BATINAMA.html>. <http://www.naslovi.net/2011-03->

percent of the cases, 25 percent of women had reported the perpetrators who had owned weapons before the murders have been committed, which confirms that women were not adequately protected and that the conduct of competent institutions was inefficient and ineffective, or that competent institutions did not respond at all. Out of 50 persons who have lost their mother, 21 were underage. Violence against mothers also affects the mother-child relationship and the child's development. In such cases, there is a high risk of the child being abused, neglected or even abandoned, and in the most extreme form even losing its mother.<sup>669</sup> The majority of murdered women were aged between 36 and 45. 79.31 percent of the murdered women had lived in a community with the violent perpetrator. The majority of murders have been committed in the shared space of the victim and the perpetrator (68.96 percent). All women knew the perpetrators. In the majority of the murders, out of a total of 29, the perpetrator is the husband (55.17 percent).

There were 30 women murdered in 2010, which means that in 2011 the number of murders is on the rise. There can be two reasons for this: either the most brutal form of violence against women, homicide, femicide, is on the rise, or the media report more about the total number of women murdered in a partner/family context.

The Ombudsman's Office has issued a Special Report on the Situation of Domestic Violence against Women in Serbia.<sup>670</sup> The report pointed out to the worrying trend of rising domestic violence. It has been noted that there is an absence of cooperation between social work centers, the police and health institutions. Additionally, practice has shown that violence is often justified and minimized. All this confirms that family remains "an insecure place to live" for its members, for women in particular. The previous practice of competent bodies becoming active only after the violence escalates, that is after the consequences occur is confirmed, and it results

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 23/*vecernje-novosti/bombom-razneo-suprugu-i-sebe/2422083*.

669 Ignjatović T. (2011), *Violence Against Women in an Intimate Partner Relationship: A model for a Coordinated Response of the Community*), Rekonstrukcija ženski fond, Belgrade, pg 73.

670 See <http://www.ombudsman.rs/index.php/lang-sr/component/content/article/1563>



in sanctions against the perpetrator. Preventative measures of protection against violence are sporadic, ad hoc, non-systematic and, most often, uncoordinated.

In an analysis of expenses of budgetary beneficiaries which act according to their jurisdictions in situations of domestic violence (direct measurable expenses), the Autonomous Women's Center has established that the minimum budgetary expenses of violence against women, which include only the expenditure of employees in the police, the judiciary, the system of social care and preventative care (but not the organizational-administrative expenses of these services) in 2009 amounted to between 204.8 and 535.9 million dinars. It is estimated that the real expenses of domestic violence are many times higher, because they include the immeasurable and hidden costs – the lost economic profit, expenses of pain and suffering, faltering health etc. Estimated costs of violence against women in Serbia in 2009, calculated in this way, would amount to between 1.6 and 4.1 billion dinars. Considering that violence against women has increased in 2010 and 2011 as compared to the time this research has been conducted, and that this is the only research of this type which is available to the public, it can be assumed that the estimated expenses in 2011 in this regard would even surpass the amount assessed by the Autonomous Women's Center in the 2009 research.

The existing mechanisms of legal protection from gender-based violence are not efficient and effective in practice, there are no protocols on police conduct, nor is there cooperation and inter-sectoral coordination between competent institutions. During the court procedure for the protection of women against violence women are exposed to secondary victimization and are not provided with adequate psycho-social assistance and support. Roma women are exposed to discrimination in realizing the right to protection against gender-based violence, particularly as regards being given accommodation in safe houses and shelters.

## The Role of the Media

A analysis of media stories about violence against women conducted in January/February 2012<sup>671</sup> by the Autonomous Women's Center shows the media trend of insensitive coverage of women victims and gender discrimination. On the one hand, there is non-sensitized reporting referring to a particular case, and an attempt of equating the responsibility of women and men for violence against women. Discriminatory and non-sensitized writing of the media additionally stigmatizes and victimizes the victim of violence as well as its family members, responsibility for violence is ascribed to the victim, real consequences of violence are minimized, and the audience is led to conclusion that domestic violence is more often than not justified and well-deserved. As regards articles referring to particular cases, sensationalism of the media is noticeable, as part of the race for profits and winning over the competition "C it can be inferred, whereby not only the Journalist Code of Ethics is being breached, but irrelevant facts are being stated and the dignity of the victim is being insulted.<sup>672</sup>

What is necessary is that media reporting on cases of domestic violence does not rely exclusively on hate speech or the focus on the victim, its family members and witnesses. Gathering information from institutions the victim had addressed, researching their intervention and investigating (formal) responsibility for lack of response or protection are key for creating an atmosphere of public support and even pressure on responsible state bodies and services in order to establish an efficient and effective system of prevention and protection. At the same time, reporting on "cases of good practice" is of great importance "C for the victim, the perpetrator, the public and for the professionals. This segment encompasses one of the

671 "On Behalf of the Network Women Against Violence Autonomous Women's Center.

672 For example, articles state full names of family members of the women who was a victim of violence, their occupations, their places of their residence and work, all of which additionally victimizes and stigmatizes the victim.

most important roles of social responsibility of journalists (both male and female) in Serbia.<sup>673</sup>

The use of gender-sensitized language is not normatively regulated. However, its use is essential and represents an important step in achieving gender equality. Gender-sensitized language is, above all, a matter of social power and includes greater visibility of women in the language, and its consistent use in the media and in political address would significantly contribute to the visibility of women in our society.

## Gender Equality

The term gender equality is still interpreted in various ways in the broad public. The majority of citizens feel that gender equality represents: extermination of violence against women – 64 percent; equal financial power of both sexes – 47 percent; achieving equal representation in leading positions in politics or economy – 44 percent; equal distribution of power in the household – 41 percent. However, this percentage drops dramatically in the following responses: exterminating prejudice against women in the general population – 37 percent; achieving equal representation of women in schoolbooks, school curricula and the media – 10 percent; use of language which acknowledges a person being a member of the female sex – gender sensitized language – 6 percent.<sup>674</sup>

According to the Annual Report by the Ombudsman for 2011, the most frequent complaints refer to violations of rights regarding gender equality, more specifically to occupational rights and social protection, as well as a vast number of cases of domestic violence and special violations of rights regarding marginalized categories of women and the LGBT population. The complaints mostly point to possible omissions in the work of the Ministry of Internal Affairs and the Ministry of Labor and Social Pol-

673 Scary titles have dominated print media: "Pregnant woman beaten to Death", "Man Murdered his Colleague at Work by a Wooden Baton", "Killed his Wife and Himself with a Bomb," "War Veteran from Croatia, aged 56, Kills his Wife and then Himself", etc.

674 Citizens of Serbia on Gender Equality, Center for Policy Research and Public Opinion, pg. 8. Belgrade 2010

icy (17 complaints), and social care institutions, ie. centers of social work (18 complaints); whereas the remaining complaints refer to the other state bodies (5 complaints).

## **Discrimination of Women in the Economic and Political Sphere**

Although the Law on Gender Equality is in place, and although in 2010, the *Law on Prevention of Harassment at the Work Place*<sup>675</sup>, as well as the National Strategy for Improving the Position of Women and Promotion of Gender Equality have been adopted, occupational rights of women in Serbia are jeopardized, and the most frequent forms of discrimination are the contingency of being hired based on family status and lower earnings for women as compared to men. The unemployment rate of women is twice high as that of men.

The representation of women in leading positions in enterprises revolves around 20 percent and has not increased since 2000. Many women work without a work contract, without annuities and contributions for pensions, social and health insurance, and they do not even have the right to a paid vacation. The biggest problems are: the uninformedness of women about their occupational rights, disrespect of legal rules in this area, as well as the disproportionate number of tried cases as compared to the actual state of affairs.<sup>676</sup>

Women are represented in the Parliament at 21.6 percent, in Serbia's Government at 18.5 percent, they take up somewhat less than half of the positions of assistants of ministers, and there are 22.7 percent of women among state secretaries, although the members of the "fair sex" are a majority of the population and make up for 51.4 percent.<sup>677</sup>

Only 21.2 percent are Members of Parliament, 21.3 percent are members of parliaments in local self-governments, 18.5 percent are in Ser-

675 Official Gazette RS, No. 36/2010.

676 "Occupational Rights of Women in Serbia", Belgrade Center for Human Rights 2008.

677 TANJUG, March 7, 2011.

bia's government. Only 4 percent of women are presidents of local self-governments.

In parliamentary elections held in 2008, all political parties, coalitions and groups of citizens have filled the legal obligation to present 30 percent of female candidates on their lists; however, women in the Parliament currently make up a third only in the Nova Srbija parliamentary group (three out of nine).

The Council of Europe recommends that representation of women in the parliament should be at least 40 percent. With around 22 percent, Serbia is below this goal, whereas the average of the Council of Europe member-states in 2008 was 21.7 percent.

Women participate in leading positions in the society and the economy with 30.5 percent, out of which with 20.8 in directorial posts. The level of economic disparity, which is the result of discrimination, is particularly high.<sup>678</sup>

Research conducted by "Infostud"<sup>679</sup>, carried out in late 2010, shows that women in Serbia make 8.5 percent less than men in the same posts. The difference is greater in private and foreign companies than in state-owned and domestic companies, according to the research stating that every fifth respondent feels that this disparity is unjust, whereas 41 percent of them state that men get higher benefits for the same effort. According to the research, a possible cause of the earning disparity is the conviction that women get chances of promotion more rarely, because they can decide to start or expand a family and leave the company at any time, another one is maternity leave, which implies losing at least one year of building a career, hence the slower advancements.

678 Source Southeast European Times, "Commissioner for the Protection of Equality Began a Fight against Discrimination in Serbia," April 25, 2011.

679 <http://www.infostud.com/>.

## Conclusion

Women continue to be a marginalized group of citizens and, as a result, are in a less favorable social and economic position, which has a negative reflection on all areas and all levels of satisfying their needs. It is necessary to work on raising awareness and informedness, introducing legal regulation, implementation and respect for legal regulations and practice.

In 2012, Serbia has ratified the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*. The Convention represents an indispensable international-legal document focusing primarily on the protection of human rights of women and other victims of domestic violence. The main goal of the new Convention of the Council of Europe represents establishing zero tolerance in Europe to violence against women and domestic violence.

## Recommendations

- Establish a unified system of monitoring and identification of institutions which deal with this issue (police, social work centers, public prosecutions, health institutions, educational institutions, civil society institutions, courts of general and specific jurisdiction);
- Harmonize legal solutions in order to guarantee rights of victims of domestic violence according to international standards;
- As regards the necessary legal measures, amendment to the Law on Criminal Procedure in terms of expanding the term family member in the criminal offence of domestic violence to the category former spouse, partner or former partner, persons who were or still are in an emotional or sexual relationship, who have a joint or conceived child, even though they have never lived in the same household. Many of the gravest crimes of domestic violence occur in situations when the marriage is over or before it was even formalized.<sup>680</sup>
- Ensure equal access of competent bodies to all citizens, in accordance with their needs. Local self-governments need to provide funds for various forms of support to women in their budgets; apart for SOS help-lines, these should include safe houses because they are, unfortunately, ceasing to exist, whereas they haven't been included in the Law on Social Protection as a special institute, which would provide an obligation of establishing and maintaining them; therefore, the existing safe houses need to be integrated into the social protection system and their work needs to be financed from the budget;<sup>681</sup>

680 From the Special Report on the Situation of Domestic Violence against Women in Serbia

681 The most efficient way of providing shelter and resocialization to women victims of domestic violence are safe houses. Currently, in the territory of Serbia, there are seven of them, and three more are planned to be built. Experts stress that the average time spent in these shelters is around six months, whereas afterwards women begin a new life on their own or with their children away from their violent husbands or partners. Research shows that around 92 percent of women manage to find a job and, after that, never return to the perpetrators.

- Adopt special sector protocols on the conduct of competent bodies, which will be in line with the General Protocol on Conduct and Cooperation of Institutions, Bodies and Organizations in cases of Domestic Violence against Women in the Family and in Intimate Partner Relationship;
- Establishing a list for the assessment of life-threatening danger of violence to a woman during the police procedure.
- “Transfer” activities of competent bodies to the field (as compared to these activities taking place in offices). This is of great importance in working with women who are discriminated on several bases, primarily regarding Roma women, disabled women, elderly women and women in rural environments;
- Organize as many public campaigns as possible;
- Media reporting on cases of domestic violence cannot rely exclusively on hate speech or focus on the victim, its family members or on witnesses;
- Rape of helpless persons should be tried *ex officio*, even when these crimes have been committed in marriage
- Consider the possibility of expanding the security measure of restraint and communication with the victim of violence, restriction of stalking and harassment, which is made possible by contemporary electronic communications (threatening text messages or emails) even without the perpetrator approaching the victim;
- Continuously monitor penal policy and dropped criminal charges which would provide an analysis and assessment of the state of affairs in this issue area.



## Persons with Disabilities: Social Inhibition

In the Republic of Serbia, there still isn't any comprehensive data on persons with disabilities, and it is estimated that there are between 800,000 and 1,000,000 of them. There isn't an institution holding records of persons with disabilities, nor is there any cooperation between different institutions in terms of creating a joint database, although there is a plan of making a directory of persons with disabilities and their needs.

A network of organizations of persons with different types of disabilities has issued an announcement noting the extremely poor financial situation of persons with disabilities, which is certainly the result of a high unemployment rate, as well as the fact that the degree of discrimination is highest in education. The Ministry of Labor and Social Policy has indicated that poverty, unemployment and the society's attitude towards persons with disabilities are the greatest problems disabled persons in Serbia are facing.

Employment is one of the strongest mechanisms for achieving social inclusion of marginalized groups. The main reason for social exclusion, as well as for poverty is a patronizing attitude towards persons with disabilities as employed and socially active members of society.

The number of unemployed disabled persons at the National employment service has decreased in 2011 from 20,000 to 17,500. Only since May 2009, some 9,000 members of this population have found jobs. Nevertheless, 70 percent of persons with disabilities are poor, and only 13 percent are employed, out of which one percent works in the process of production and the public sector<sup>682</sup>.

In spite of the fact that the Law on Professional Rehabilitation and Employment of Persons with Disabilities (art. 24 and 29) is being implemented since June 2010, referring to the employer's obligation of

employing persons with disabilities, or to pay a legal fee for each person that they do not employ according to legal quotas; the position of disabled persons in the labor market demonstrates that more than half of employers in Serbia have not hired disabled persons thus far, whereas only 40 percent of companies have.<sup>683</sup>

The largest number of employers has stated that disabled persons have not applied for job openings, or that those who have – have not fulfilled the required conditions as the reason for not employing persons with disabilities. The workspace which is not adapted for persons with special needs still represents an obstacle for employment for every fifth employer, whereas many state as the main reason that the nature of the job is such that disabled persons could not perform it.

According to the National Employment Service, the problem is a poor “personnel map”. There are as many as 49 percent of disabled persons registered at the National employment service with only elementary education; there are 48 percent of those with a high school degree; whereas there are only 3 percent with a university diploma. It should be noted that state institutions have not set an example for others by employing disabled persons, nor has a register of occupations for disabled persons been made; at the same time, it is clear that disabled persons need to be engaged on jobs which are safe.

In addition, education is an important area related to employment; whereas there is the issue of disparity in education between persons with disabilities and actual needs in the labor market. Persons with disabilities continue to acquire qualifications for professions which haven’t been needed for a long time. Instead of responding to the market’s needs, there are still new and new generations of educational profiles which will never be able to find adequate employment in the open labor market. For example, persons with visual impairments usually get educated for working as telephone operators, physical therapists or office administrators. Today, these professions with a low competence profile are mostly obsolete and

683 Research of the internet site [www.infostud.com](http://www.infostud.com)

they are very often jeopardized due to technological advancements and new market demands.<sup>684</sup>

With the adoption of the Law on Fundamentals of the Educational System, the conditions for enabling the inclusion of every child in the educational system via systemic and institutional support have been created. Thus, one of the main activities was the adoption of the *Rulebook on Additional Educational, Health and Social Support for Children and Students*, whose adoption ended the work of the Commission for Classification [for the institutional placement of children with special needs]; whereas new inter-sectoral committees have been formed. Their competence encompasses the assessment of needs for additional support which should provide each child with conditions for development, studying and equal participation in the life of the community.

The inclusion movement in the Republic of Serbia keeps coming across obstacles, which is a logical consequence of a decade-long segregation which was legal. There were a vast number of special schools, and children with special needs were “visible” only to their respective families and to the health system – they could not be seen on the streets, in parks, in kindergartens or in ordinary schools. Roma children were automatically enrolled in special schools along with children with special needs, so that generations of children have been lost in the educational labyrinth of special schools. The insufficient inclusion of children with disabilities in the educational system results in a significantly lower general educational level of the entire population of persons with disabilities, diminished variety of job posts which can hire persons with disabilities, a diminished possibility of employment and an unsatisfactory quality of life.

There are numerous social barriers as regards the inclusion of persons with disabilities into processes of education and employment. Primarily, these are stereotypes and prejudice (attitudes formed without sufficient objective and relevant data, without awareness of the problematic of

684 The school for students with visual impairments “Veljko Ramadanovic” in Zemun has enrolled students in 2009/2010 for the following professions: office administrator (IV degree of education) – 10 full-time and 5 part-time students; a TTR operator (III degree) – 10 full-time and 5 part-time students; source: <http://www.skolaveljkoramadanovic.edu.rs/>.

disability, with the belief that all persons with disabilities are the same, that they are entirely dependent on others, that they do not have the same interests and needs as everyone else). There are also other barriers: non-acceptance of disability – on a personal, family and social level; the inexistence of social conditions for independent living of persons with disabilities (architectural barriers, low employment rate etc.). This is followed by the violations of human rights – there should not be ghettos for persons with disabilities; rather, they should be included in ordinary day-cares, schools and other institutions. Finally, there is the matter of the language of disability – different languages utilize different terms denoting disability, but they all have in common the fact that they are, for the most part, inadequate and discriminatory towards the person with a disability, because they put forth the problem, and not the person. Social barriers are the cause of many misunderstandings in communication, the isolation of persons with disabilities and the entire family in the social community.

## Conclusions and Recommendations

Unachieved educational aspirations, low employment, exclusion from institutions of public and political activities, low degree of any sort of activism, cultural abstinence, inaccessible environment, low financial standard – all indicate that persons with disabilities possess all the qualities of a marginalized social group. Continuous social inhibition on various social levels leads to a response in the form of self-isolation and the acceptance of “life with a disability”, but not “life with a disability in a community”; whereas the messages addressed to this group by the social and cultural context most often imply the adoption of a “negative identity”.

In order to increase the number of persons with disabilities with access to work, several measures are of utmost importance:

- Changing the definition of disability in labor legislation, as well as reforming commissions (and the methodology) for professional guidance;
- Promotion and implementation of the Law on Prevention of Discrimination, prevention of abuse and mistreatment of persons with disabilities at work or when starting a job;
- Establishing a coherent system of stimulating measures for employers who engage persons with disabilities in order to avoid contradicting measures;
- Verification of and financial reimbursement for experts (personnel looking for jobs for persons with disabilities, trainers at work, personal assistants, mediators etc.);
- Reforming occupational courses for persons with disabilities in accordance with the labor market;
- Forming a registry of occupations adequate for persons with disabilities;
- Development of new educational programs and additional education in line with the labor market.



## LGBT Persons: Social Hypocrisy

Sexual minorities are faced with threats and persistent hate speech and discrimination. Nevena Petrusic, Commissioner for the Protection of Equality, points out that “discrimination on the grounds of sexual orientation is still widely spread in Serbia, primarily due to a negative social perception and high level of homophobia”.<sup>685</sup> On the occasion of the International Day Against Homophobia and Trans-phobia, she said that her agency had received numerous complaints related to discrimination on the grounds of sexual orientation and had warned government bodies that the “police, prosecution and courts must react promptly, resolutely and efficiently in all cases of violence against LGBT persons.”<sup>686</sup>

Petrusic emphasizes that even 20 years after the founding of the International Day Against Homophobia some doctors still do not work on overcoming the prejudice against members of LGBT population; instead, some of them even contribute to the spread of homophobic views. According to some surveys, 12 per cent of respondents justify violence against LGBT persons and almost one-fifth, or 17 per cent of respondents, would use a strong hand to “try to convince their child not to be homosexual”.<sup>687</sup>

There are numerous organizations for the promotion and protection of LGBT rights, which significantly contributes to the increasingly greater visibility of the problem. Even the most radical politicians are beginning to pay attention to what they say on this topic.

In 2011, there were several judicial proceedings against individuals who participated in violence during the Pride Parade (2010) and spread hate speech. As late as 27 March 2012, the First Basic Court in Belgrade sentenced Mladen Obradovic, the leader of the group Obraz, to 10 months in prison for inciting hatred on the eve of the cancelled Pride Parade in September 2009. Obradovic was found guilty of inciting hatred by issuing

<sup>685</sup> *www.b92.net*, 17 May 2011.

<sup>686</sup> *Ibid.*

<sup>687</sup> *Ibid.*

statements in the media and writing graffiti containing threatening messages against LGBT population, such as: “We’re waiting for you”, “Death to faggots” and “Blood will flow in Belgrade, there will be no gay parade”. The Trial Chamber accepted the thesis of the prosecution according to which the message “We’re waiting for you” was a threat to LGBT population and not a “call to penitence”, as was claimed by Obradovic in his defense<sup>688</sup>.

The Gay-Straight Alliance (GSA) filed a lawsuit against Major of Jagodina Dragan Markovic because of the statement he gave to the media on 15 August 2011. Commenting the announcement of the Pride Parade, he said: “United Serbia’s position and my personal position is that we are against every gathering where homosexuals are demonstrating in the streets of Belgrade and want to present something that is a disease as if it were normal”.<sup>689</sup>

The First Basic Court accepted the suit under the Anti-Discrimination Law. It determined that Dragan Markovic Palma committed a serious act of discrimination on the grounds of sexual orientation, prohibited him to repeat the discrimination and ordered him to compensate the trial costs to the Gay-Straight Alliance.

In the explanation of the verdict it is said, among other things, that he committed a “serious act of discrimination such as the expression and incitement of inequality, hatred and intolerance on the grounds of sexual orientation, which represents a serious act of discrimination, especially if it is done through the media”. It is also stated that the defendant Markovic presented sexual orientation as a disease and something abnormal in the media, which constitutes serious discrimination.<sup>690</sup>

On this occasion the GSA stated: “For the Gay-Straight Alliance this case is of strategic importance, especially because this is the first time in Serbia that such a verdict was issued against a politician for a serious act of discrimination and hate speech against LGBT population, as well as for

688 RTV B92, 27 March 2012, “Vođi ‘Obraza’ 10 meseci zatvora”.

689 <http://www.mojedete.rs/6333-Gejevi-dobili-Palmu-na-sudu.html>.

690 Ibid.



the abuse of the most frequent social prejudice and untruth about LGBT persons that they are sick".<sup>691</sup>

The Pride Parade did not take place in 2011. Right-wing organizations again threatened its organizers and announced that they would repeat violence that took place in 2010. "As responsible people we believe that it is necessary to do whatever is possible to prevent the additional destabilization of the state as well as the burning of Belgrade, as it recently happened with London". This was stated in the Petition of the right-wing movement Dveri, which was signed by public figures, including Kosta Cavoski, Dr Milo Lompar, Philological Faculty in Belgrade, Slobodan Rakitic, President of the Srpska knjizevna zadruga publishing house, Professor Dr Jasmina Vujic, Berkeley University (USA), Dr Rados Ljusic, Faculty of Philosophy, Belgrade, and others. In the Petition of right-wing extremists and Serbian intellectuals it is also stated: "After a series of everyday social and national humiliations and defeats, we regard the march of gay activists as the most direct nullification of the basic values of our society and the beginning of a definite destruction of the Serbian family".<sup>692</sup>

Addressing the media, the Patriarch of the Serbian Orthodox Church called the Pride Parade "shame parade". "Evil cannot be conquered by evil, but only by good. In this specific case, we believe that it would be most useful to totally ignore the parade participants. That may sober them up. We pray to our Lord that common sense prevails on both sides", said Patriarch Irinej.<sup>693</sup>

In contrast to 2010, when right-wing groups also threatened with violence, in 2011, the Serbian authorities gave in under their threat and banned all gatherings on 2 October 2011, when the Pride Parade had to take place. Interior Minister Ivica Dacic explained the postponement of gatherings on that day by the announcements of violence. "They wished to have the North African scenario in Serbia; they did not plan incidents

691 Ibid.

692 Website of the Dveri movement, 2 September 2011, <http://www.dverisrpske.com/sr-CS/dveri-na-delu/2011/januar-septembar/akcije/javne-licnosti-protiv-gej-parade.php>.

693 Press Online, 30 September 2011.

only for Belgrade“, said he.<sup>694</sup> The Pride Parade was put to the service of elections and winning support from the conservative bloc. This was not the only issue on which Minister Dacic radicalized his position (Kosovo and Albanians) in mid-2011 already.

Human rights organizations and the representatives of the international community lodged a strong protest over the failure of the Serbian Government to protect the constitutional rights of all its citizens. “We expect that this will be investigated, since the police are obliged to pursue further investigation if they know that such attacks are prepared“, said Vojin Dimitrijevic and added that the Pride Parade was forbidden for good, since its opponents, whose gatherings were only postponed, would always announce themselves.<sup>695</sup>

During 2011, the rights of the LGBT community in Serbia were degraded. The police and judicial authorities did not prevent the activities of the organizations and individuals spreading homophobia and hate speech, and calling for violence. The fact that the Pride Parade was cancelled, only reinforced these organizations in their belief that their threats were not ineffective. After the prohibition of the Pride Parade, attacks on LGBT population were intensified, but many of its members are not prepared to report these cases in fear of the possible reaction of the authorities, especially the police.

694 BETA, 30 September 2011.

695 Ibid.

## The Elderly: Social Isolation

Serbia, one of Europe's 25 demographically oldest countries, has the fourth oldest population in the world.

Because the poverty rate is higher among the oldest citizens than among the rest of the population, the problems of the former clearly merit more attention.

The Republic Statistical Office says that in 2010 16.9% of the population of Serbia was over 65 and 3.5% over 80 years old. About a million and a half people are receiving pensions.<sup>696</sup> With 1.2 million people older than 65 and 1.6 older than 60, Serbia is far advanced in terms of population age. The 2002 population census shows that there were more than 900,000 people in central Serbia and about 300,000 in Vojvodina over 65 years of age. The census shows that for the first time the number of persons over 65 equalled that of those under 15 years of age. The Serbian municipalities with the oldest populations are Knjaževac, Babušnica, Svrlijig, Gadžin Han and Crna Trava, in which people over 60 are two to three times as numerous and those under 20. Obviously, the population ageing process continues and the need for various relevant services grows.

A total of 110 municipalities and towns in Serbia are classified as old; this is especially pronounced in the south east of Serbia where younger people are leaving their homes and their old relatives. In the countryside there are about 41,000 households consisting of single old people living on lowest pensions, as well as more than 20,000 elderly people depending on others for care and support, 12,000 of whom are severely disabled.<sup>697</sup>

Serbia lacks statistics on the social status of its older population and the public has mostly negative attitudes to ageing and older people, who are most often referred to as 'useless', 'disabled' and 'sick'. Poverty is the main problem of older people, the most at-risk groups including members of rural old people's households, people over 60 years of age laid off

<sup>696</sup> The 2011 Statistical Year Book of the Republic of Serbia, the Republic Statistical Office.

<sup>697</sup> Beta, 30 September 2012.

as a result of privatization and old people with special needs relying on others for care and support.

## Social Status of the Elderly

Every day some 300,000 people in Serbia depend on others for care and their basic necessities. There are an estimated 50-100,000 people over 65 with no income and no entitlement to any kind of pension.

In 2006 the Government adopted a National Strategy on Ageing 2006-2015 aimed at creating a society 'for all ages'. One of the aims is the provision of economic and social security and ensuring a quality life in old age. The strategy aims to fully integrate older persons in everyday life so that they may participate in the development of the country and its economy.<sup>698</sup> In spite of having been adopted six years ago, the Strategy has not produced significant results. It is not being implemented for the most part owing to, among other things, lack of funds. The Government should devote more time to its implementation and focus on local self-governments particularly in rural areas.

In 2011, the most at-risk pensioners in Belgrade with pensions equaling or lower than 15,965 dinars began receiving 4,000 dinars in allowances.<sup>699</sup> The poorest of them received from the City of Belgrade 16,000 dinars each.<sup>700</sup>

A debate on the introduction of welfare pensions as a long-term measure for helping the oldest is underway; however, owing to the current economic situation, this possibility does not look realistic at present. There is also a statutory provision which can produce serious consequences for old people. Under this provision, old people who are without means and who want to apply for social welfare benefits must first sue their children and

698 <http://www.prsp.gov.rs/dokumenta.jsp>

699 'This is the twelfth instalment we're paying out; it's the third in 2011 and will be received by 64,821 pensioners. 259 million dinars were set aside from the City budget for the payment of the first instalment,' said Deputy Mayor Milan Krkobabić. Beta, 30 September 2012.

700 Ibid.

other relatives who are obliged by law to contribute towards their maintenance. It is questionable whether they will do this because of the greater risk of violence and abuse. If, on the other hand, they do not file a lawsuit, they risk living in even greater misery and poverty. A better solution would be for social work centres to file lawsuits *ex officio*, which would rule out any risks to the person involved and help them to exercise their statutory rights.

Although employing more older people would no doubt mitigate and improve the difficult social status of this segment of the population, people over 50 years of age face numerous problems when they apply for work. These are some of the facts and obstacles which they face:

- Age discrimination is the third most frequent form of discrimination, after racism and sexism;
- Of the one million unemployed in Serbia, more than 190,000 are over 50 years old;
- There are more than 120,000 unemployed women in their fifties in Serbia;
- The generation aged 40 to 50 has borne the brunt of transition and economic upheaval; This generation accounts for over one-half of the laid off;
- As many as 90% of people aged 50-65 have given up looking for jobs;
- 37% of older unemployed people would do any work if offered;
- 83% of older unemployed people are not interested in advanced vocational training;
- All divorced people mostly blame unemployment for their status.<sup>701</sup>

<sup>701</sup> Excerpts from the brochure *'Stariji radnici – neki na poslu, a neki ni posla ni penzije'*, Centre for Democracy, Belgrade, 2011.

## Residential Institutions for the Elderly

There are 41 social care institutions in Serbia providing residential care for elderly people: the gerontology centres, residential homes for pensioners and older persons and residential wards at social work centres provide accommodation for about 7,000 older persons of whom 1,200 are in Belgrade. Officially, there are also 42 private old people's homes with operating licences and accommodation for 1,019.

In connection with private homes operating without licence and registered as business entities, there are large problems concerning the operation of boarding houses providing catering services and private shops, which are beyond the control of the Ministry of Labour and Social Policy and which must be made to apply for licences as soon as possible. There are many 'shelters' for old people which operate on the following principle: a natural person makes an agreement on lifetime maintenance with an old person, takes over that person's pension and home or land and finally puts the person in a home where accommodation is often inadequate. Visits to homes for old people have established the following shortcomings: homes are understaffed; most private homes hire medical staff on a contractual rather than on a full-time basis; homes lack even basic medical records for their residents and can produce no proof that the residents are there with their own consent or with the consent of their legal guardians.

The rooms are in need of repair, the hygienic conditions are poor, the atmosphere in nearly all institutions of this type are depressing, there is a general overcrowding, beds are crammed into all available space with many homes still having five – and six-bed rooms, the Protector of Citizens (Ombudsman) says in his report on the conditions in residential institutions for older people pursuant to complaints from members of the public. The Office of the Protector of Citizens has received a large number of complaints concerning residential establishments for old people, conditions in them and the procedure for placing people in old people's homes. Visits were made to 13 gerontology centres and residential homes for old

people.<sup>702</sup> The Ombudsman received complaints from persons claiming to have been placed in an old people's home against their will. Some of them say they were deprived of their personal documents on admission and that their children have taken possession of their flats and pensions and would not let them leave the home.

During 2011, 25 illegal old people's homes were closed because their owners had never applied for registration. The number of unregistered old people's establishments is beyond all statistics and is anyone's guess. The public comes to know of their existence through commercials, leaflets and small ads or, more drastically, when it learns of severe violations of residents' human rights. There is a book of rules which strictly lays down the conditions of work and the number of staff in an old people's home; for example, a home with 50 residents must employ a social worker, a carer, a cook, a kitchen attendant and an administrative worker in order to be able to provide care 24 hours a day. In practice, however, owners often rent a family house without basic conditions for the accommodation and care of old people and employ a few medical nurses and carers, which is insufficient for providing quality professional care. Professional services of private homes are supervised by the Republic Institute for Social Protection.

One of the basic differences between private and state-run homes is that the former request consent from the person placing an old person in the home whereas the latter request consent from the old person themselves. Abuse is very frequent on the part of relatives, neighbors and acquaintances, who make lifetime maintenance agreements with old people and then place them in an old people's home. There have also been cases of social work centre experts and owners of illegal homes concluding such agreements with old people.

The relevant statutory provisions are vague and the procedure for placing old people in a home is not precisely regulated. This matter should not be left legally ambiguous because it concerns one of the fundamental rights – the right to liberty.

702 *Politika*, 'Zarobljeni u staračkom domu', 17 March 2011.

## Violence against Older People

Reliable data on the emergence of violence against older people is lacking because systemic and regular collection, registry and documentation of data on domestic violence is not developed. However, available data indicates that older persons are often victims of various forms of physical, psychological and economic violence, abuse and neglect both in the family and in residential institutions for older people and the wider social environment. It is estimated that violence against older people within the family has been particularly on the rise in recent years. Its extent can only be guessed at because most cases are not reported. This is so because victims themselves are reluctant to seek protection and are uninformed about the institutions authorized to act in such cases, and because professionals in medical institutions and social welfare institutions do not always report such cases.

Violence against older people is on the rise in Serbia. It occurs mostly in the family, residential establishments for old people and the wider environment. In the family, older people suffer physical violence in 50% of cases from their children, in 25% of cases from spouses and in as many cases from other members of the family. As with all other forms of violence, violence against older persons implies psychological, physical, sexual, financial and/or economic abuse, as well as all forms of discrimination and neglect.

The phenomenon of violence in old age is not comprehensively and accurately documented in either Serbia or the world. The World Health Organization says that 4-6% of older persons suffer some form of violence in their homes. It is assumed that there are many more of those who have never been registered as victims of violence. Further, the possibility should not be dismissed of old people being abused in institutions like old people's homes and hospitals where they are deprived of adequate care and treatment precisely on account of their age.



It is hard to estimate the extent of violence against older people in the family and society not only because it is rarely reported, but also because it is vaguely defined and insufficiently researched and because its latent forms are widespread.

## Conclusions

In the last ten years Serbia's population has decreased by 220,000 and continues to fall. The speed at which the population will decline will depend on the population policy, emigration and increase in average life expectancy.

United Nations experts predict that the number of older people will exceed that of young people by 2050. In Serbia, there are already as many people over 65 as there are those younger than 15. The implementation of the Government's many existing plans<sup>703</sup> and the preparation of new ones aimed at improving the situation of this segment of the population require much effort.

703 '[...] some 400 million dinars will be set aside by local self-governments for the development of services to the oldest beneficiaries [...] [Minister] Ljajic expects various forms of facilities for the oldest, such as home help, day hospitals and old people's clubs to be developed in 80 municipalities and towns in Serbia in three years' time. The new Law on Social Care will increase material payments to the poorest and to old people's households. The law should be fully operational in January next year and its implementation will necessitate earmarking another four billion dinars.' <http://poslovi.nsz.gov.rs>, 'Srbija zemlja starih ljudi', 12 October 2011.

## Recommendations

- Politically empower older persons;
- Promote participation of older persons in the labour market;
- Promote lifelong learning and training for old people;
- Recognize older persons as consumers with specific needs, interests and preferences;
- Pay attention to older persons' needs regarding housing, transport and cultural activities;
- Foster intergenerational relations through positive media reporting and campaigns;
- Promote the involvement of older persons in the civil sector and enhance the role of voluntary work;<sup>704</sup>
- Develop extra-institutional activities and increase the number of old people's clubs;<sup>705</sup>
- Improve the system of services and support for older persons at the local level in order to improve their quality of life.

704 Proposed strategies from 'Ageing Policy', United Nations Economic Commission for Europe, translation: Ministry of Labour and Social Policy of the Republic of Serbia.

705 There are currently some 50 such clubs in Serbia, including 20 in Belgrade.

## X – PRISON SYSTEM



## Multiple Transformation

Over the past ten years, the Helsinki Committee for Human Rights in Serbia (HCHRS) has paid dozens of visits to prisons in Serbia with a view to assessing the human rights conditions for detained and imprisoned citizens. Since 2001, the HCHRS has visited all 28 institutions for the execution of criminal sanctions, many of which several times. In a number of reports, the HCHRS has analyzed and determined non-compliance with the solutions prescribed by national legislation or, more exactly, international standards, on one side, and common practices in the system of execution of criminal sanctions on the other. During the first visits to prisons in 2011, it was determined that human rights conditions were extremely poor. At that time, there were about 6,500 detained and imprisoned persons in Serbia. Ten years later, as the result of great efforts by non-governmental organizations (NGOs), international organizations (OSCE, UN, CoE) and the state itself, the human rights conditions in prisons are significantly better, especially if one bears in mind the decreased practice of torture and introduction of new (contemporary) legal solutions in the field of criminal sanctions. The implementation of the institute of alternative execution of criminal sanctions finally started in 2011. It includes the possibility of serving a sentence at home (with or without electronic monitoring) for persons sentenced up to one year in prison, or the conversion of the prison sentence to community work. However, the number of detained and imprisoned persons in prisons has almost doubled over the same period of time. The data on juvenile delinquency, which has significantly increased over the past decade, are especially alarming. Serbia falls among the countries with serious problems in this field.

Over the past ten years, the Serbian system of execution of criminal sanctions has undergone multiple transformations. Since 1991, the prison system has been recording a high increase in the number of detained and imprisoned persons, which is the result of stricter judicial policy. Since 2003, this phenomenon has been especially pronounced. Before 2003,

the number of imprisoned persons in the Republic of Serbia ranged from 5,000 to 6,000, while thereafter the annual growth rate of the population in institutions for the execution of criminal sanctions amounted to more than 10 per cent. Compared to the mentioned year, the total increase now exceeds 60 per cent (Table 1<sup>706</sup>).

31 Dec. 2005	31 Dec. 2006	31 Dec. 2007	31 Dec. 2008	31 Dec. 2009
8078	7893	8970	9701	10974

In late 2011, the number of detained and imprisoned persons stagnated at 11500. Although it was expected that, by early 2012, the number of detained and imprisoned persons would amount to more than 12000 (i.e. more than 14,000 by the end of 2012), the number of persons in Serbian prisons remained unchanged, primarily due to a somewhat more cautious punitive judicial policy in 2010 and 2011, but also due to the introduction of alternative sanctions, which are not implemented in institutions for the execution of criminal sanctions. In other words, the system of alternative execution of sanctions at home with electronic monitoring finally became effective in 2011. That year, the Administration for the Execution of Criminal Sanctions had 200 so-called “monitoring bracelets”, rented under a commercial agreement. In early 2012, 600 monitoring bracelets purchased by the Serbian Ministry of Justice are expected to arrive in Serbia (the funding was provided by an EU donation).

The introduction of alternative sanctions is slow, primarily due to organizational problems (related to the establishment of a network of commissioners in Serbia), but also due to slight resistance in courts themselves, which started adjudicating alternative sanctions to a greater extent only in mid-2011.

During 2011, under conditions of an increasing number of detained and imprisoned persons, the Helsinki Committee for Human Rights in Serbia made six control visits to the largest institutions for the execution

706 From the document: Strategy for Reducing the Overcrowdedness of Accommodation Capacities in Institutions for the Execution of Criminal Sanctions in the Republic of Serbia During the Period 2010-2015, Official Gazette of the Republic of Serbia, No. 53/2010.

of criminal sanctions, which accommodate the majority of detained and convicted persons – the Penitentiary-Reformatories in Pozarevac (Zabela), Sremska Mitrovica and Nis. These institutions accommodate more than 50 per cent of the total prison population in Serbia. During 2011, apart from juveniles and women, the HCHRS also focused its attention on the condition of the general prison population. Three penitentiary-reformatories were selected as the most representative sample because they best illustrate the prison conditions in Serbia.

During the past ten years, the Helsinki Committee visited the Penitentiary-Reformatories in Pozarevac, Nis and Sremska Mitrovica on several occasions. The previous reports provided detailed descriptions of the conditions of their infrastructure, that is, the facilities which accommodate detained and convicted persons. They also provided detailed descriptions of the quality of life and living conditions of detained and convicted persons. Due to the fact that there has been no significant change in this segment for the past few years, attention will be primarily devoted to the major systemic problems in these prisons. The assessments refer to the population in the three penitentiary-reformatories we visited in 2011, but they also apply to other institutions for the execution of criminal sanctions.

## **Judicial Policy**

Insofar as the work of courts is concerned, one has an impression that cooperation between courts and prisons is not satisfactory. Over the past five years, courts have sentenced to prison a large number of citizens without insight into the real situation in prisons. In this segment, the Ministry of Justice, which should coordinate the work of courts and the institution for the execution of criminal sanctions, bears the greatest responsibility. Prisons have the legal obligation to accommodate every detained or convicted person, regardless of the available capacity and resources. In this connection, it is evident that courts have adjudicated prison sentences (especially the shortest ones – up to one year) too easily, although it has been demonstrated, both in theory and practice, that working with persons sentenced to short terms in prison is almost impossible. The consequences of

such judicial policy are especially evident in prisons, which partially represent institutions that accommodate needy citizens. The current recession shows that a large number of citizens opt for petty crime in order to survive both physically and socially. Courts punish such behavior by sentencing them to prison, which poses a double social risk. The accommodation of such a large number of prisoners entails high expenditure for the state and society, on one hand, while their isolation from their surroundings makes their social reintegration more difficult, on the other. As for these short prison sentences, it is evident that alternative sanctions are the best option for a large number of convicted citizens.

Serbia's punitive policy is very disparate in many segments. It often happens that courts from one part of Serbia (Vojvodina, for example) have a stricter punitive policy than those in Eastern Serbia. Although it is impossible to conduct a fully synchronized punitive policy at the level of the Republic, it is evident that the additional education of judges in this area is needed.

We will present the case of a person YY who has been sentenced to 38 years in prison for murder. Having insight into his file, we have found that the court has been particularly harsh towards this person. In a country without the death penalty, where the maximum prison sentence is 40 years, it is very rare that such draconian measures are enforced. Namely, such prison sentences are adjudicated only for the murder of a police officer on duty, a judge, the prime minister and a child under extremely cruel circumstances. Although this particular murder has been brutal, comparative practice shows that courts very rarely pass such drastic sentences. After a more comprehensive analysis, we have come to the conclusion that the prisoner has not had a good lawyer. Otherwise, he is a member of the Roma ethnic community.

During the period 2000-2004, the share of prison sentences in the total number of adjudicated criminal sanctions gradually increased, thus amounting to 30.9 per cent in 2004. At the same time, the share of parole sentences declined from 51.4 per cent in 2000 to 45.8 per cent in 2004. In the structure of total adjudicated prison sentences, prison sentences of up to six months and those ranging from six months to two years are still



dominant. Such punitive policy has a direct impact on overcrowding because there remains a large number of persons sentenced to prison for up to sixth months going to serve their sentence (during the period 2005-2009, on the average, they constituted 41.6 per cent of the total number of persons sentenced to prison who are about to serve their sentence). Therefore, the main characteristic of punitive judicial policy for minor criminal offences is that this policy is mild (a great number of short prison sentences), which does not serve the purpose of criminal sanctions. This is certainly the most important factor which contributes to overcrowding in prison institutions in Serbia.

## Parole

The courts in Serbia have almost abolished the institute of parole. The relevant law stipulates that every imprisoned person can ask for parole release after serving two-thirds of his or her sentence. A data analysis made by the Belgrade Centre for Human Rights shows that, on the average, courts reject about 95 per cent of all applications for parole release. The underlying reasons for such behavior of judges should be primarily sought in their fear of making a wrong decision and political pressure. Thus, during the re-election of judges in Serbia, the number of approved parole releases dropped still further, which speaks enough about the independence of the judiciary and breadth of free judicial evaluation.

Inoperative institute of parole has caused great problems in prisons. The consequences of such judicial policy are evident in the three largest prisons in Serbia. Namely, every person serving a prison sentence should be occupationally engaged, which opens him/her better chances for re-socialization. Progress prisoners make in the re-socialization would then lead to the positive opinion of the competent persons in the prison when appeals for parole are filed. However, imprisoned persons are aware of the fact that parole does not function. They are also aware that, regardless of their conduct while serving their sentence (respecting prison discipline, occupational engagement, etc.), they will have to serve a full prison

sentence. All this makes the re-socialization process more difficult and frequently impossible.

## Detention

The frequent adjudication of a detention sentence represents one of the key reasons for the overcrowding of the institutions for the execution of criminal sanctions. This is evidenced by the fact that out of the total prison population, 35 per cent are in detention. Under current conditions, this means that there are more than 3500 detained persons in Serbia due to which it is the number one country in Europe according to the number of detained persons. At the same time, the detention measure turned into a punitive one, since in a large number of first instance cases against citizens, the prison sentence is equivalent to the time spent in detention. Thus, this measure has become meaningless.

The condition of detention units in Serbia is especially poor. The number of detained persons by far surpasses the accommodation capacity of detention units. It is certain that human rights conditions in detention units are much worse than in the parts of the prison housing convicted persons.

Some legal provisions that regulate the detention of citizens are obsolete and inadequate. They are often not in compliance with EU practice and should be changed. The most disputable section of the Law on Criminal Procedure is paragraph 5 (Article 142), which deals with the reasons behind the adjudication of a detention sentence. It states that it is possible to adjudicate a detention sentence for the crime for which a prison sentence is longer than 10 years, for a prison sentence longer than five years for the crime with elements of violence and *"if it is justified by especially grave circumstances in which a crime was committed."* The underlined section of paragraph 5 represents the most problematic legal provision. On the basis of interviews with a large number of detained citizens, we have learned that investigative judges most often opted for this article of the Law because it was imprecise and subject to various interpretations. Namely, this section of the Law is also applicable to crimes without violence elements,

that is, to economic crime. This is best illustrated by the case of Tomislav Djordjevic,<sup>707</sup> who spent six months in detention for misconduct,<sup>708</sup> although the investigation (and thus all reasons for extended detention) was closed three months before he was actually released.

Thus, it is possible that the investigative judge also adjudicates an inappropriately long detention sentence for crimes without violence elements. This enables the detention of citizens for several years, which is contrary to EU practice. In addition, in answering the European Commission's Questionnaire (the answer to question No. 70 in the Political Criteria section), Serbia has stated that "detention is an administrative measure that is applied in order to ensure the smooth conduct of criminal proceedings, if the aim cannot be achieved by any other means, which limit the basic constitutional rights to a lesser degree. The essence of this legal solution is that detention is used as part of the proceedings and not as a punitive measure, which is in conformity with the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights." Such an answer is not consistent with the practice of courts we have come across while visiting prisons in Serbia.

The described problems belong to the group of systemic problems resulting from the work and neglect of the entire state apparatus. The topics such as inadequate and non-uniform judicial policies, disproportionately long detention, that is, inappropriately adjudicated detention and the non-functioning of parole release represent a group of problems resulting from the state's long-standing neglect in the field of execution of criminal sanctions. We warn public policy makers that in the process of EU accession or, to be more exact, during the opening of Chapters 23 and 24 within

707 <http://www.blic.rs/Vesti/Hronika/201973/Djordjevic-izneo-odbranu>

708 The offence of misconduct/mismanagement in a private company does not exist in EU practice. One of the most striking cases is the trial of Stanko Subotic, who was sentenced for this crime to a six-year prison sentence. The State Secretary in the Ministry of Justice, Slobodan Homen, has announced the abolition of this provision, as well as the continuation of the cases currently processed in Serbian courts.

the scope of the negotiations with the EU, it will be demonstrated that Serbia has a great problem in this segment. In continuation, we will present a set of systemic recommendations for solving some of the key problems encountered in the execution of criminal sanctions:

### **Systemic Recommendations**

- Initiate a set of trainings for judges throughout Serbia with a view to creating a unified and balanced judicial policy at the level of the Republic.
- Urgently revive the institute of parole release in order to enable prisoners to have a fair and transparent way to realize their legally guaranteed right. Consider the possibility of forming parole commissions. This solution was applied until 2002. After the dissolution of parole commissions, decision making on parole release was transferred to courts which, for the time being, is not a successful solution.
- Initiate expert debate on the appropriateness of the institute of detention in Serbia. Analyze the cases where judges have ruled excessively long and unjust detention. Analyze the cases where Serbia has had to pay damages for inappropriately long detention. Create a unified detention-related judicial policy. Conduct additional education of judges and prosecutors in this area.

### **Specific Recommendations**

- When recruiting prison personnel, consider the social and emotional competences of candidates.
- Educate existing experts, or employ those who will be able to work with special categories of prisoners (persons addicted to psychoactive substances or prisoners with personality disorders).
- Permanently encourage all personnel to enhance their knowledge and skills through courses, seminars and counseling, insist

on the examples of positive management, humane treatment of prisoners, greater efficiency and commitment to work.

- Increase the number of employees in treatment service in such a way as to have an optimal number of prisoners and educators, as well as to make treatment more efficient.
- Improve living and working conditions of personnel by raising their earnings and providing other incentives for engaged, conscientious and dedicated work.
- In order to prevent burnout at work, provide adequate support to personnel, including more frequent and shorter annual leave, work reorganization, thus reducing the number of hours of stressful work, more flexible work planning, better working conditions, continuing education and clear organizational aims.
- Whenever possible, encourage the personnel of the institutions and social care centers to cooperate and, through cooperative work and direct and indirect treatment, ensure the best possible preparation of prisoners for normal social reintegration, especially in maintaining and upgrading their relations with their families, other persons and social organizations.
- Work on dispelling the prejudice and views of the public concerning the labeling and stigmatization of the prison population and reformatory institutions in general, through the media and other means of information.
- Continuously encourage personnel to improve their knowledge and skills by attending skill improvement courses, additional trainings, through further education and counseling, as well as by pointing to the examples of positive management in order to ensure humane treatment, higher efficiency and an engaged approach to work.
- Ensure the visits of personnel to other prisons and institutions in order to exchange experiences.



## XI – THE MEDIA





## Instruments of Political and Economic Power

The effects of war propaganda and devastation of media during the 1990s are still felt. The media are incapable of resisting the economic and political centres of power. Dealing with the issues that do not suit the ruling elite also remains a taboo for the media themselves. Above all else, those issues include the attitude towards the wartime past, perception of the neighbours and relations in the region, and corruption. Hate speech is still very much present and has concrete consequences for individuals and groups at whom it is directed. Threats to vulnerable groups<sup>709</sup> especially increase at the time of important events in the country. During the second half of 2011, the radicalization of the language used by the media recorded an upward trend, heading towards the parliamentary, local and presidential elections scheduled for May 2012.

Journalists themselves were often hindered from performing their job. The authorities at the central and local levels often deny to journalists the right to information. In 2011, there were also cases that media were banned from covering local assembly sessions and other events involving government officials and being of public interest. These bans mostly affect “unfit” media, thus violating the right of equal access to information and denying the right to the public to be timely informed. Journalists are often exposed to brutal attacks by hooligans, while courts punish attackers very mildly. Mild penal policy discourages journalists from writing about controversial issues.

The Report on Pressure and Control over the Media by the Government’s Anti-Corruption Council and the media content analysis conducted for the Open Society Fund were prepared independently of each other and

709 The most vulnerable groups are members of minorities (gender, ethnic, religious), as well as political minority and alternative representatives, including also human rights activists and some minor political parties.

for different purposes, but they point to the same conclusion on a high degree of endangerment to the independence and freedom of media and great influence of the government, and political and economic centres of power on their work. The media in Serbia, primarily its public services, such as *Radio Television Serbia* (RTS), do not come to grips with the real problems faced by society. Instead, they only convey the messages of the ruling political elite.

## **Influence of Political and Economic Centres of Power**

In 2001, the Government's Anti-Corruption Council published a report in which it pointed to a high degree of media control in Serbia.<sup>710</sup> Such a conclusion was also derived from the fact that this was a taboo topic for the media, so that most of them hardly reported on the Council's conclusions. The Council perceived the following main problems: the lack of transparency in media ownership and economic influence of state institutions on the work of the media through various types of budget payments. It also concluded that, instead of being a public service, *Radio Television*

710 The full text of the report can be found on the Council's website: [www.antikorupcija-savet.gov.rs](http://www.antikorupcija-savet.gov.rs). Most media did not mention the report, or provided very scant information on it, mostly in defence of their "independence". In an editorial published by the weekly *Vreme*, Dragoljub Zarkovic writes: "The Report on Pressure and Control over the Media prepared by the Anti-Corruption Council analyzes thirty relevant media outlets and asserts that 'there are no media outlets that can deliver complete and objective information to citizens'. The Report is superficial and generally hostile towards the media. The Council is a parasitic body that panders to the lowest human instincts and creates the atmosphere of lynch." The Report was also sharply criticized by RTS General Manager Aleksandar Tijanic (otherwise the Minister of Information at the time of Slobodan Milosevic) and *Politika* and *Blic* Editors-in-Chief Dragan Bujosevic and Veselin Simonovic. One of the rare media that published an interview with Anti-Corruption Council Chairman Verica Barac was the daily *Danas*. The presentation of the Report in Belgrade's Media Center was attended by at least 15 journalists' teams: B92, *Politika*, the news agencies Beta, Tanjug and Fonet, daily newspaper *Danas*, *Frankfurt News*, *Balkan Magazine*, *Infobiro*, *Republika*, *Kurir*, Pink, PG Network, RTS and Media Centre Sarajevo. A great majority of the media did not publish anything about the event. In fact, citizens could get information about the Anti-Corruption Council's Report only in thin enclosures in the evening news broadcasts on TV B92 and RTS, and in the articles published in the dailies *Danas* and *Kurir* on 30 September.

*Serbia* has the role of the service of political parties and ruling elites, and the consequence of all this is that the media are closed to numerous problems encountered in Serbia, including the problem of corruption.

Some recommendations of the Anti-Corruption Council include: placing restrictions on the use of budgetary funds for advertising and promotion, and punishing the state institutions that violate the Advertising Law; transparency in the independent productions selection process of public services; the Republic Broadcasting Agency (RRA) and RTS should publish the results of selecting RTV productions as well as financial statements; data on the actual media owners in the public media register should be made public; the Commission for the Protection of Competition, RRA and other competent bodies should regularly monitor and control the level of media concentration.

This was the first report that provided evidence of the lack of transparency in media ownership. The Anti-Corruption Council found out that among the 30 most significant media in Serbia (12 daily newspapers, seven weeklies, six TV stations and five radio stations) in the period 2008-2010 the real owners of even 18 media were not known to the public. The Report on Pressure and Control over the Media in Serbia also emphasizes that nine out of the mentioned 11 broadcasters with national coverage do not have transparent ownership. It further states that off-shore companies appear as the owners of eight media; domestic politicians and businessmen in five and journalists in two print media; foreign capital appears in two media, while the state has a stake in three media.

The Anti-Corruption Council's Report also states that in the period 2008-2010 state institutions spent at least 2.5 million euros on the services of PR agencies and private productions. It is also pointed out that the agencies, whose owners are most often high party officials or persons related to them, have been controlling the advertising market for years. These agencies actually buy advertising space from the media and then sell it to their clients, that is, individual buyers at much higher prices.

The state authorities exercise a special influence through *Radio Television Serbia* which, instead of being a public service to citizens, is the service of political structures and productions that are closely related to

the top officials of the ruling political parties and members of the Governing Board of RTS. The Report on Pressure and Control over the Media in Serbia also states that RTS does not pursue public interest, since this broadcaster, as a public broadcasting service, fails to discharge its obligations, thus violating the Broadcasting Law.

Verica Barac<sup>711</sup> said that the Council worked on the Report for a long time and that it especially had problems with obtaining the documentation from RTS. The Council did not obtain the greatest part of this documentation despite the decisions of the Commissioner for Information of Public Importance because RTS decided to pay fines instead of delivering its documentation. The Council Chairman explained that the Report was prepared on the basis of the documentation obtained from the Finance Ministry and Treasury, and that on the basis of this documentation one could clearly observe the influence of state authorities on the media, which no more have a critical approach to events and information. Instead, they write about them without any analysis. She concluded that, without the freedom of the media, the anti-corruption fight at all levels and in various areas was also endangered to a large extent.

Commissioner for Information of Public Importance Rodoljub Sabic states that it is also impermissible to finance the media from the budget and that it is unacceptable to use taxpayers' money for personal and party promotion. In his opinion, this issue is the central issue in the Council's Report. According to the President of the Independent Journalists' Association of Serbia, despite the fact that the Report points to systemic corruption involving the state authorities and media, it is actually a sad story of Serbian journalism and journalists who are placed in a position to accept all sorts of blackmail.<sup>712</sup>

The representatives of the Council, independent regulatory bodies and media associations<sup>713</sup> agreed that, apart from the measures proposed

711 Press conference, [www.antikorupcija-savet.gov.rs](http://www.antikorupcija-savet.gov.rs).

712 [www.mc.rs](http://www.mc.rs).

713 They were present at the Round Table, which was organized by the Council in cooperation with the Commissioner for Information of Public Importance and Personal Data Protection, the Protector of Citizens and

in the Council's Report, it would be necessary to establish such a public procurement model for media services that would prevent direct financing of current operations of the media close to the authorities from the budget; media should be granted funds only for the activities of public interest, based on clearly defined and transparent competition.

Media content research, conducted for the Open Society Fund and published in mid-2011, points to a lack of the political pluralism of ideas and opinions in the media. Although this research was conducted in December 2010, daily insight into the media contents by the Helsinki Committee shows that most conclusions of this analysis are still relevant.

The analysis of the RTS central news programme *Dnevnik*<sup>714</sup> shows that this media house does not perform the role of public service and is not the place for public dialogue on the issues of public interest; instead, it conveys state messages to the public. Controversial issues, such as unemployment, the country's heavy debt burden, corruption and crime, as well as the party character of the state and loss of the ruling party's credibility are completely marginalized in the RTS news programmes. Even if these topics are touched upon, they are still presented from a viewpoint of the state. This research concludes that the TV news programme primarily represents the voice of the state and that state representatives enjoy privileged treatment compared to all other social groups. Insofar as the opposition groups are concerned, reporting on them is reduced solely to their parliamentary activities. The analysis states that the opposition is presented as a sterile and burdensome institution of a democratic political system, thus invalidating the meaning of public involvement in politics. The professional power of journalists to expand the scope of their views on professional topics is not proportionate to the power of the ruling structures to push through the media whatever they want.

Similar conclusions have also been derived from an analysis of print media. Slovenian media expert and professor Sandra Bazic Hrvatin, who has conducted daily newspaper research, concludes that plenty of time

representatives of media associations on the occasion of the release of the Report on 29 September 2011, [www.antikorupcija-savet.gov.rs](http://www.antikorupcija-savet.gov.rs).

714 The programme was analyzed by Jovanka Matic, media professor and expert.

and space in the media is devoted to the contents received from political institutions, which is the result of successful state control over the information market. The part of this research related to the question as to who has an opportunity to speak about political issues in the media shows – on the basis of the sample of 83 respondents in the period under review – that only 12 belong to the civil sector. These “alternative” speakers, representatives of non-governmental organizations and independent experts have most often been quoted in the daily *Danas*. One conclusion of this research is that politics and politicians have seriously privatized public media space. The media also persistently rely on unofficial and unnamed sources (information “likage”) for spinning and misleading the public. The voice of civil society representatives is also hardly heard in the weeklies *NIN*, *Vreme* and *Pecat*.

As it has also been concluded, the weeklies *NIN*, *Vreme* and *Pecat*<sup>715</sup> have failed to perform their basic role as analytical media and become a place of public debate, where the society reckons with itself and reconsiders its basic commitments through rational and argumented dialogue. “The analytical efforts of journalists are reduced to the presentation of their comments and criticism, without considering alternative solutions (...) There is a striking absence of relevant collocutors whose expert knowledge of various aspects of issues covered would qualify them as the source of information. There is also no insight into the problems from the viewpoint of different community and social groups”.

One example illustrating the fact that the media are not interested in important social issues is also the launch of the book “The Pahomije Affair” about a high dignitary of the Serbian Orthodox Church accused of pedophilia. The local newspaper *Vranjske novine* that published this book cancelled the launch of the book at the Belgrade Media Center because none of the journalists came to report on the latest project of their colleagues from Vranje. The book shows what persistent, committed and professional journalism can achieve by dedicating itself to such a socially important issue as child sexual abuse. Another issue raised by “The Pahomije Affair” is the power and role of the Serbian Orthodox Church, which

715 The analysis was made by journalist Zuzana Serences.

protected its high dignitary during all these years of his moral failure by eloquent silence. Finally, after this case became subject to a statute of limitation, the question that imposes itself is associated with the functioning of the judiciary and the role of judges who failed to act according to the letter of the law and acted according to the daily political needs. However, according to *Vranjske novine*, all this was not enough to bring journalists into the Media Center, so that “The Pahomije Affair” evolved into a conspiracy of silence.<sup>716</sup>

## Media Strategy

In late September, the Serbian Government adopted the Media Strategy,<sup>717</sup> which had to be implemented in several phases until the end of 2016. To this end, it is necessary to change and adjust about 17 laws. The time-limit is 10-18 months after its adoption. The most important laws that should be adopted include the laws on public information, broadcasting, Tanjug News Agency and public services. However, the drafting of these laws has already been postponed for at least four months,<sup>718</sup> just like the strategy itself. In view of the fact that the Strategy is not a binding document and if these laws are not adopted or amended, it may remain a dead letter on paper. At the end of November 2011 already, State Secretary Dragana Milicevic Milutinovic announced that the public information and broadcasting laws should be adopted in the early spring of 2012, but with reservation that the “political scene will dictate when exactly they will be adopted”.

The Strategy was adopted under great pressure from the European Union and CSCE. The adoption process lasted more than two years and was accelerated only when the adoption of media strategy in 2011 became a requirement for Serbia’s EU membership candidate status. The practical

716 NUNS, 1 December 2011.

717 The official title of the text adopted by the Government is the Strategy for the Development of the Public Information System in the Republic of Serbia until 2016.

718 The Strategy was not adopted by the Serbian Assembly, although it had to be placed on its agenda.

implementation of the Media Strategy, primarily its sections related to media privatization, will depend on the Serbian Government that will be formed after the forthcoming elections. In view of the fact that the Strategy was adopted under pressure, it is very important to ensure the presence of the European Union, CSCE and other international organizations in the process of its implementation. During the first months after its adoption, it turned out that the political parties making up the government neglected its implementation and shifted their attention to the election campaign.

During the public debate over this strategy, the major points of difference included the state financing of regional public services, withdrawal of the state from media ownership and privatization of media founded by national councils. It is assumed that the implementation of the provisions relating to this issues will pose the greatest challenge to the new government.

## Media privatization

The Serbian Government should withdraw from media ownership within a period of two years. So far, the media privatization process has been very unsuccessful.<sup>719</sup> What makes this especially disturbing is the fact that the government still has a stake in the newspapers *Politika* (50 per cent), *Vecernje novosti* (30 per cent) and Novi Sad-based *Dnevnik* (50 per cent). Among other things, this was facilitated by the existence of contradictory laws, since some of them request privatization, while some others prevent it.

Since 1 January 2012 already, the Serbian Government should stop financing the media, which is its obligation under the Stabilization and

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<sup>719</sup> Under the current laws, the media privatization process had to be completed in 2006. However, out of 109 public media which had to be privatized only 56 changed their owners, while the privatization of 37 was stopped under the Law on Local Self-Government. This example also clearly points to the maladjustment of laws. Out of the total number of privatized media, the privatization contract had to be terminated with 18 public media, which are now awaiting a new ownership distribution. (Source: Privatization Agency)



Association Agreement.<sup>720</sup> It was anticipated that the Law on State Aid Control would be implemented as of that date. Under the Law, the state will not be able to finance media houses any more; instead, it can only finance media contents or, more precisely, practice project financing in the future. Projects should be selected in a public competition process. At the same time, control over this process should pose the greatest challenge. It is anticipated to form an independent commission that will be comprised of the representatives of the public, professional associations and the sectors financed from the budget. It is very important that the commission formation process is public in order not to express the interests of the ruling parties.

The greatest contradiction of the Strategy refers to state ownership of the media. In the same paragraph it is mentioned that the “major commitment made by the state is not to be the owner of public media” and that it may be the owner of national, provincial and regional public services, public media in the Serbian language for the population in Kosovo and Metohija, specific media in the service of better information provision and familiarization of citizens with the work of state bodies and public enterprises (i.e. an Internet portal, parliamentary channel, etc.). At the same time, however, the national minority councils may be the founders of minority language media. Rade Veljanovski, member of the Working Group for the Development of the Media Strategy, holds that this provide an opportunity for the repeated founding of a large number of state-owned media.<sup>721</sup>

Sasa Mirkovic, Chairman of the Governing Board of ANEM, states that the persistent insistence of media associations on privatization is based on the fact that the preservation of state-owned media enables the authorities to have an impermissible influence on their editorial policy, thus affecting the existing market. “Unfortunately, the strategy has taken another step in the negative direction, since the circle of media that will not be pri-

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720 The ANEM Conference titled “Media Strategy – What’s Next?”, held at the Media Center in Belgrade, on 6 October 2011.

721 *Danas*, 19 October 2011.

vatized has been expanded to include minority media and regional public services”, says he.<sup>722</sup>

The status of Tanjug News Agency was one of the most disputable issues. The state abandoned the initial text of the Strategy, which explicitly stated that Tanjug should be privatized. The adopted version anticipates the ownership transformation of Tanjug, but its privatization is not explicitly mentioned. According to media associations, this means that Tanjug may remain a public institution. So far, Tanjug has been 60 per cent financed from the budget, while 40 per cent has been raised through the market. The Strategy anticipates its transformation within a period of 18 months, since the 2012 budget also allots its funds to Tanjug, it is unlikely that the Government will observe the time-limit.

### **Regional public services**

The formation of local public services has brought all hitherto privatized local media into an unequal position. The Strategy anticipates the existence of six regional public TV services that should be established through public competition. The procedure for establishing public radio and TV stations should be stipulated by a special law.

There is a serious concern that the formation of these centres will be influenced by the ruling parties and that public TV centres will be distributed among the political parties making up the Serbian government at the time of competition announcement because, regardless of relevant regulations, public media services are largely influenced by the government, or municipal authorities if local media are in question. In this connection, there is a concern that the founding of regional TV stations will be the result of political trade among the ruling parties.

At the last moment before the Strategy was adopted, it was decided not to give the names of these regional centres, that is, the towns that would have public services. These centres will be selected in a public competition process. So far, Belgrade, Kragujevac, Nis, Novi Pazar, Zajecar and Uzice have been mentioned as potential regional centres.

722 [www.mc.rs](http://www.mc.rs), MC Newsletter, 21 October 2011.

Among political groups a special interest in the establishment of regional TV centres was displayed by the United Regions of Serbia (URS), that is, G17, which has very strong ties with town mayors throughout Serbia. The Minister for Culture and Media, Predrag Markovic, whose portfolio also includes the adoption of media strategy, also comes from G17.

The greatest proponent of preserving regional public services is the group of local TV stations rallied around the Kragujevac Initiative. (Those are local TV stations from Kragujevac, Nis, Novi Pazar, Pancevo and Subotica). Their main argument was that local media would not survive should the state completely withdraw from media ownership and that only two public services could not adequately cover events in all regions. On the other hand, ANEM representative Sasa Mirkovic holds that regional public services will not be actually established, since there is no money for them.<sup>723</sup> The representatives of the national minority parties in the Serbian Assembly requested that the broadcast coverage areas should be redefined to take into account natural geographic entities and cultural-historical regions where there is a greater number of members of national communities.

All media associations opposed the establishment of regional public services. Comments were also received from the European Commission, which stated that the “establishment of another six regional public service broadcasters on the already competitive market is a serious cause for concern”.<sup>724</sup>

## **National councils and the media**

### **The issue of minority language**

Media is particularly sensitive if one bears in mind the history of minority discrimination in Serbia. At the time of Slobodan Milosevic, the minority media receiving budgetary funds were exclusively under the influence of the regime. At present, the national councils, which have the right to establish media and reflect the position of the ruling minority

<sup>723</sup> UNS, 29 November 2011.

<sup>724</sup> *Danas*, 30 September 2011.

party that is dominant in the National Council and local parliaments, aspires to have these media under their control.<sup>725</sup>

The most problematic aspect of this solution lies in the fact that it does not anticipate sufficiently strong mechanisms to make these media independent relative to the national council, and pursue public interest.

The financing of the media founded by the national councils from the budget was especially advocated by the minority party elites forming part of the republican or local authorities, primarily the Hungarian National Council and the Alliance of Vojvodina Hungarians (SVM), the strongest minority party in the Serbian Parliament.<sup>726</sup>

Other political parties of Vojvodina Hungarians, such as the Democratic Party of Vojvodina Hungarians, Democratic Community of Vojvodina Hungarians, Hungarian Civic Alliance and Hungarian Hope Movement, opposed such a method of financing. In their opinion, this would lead to media censorship.<sup>727</sup>

During the public debate over the Draft Strategy, Tamas Korhecz, Chairman of the Hungarian National Council, said that, should the National Council forfeit the founder's rights to the media, they would indirectly try to abolish this strategy with the help of the SVM and other minority MPs.<sup>728</sup> Such a view was upheld by the Vojvodina Government, which was opposed to the idea of privatizing media broadcasting multi-lingual programmes and requested that they should remain in the owner-

725 In the explanation, Rade Veljanovski, one of the authors of the Draft Strategy, says that "political oligarchy does not bypass minority communities, so that minority political parties may exert pressure on the media in a certain community". *Dnevnik*, 15 June 2011.

726 Balint Pasztor, leader of the SVM parliamentary group, said that the media strategy should provide for the possibility that local self-governments and national councils could be also media founders. Esad Dzudzevic, MP of the Bosniak Democratic Party of Sandzak, requested that the media strategy should also provide scope for the formation of regional public services, while Riza Halimi, leader of the Party of Democratic Action, warned that RTS did not allocate any minute to the programme in the Albanian language (*Danas*, 14 July 2011).

727 *Beta*, 21 November 2011.

728 *Danas*, 11 June 2011.

ship of local self-governments (Statement by the Provincial Information Secretariat).<sup>729</sup>

Livia Tot, President of the Association of Hungarian Journalists of Vojvodina, sharply criticized the Draft Media Strategy prepared by the Hungarian National Council and said that this document reflected the National Council's wish to interfere in the editor's work. Anna Friedrich, Editor-in-Chief of the weekly *Csaladi Kor*, said that the Draft Strategy showed that Vojvodina Hungarian journalism would face "hard times ahead"<sup>730</sup>.

The influence of the national councils on the media in their ownership can best be seen in the case of the dismissal of the editor of the only daily newspaper in Hungarian, *Magyar Szo*, from his position. Namely, Editor-in-Chief Csaba Pressburger was dismissed from his position in June 2011 at the initiative of the Hungarian National Council to which the Vojvodina Assembly had conferred the founder's rights. At present, the Council is dominated by a single political party – the Alliance of Vojvodina Hungarians, which was dissatisfied with the editorial policy of *Magyar Szo*.

Support to the dismissed editor was given by most members of the editorial staff,<sup>731</sup> journalists' associations and numerous Vojvodina intellectuals, including the well-known authors Otto Tolnai and Laszlo Vegel, art historian Laszlo Gerold and philosopher Alpar Losoncz.<sup>732</sup>

729 *Dnevnik*, 17 June 2011.

730 *Beta*, 27 September 2011.

731 The editorial staff of *Magyar Szo* conducted the secret voting about the decision of the Governing Board to dismiss Csaba Pressburger from his position. There were 54 votes against his dismissal versus 14 votes in support of the Governing Board's decision.

732 Otto Tolnai stated that "a short time ago, the Hungarian National Council and Alliance of Vojvodina Hungarians stood up against the privatization of the media in ethnic minority languages, while now, after the dismissal of the Editor-in-Chief of *Magyar Szo*, they prove that the National Council is incapable of preserving the freedom of the press". *Dnevnik*, 25 June 2011. Laszlo Gerold pointed out that that the explanation that media freedom could be limited by the community interests was disputable, because behind them often lay party interests. Alpar Losoncz argues that the problems emphasized by the National Council are second-rate ones from a journalist's viewpoint. Laszlo Vegel regards this case as a crisis of the political elite that has been in power for fifteen or so years and cannot cope with new challenges, due to which it resorts to such ostensible solutions. These intellectuals hold that it is necessary to continue to offer all forms of intellectual

While speaking about his editorial concept, the dismissed editor Pressburger concluded that “the essence of minority information lies in covering events that take place in the community, reporting on the activities of politicians as well as in criticizing them”.<sup>733</sup>

The Independent Journalists’ Association of Serbia (NUNS) and Independent Journalists’ Association of Vojvodina (NDNV) hold that Csaba Pressburger’s dismissal from his position represents a flagrant and overt political-party pressure on the media and freedom of expression. Dinko Gruhonjic, President of the Independent Journalists’ Association of Vojvodina, says that “many contributors to local media do not know the basics of journalism any more. Therefore, the impression that imposes itself here is that they work as if they are employees of the propaganda office of local authorities”. He also emphasized that due to all this it would be necessary to find a solution that ethnic minority media should be provided with more secure and permanent support, thus enabling them to be independent.<sup>734</sup> NUNS Vice-President Jelka Jovanovic said that it would be necessary to provide information in ethnic minority languages. However, this cannot be done by conferring founder’s rights to the national councils, which are probably more important than ownership ones.<sup>735</sup> Pressures on *Magyar Szo* were also condemned by the South East Europe Media Organization (SEEMO), which reported on a number of occasions that the Hungarian National Council was trying to control this newspaper<sup>736</sup>.

Some members of the Hungarian National Council were also against Pressburger’s dismissal. Csilla Porsos, Vice-President of the Hungarian National Council, is convinced that Pressburger was dismissed from his position by falsifying the votes of the Council members, since the live

resistance against such a decision by the National Council. *Danas*, 6 June 2011.

<sup>733</sup> *Dnevnik*, 22 June 2011.

<sup>734</sup> *Danas*, 14 June 2011.

<sup>735</sup> *Dnevnik*, 25 June 2011.

<sup>736</sup> In March 2010, the Council formed a special committee to supervise its editorial policy. “Although *Magyar Szo* is the only Hungarian language daily newspaper in Serbia, it should not only defend the interests of one political party; instead, it should serve the public interest”, says Oliver Vujovic, SEEMO Secretary General, *SEEMO*, 22 June 2011.

broadcasting on TV Panonija was suddenly interrupted before voting. Her colleague from the Council, Janos Hadzi, said that Pressburger was dismissed from his position in the presence of the police, which prevented journalists from entering the building where the Council session was taking place.<sup>737</sup>

The editorial staff and most journalists of *Magyar Szó* are especially irritated by the position of the Hungarian National Council that they, as a public service, should only convey information to the reader and should not express their opinion. At the session, Istvan Bodyoni, a journalist and member of the Information Commission of the Hungarian National Council, said that “media freedom is important, but it must be exercised within the framework established by the Hungarian National Council.”<sup>738</sup>

One of the main arguments of those opting for the financing of the media in ethnic minority languages by the state is that they cannot survive on the market. However, Ivica Smit, Editor-in-Chief of Radio Srbobran, which broadcasts its programme both in Serbian and Hungarian, says that this radio broadcaster operates much more successfully after its privatization and that it even expanded its Hungarian programme by 50 per cent. He also says that the Hungarian National Council does not support Radio Srbobran although it is a successful radio broadcaster. Instead, it invests all money in Subotica-based RTV Panonija, despite disastrous viewing reports. As he pointed out, the founders of RTV Panonija are the high officials of the Alliance of Vojvodina Hungarians, whose MP is Balint Pasztor.<sup>739</sup>

## Threats to Journalists and the Media

Attacks and threats on journalists continued in 2011, despite the legal provisions prohibiting or penalizing them. According to the report by the Association of Independent and Free Media, such a situation has been especially caused by the existing legislation that prescribes mild penalties in

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<sup>737</sup> *Kurir*, 25 June 2011.

<sup>738</sup> *Politika*, 25 June 2011.

<sup>739</sup> *Danas*, 16 July 2011.

these cases; evident obstructions both in identifying those who threaten and attack journalists and in determining their accountability; the practice of courts to inadequately punish the perpetrators of these attacks, particularly their reluctance to fully elucidate all relevant facts and clarify the background of the attacks.<sup>740</sup> Serbian courts very rarely apply the practice of the European Court for Human Rights to court cases involving media and journalists and relating to the freedom of expression. However, attacks on media and journalists also often come from local strongmen and politicians, which is evidenced by the cases presented in this section.

### Threats and attacks at journalists

Some journalists live and work under police protection, like journalist Brankica Stankovic and Loznica-based journalist Vladimir Mitric, since it has been assessed by the police that their lives are in danger. In these cases, however, the court did not react adequately. In the case of Brankica Stankovic, TV B92 journalist and author of its investigative programme *Insider*, the Court of Appeals in Belgrade confirmed the sentence of six months' imprisonment received by one of the leaders of the *Partizan* football club fans, Milos Radisavljevic – Kimi, for violent behaviour, but not for endangerment of the journalist's safety.

Radisavljevic was the leader of fans at the football match between *Partizan* and *Shahtyor* from Ukraine. At the football stadium they were chanting "You're poisonous like a serpent / You'll end up like (the assassinated journalist) Slavko Curuvija", while at the same time hitting a plastic doll representing TV B92 journalist Brankica Stankovic. The Court of Appeals concluded that there was no evidence that the accused Radisavljevic was chanting "You're poisonous like a serpent / You'll end up like Curuvija", but that there was evidence that he was "impaling" the doll on a metal rod. The media association ANEM holds that it is very difficult to understand that in this particular case the court has accepted kicking, hitting and impaling the doll representing the journalist as violent behaviour

<sup>740</sup> [www.anem.rs](http://www.anem.rs).



that affects the tranquility of citizens, but not as the threat to the journalist herself, represented by the doll kicked by Radosavljevic and his group of football fans.

In the case of Loznica-based journalist and *Vecernje novosti* correspondent Vladimir Mitric,<sup>741</sup> the prosecutor's office and the court missed the opportunity to investigate the case to the end. Although he was attacked according to the scenario that was almost identical to that when Jagodina-based *Vecernje novosti* correspondent Milan Pantic was killed, his attacker Ljubinko Todorovic was only found guilty of inflicting serious physical injuries, but not of an attempted murder, and was sentenced to imprisonment. However, there is no information that it was investigated who had ordered this attack. Journalist Vladimir Mitric submitted to the Basic Public Prosecutor's Office in Loznica the proposal to investigate the background of Todorovic's criminal act<sup>742</sup>. The Association of Serbian Journalists states that the attack on Mitric was an attempted murder and that the technique was the same as that used to kill Milan Pantic.

The Court of Appeals in Belgrade increased the sentences of Milos Mladenovic and Danilo Zuza by 7 months, that is, to one year's imprisonment for the attack on *Vreme* weekly magazine journalist Teofil Pancic on 24 July 2010 in Belgrade, inflicting serious injuries. The Court of Appeals accepted the public prosecutor's complaint that the sentences of the accused should not have been reduced below the legal minimum.<sup>743</sup>

Although the sentences were not increased in higher instance, the court again pronounced the sentences being very close to the legal minimum, because the sentence for such a criminal offence is up to five years'

741 Mitric was attacked in 2005 and since then he has been living and working under police protection. He was attacked in the centre of Loznica by the ex-policeman Ljubinko Todorovic, who was sentenced for this criminal offence to one year's imprisonment. Mitric was attacked from behind with a wooden pole similar to a baseball bat at the entrance to the building in which he lives around 10 p.m. He suffered a left forearm fracture and other serious injuries.

742 In his proposal Mitric stated that he, "as the injured party and a witness in this case, pointed to a number of circumstances and facts established before the Court of Appeals on the basis of which the investigation ordered by the prosecutor's office could reveal the background of this criminal act". NUNS, 3 December 2011.

743 *Tanjug*, 4 November 2011.

imprisonment. Pancic himself greeted the decision of the Court of Appeals to increase the sentences<sup>744</sup>.

On 5 October 2011, journalist of the Sabac-based newspaper *Podrinjske* and correspondent of *Radio Free Europe* Hanibal Kovac was physically attacked in the centre of Sabac. Kovac was kicked in the back by an unknown man, who told him that he was going to be "beaten up or dead".<sup>745</sup> According to Kovac himself, the attacker presented himself as the bodyguard of a medical equipment dealer mentioned in the investigation in the Sabac General Hospital. From the police press release it cannot be seen whether the investigation has ever taken place. Journalists and media associations are still seriously concerned over the fact that in a large number of attacks against journalists the investigation usually ends up with the identification of direct perpetrators, but not of those who had hired or incited them.

*Magyar Szo* journalist Csaba Szögi was beaten in the Town Theatre in Becej on 15 April. As mentioned in the press release issued by the Becej police, the suspects were Gabor Z. (23), Tamas E. (19), Attila S. (23) and one underage person. The beaten journalist links this criminal offence to a series of disparaging articles about journalism in Vojvodina, appearing in a far-right Internet portal in the Hungarian language at the end of January, since the attackers quoted one sentence from it during the incident.

Branko Zivkovic, a journalist and long-time activist of the Helsinki Committee for Human Rights in Serbia, was attacked in Belgrade in the evening of 16 December 2010 when an unidentified person attacked him from the back and seriously injured his head. As a consequence of this

744 "This is still an important and big step forward, not as satisfaction for myself, because I am not interested in it, but as a step towards establishing elementary social justice", said Pancic. He emphasized that it was crucial what message was sent by the court and said that the previous first-instance decisions sent an "extremely negative" message that "every bully has the right to do whatever he wants and that he will be given some kind of protection", *Beta*, 4 November 2011.

745 According to the testimony given by a witness, a man stepped out of a jeep without the registration plate, threatened and slammed the journalist, and then went into his car and drove away in an unknown direction. According to the same source, all this took place just ten or so metres from traffic policemen in the zone monitored by cameras.

injury he suffers from amnesia and cannot recall how this incident took place. Zivkovic who, inter alia, distributes various articles on severe violations of human rights and nationalism via e-mail, was also exposed to an attempted physical attack, which he succeeded in avoiding, and to serious threats and insults one month earlier. The assault was reported to the police, which apprehended the perpetrator and filed a complaint against him with the competent prosecutor's office.

Journalists are often denied the right to report on public interest events. On several occasions they could not report on certain events organized by local government representatives. Otherwise, this is contrary to the Public Information Law which stipulates that government bodies and organizations, bodies of territorial autonomy and local self-government, public services and public enterprises, as well as MPs and councilors are obliged to make information on their work available to the public and, under equal terms, to all journalists and public media.

For example, private security guards in the Municipality of Kula prevented *Vecernje novosti* and *Blic* journalists Branka Baletic and Ranka Ivanoski from attending the Municipal Assembly session by the use of physical force. Reporting was also denied to tv Kula journalist Dragan Jovanovic and Nika Perkovic, a journalist of the Vojvodina daily *Dnevnik*, who were even comprehended.<sup>746</sup> The Municipality of Kula otherwise adopted the regulations governing the procedure for ensuring transparency of the work of the Municipal Assembly of Kula and its working bod-

746 The journalists Baletic and Ivanoski complained to the court, but the prosecutor's office rejected their complaint. Most journalists were also prevented from attending the subsequent session of the Kula Municipal Assembly, which was held on 4 March 2011. According to journalist Nika Perkovic, everything started in the Assembly Hall when Mayor Zeljko Kovac told the journalists to leave the session, since they allegedly had no valid accreditation cards. "I showed them the accreditation card of my newspaper company, but they said that it was not valid and that we should have accreditation cards issued by the Municipality in order to be able to report from its sessions. Shortly afterwards there appeared a private security team. Its members approached me and my colleague from TV and started to push us. When the situation became heated there appeared two councillors who tried to defend us, but all in vain", said Perkovic, who claims that he has been covering the Assembly sessions for seven years and that he has never had any similar problem.

ies, which are regarded by journalists as being restrictive due to insistence on superfluous accreditation formalities.

The Basic Prosecutor's Office in Sombor rejected criminal charges against municipal officials who denied public information about the work of local self-government bodies by abusing the technical regulations on accreditations. According to ANEM, this points to the lack of sufficiently robust and efficient mechanisms to protect the freedom of expression in Serbian law.

Timocka TV from Bor has a similar experience. Namely, it is forbidden to report from the Town Assembly sessions. Similar messages also come from top-level authorities. The Serbian President's press office allowed only the state-owned Tanjug News Agency to cover the visit of President Boris Tadic to the Fiat plant in December 2011. In this way, the media were denied free access to information on equal terms.

Numerous examples provide evidence on the serious endangerment of journalists' safety while reporting from public events and venues, as well as public interest events, including court trials. In these cases, attackers of journalists often go unpunished, or are very mildly punished.

Such is the case of assault on TV B92 cameraman Bosko Brankovic, who was beaten and suffered a leg fracture in May 2008, while reporting from the protests against the arrest of Radovan Karadzic, indicted of the most serious war crimes.<sup>747</sup> The First Municipal Court in Belgrade sentenced Milan Savatovic to a ten months' house arrest, Stevan Milicevic to six months' imprisonment suspended for three years and Nikola Lazovic to four months' imprisonment suspended for three years for beating the TV B92 cameraman. The court trial lasted more than two years.<sup>748</sup>

747 On that occasion a news photographer of FoNet News Agency was also attacked, which Brankovic tried to capture with his camera.

748 Media associations protested against such a court ruling. The Association of Independent Electronic Media stated that the sentences were inappropriately mild, not only in view of the seriousness of Bosko Brankovic's injury but also in view of the degree of endangering the freedom of expression and media freedom which such an attack on journalists and cameramen on assignment represents. "Inadequate sentences for attackers of journalists and other media professionals, which has become the rule rather than the exception in Serbia, impose a serious burden on

Such mild sentences even provoked a reaction from the Republic Public Prosecutor's Office, which announced that it would appeal against them and request a much harsher punishment. According to the Prosecutor's Office, such sentences send a bad message that encourages hooligans, while at the same time causing citizens to feel insecure. Otherwise, for such a criminal offence the law stipulates sentences from three months' to five years' imprisonment and imprisonment up to ten years for their leader (Article 349 of the Serbian Penal Code).

On the other hand, charges pressed by journalist Vladimir Jesic against the politician and leader of the New Serbia political party for attacking him physically eight years ago, had no court epilogue in 2011 either. The trial is constantly postponed because Ilic does not appear in the courtroom. Jesic pressed charges against Ilic for having kicked him during the interview for the Novi Sad television Apolo, after which he tried to physically attack the journalist.

Journalists were also the targets of attacks and physical assaults during the pronouncement of the first-instance verdict against the accused of the murder of French citizen Brice Taton.<sup>749</sup> More serious incidents were prevented by court security guards and members of the Police Intervention Brigade.

On 15 February, after the broadcasting of the third episode of tv B92's *Insider* series dealing with the abuses in the Kolubara Mining Basin, posters with obituaries for tv B92 were plastered around the town of Lazarevac, with the responsible editor, authors and journalists signed as the bereaved

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the freedom of expression and, instead of being a message to attackers that violence against journalists, cameramen and reporter is unacceptable, they turn into a message to the media that it is better not to report on some issues". On this occasion, the Independent Journalists' Association of Serbia issued an open letter to the public warning it that the 'fear of bullies and showing understanding for violence, or even justifying it as being a part of our social life, have assumed intolerable proportions'".

749 Brice Taton was attacked in the centre of Belgrade, at Obilicev venac, on 17 September 2009, on the eve of the football match between the Belgrade football club *Partizan* and French football club *Toulouse*. He died twelve days later from his injuries. For his murder fifteen fans of the *Partizan* football club were sentenced to a total of 240 years' imprisonment in the first instance.

and organizers of its funeral. Many of them understood this obituary as a call for violence.<sup>750</sup> It is especially disturbing that attacks on journalists and media were intensified at the end of 2011, which are related to the start of the election campaign (the elections are scheduled for May 2012). A typical example that points to such a trend is the assault on the *Srbobran.net* informative portal.

The editorial staff of the news portal *Srbobran.net* and its editor Aleksandar Sijacic were threatened in the comments posted to the news they had released about the party organized by the youth section of the Socialist Party of Serbia in Srbobran. "Watch your back, crowbars are ready!" was part of a message undersigned by Ratko Mladic which was quoted in their statement released on 3 December 2011. According to ANEM, the reasons for this threat should be sought in the report on the elections for the local SPS youth leadership and the party organized after the election process<sup>751</sup>.

Media associations also relate the escalation of attacks on RTV Prima in Bajina Basta to the upcoming elections.<sup>752</sup>

750 The Independent Journalists' Association of Serbia has pointed out that it regards obituaries for TV B92 as an open threat to its editor, authors and journalists of the *Insider* series, and called on the competent bodies to urgently identify and punish the perpetrators. Otherwise, a great number of obituaries and posters with messages directed against B92 can also be found in front of the local police building itself. "There is no doubt that these obituaries pose an open threat to journalists and a warning to potential witnesses how they can end up if they openly speak about the abuses in the Kolubara Coal Basin", said NUNS Vice-President Jelka Jovanovic.

751 In the statement issued by the Independent Journalists' Association of Vojvodina, it is claimed that this is not the first time that *Srbobran.net* is exposed to threats and pressures. It says that its editorial staff was denied reporting from the press conference held by Srbobran Mayor Branko Gajin and that the photo reporter of this portal was physically attacked by a municipal security guard at a basketball match. The editorial staff believes that this threat was provoked by not publishing another comment of the same web-site visitor who signed himself as Vojislav Seselj.

752 In October, unknown persons stoned the studio of RTV Prima and broke several windows on the building. Before this incident, the tyres on the editorial staff's car were cut. Apart from political pressure, economic pressure, personal warnings and pressure on the employed were also applied. The editorial staff stated that they would not allow to become the public service of a single political party and that they would continue to report objectively in the interest of citizens. *Danas*, 21 October 2011.

## Charges against journalists and the media

The Novi Sad Prosecutor's Office raised an indictment against journalist Jelena Spasic and Milorad Bojovic, the editor of the defunct *Nacionalni gradjanski list* from Novi Sad, over the text "State Authorities Completely Unprepared for War". The indictment was returned for investigative proceedings, but until the end 2011 it was not clear whether a new indictment would be raised, thus causing great concern among the media and media associations.

The indictment, which was received by Jelena Spasic on 14 October, said that the Prosecutor's Office concluded that the article, written on the basis of a confidential report by the Serbian Ministry of Defence about the preparedness of the country for defending itself in the case of war, "had damaged Serbia's security".<sup>753</sup>

Journalist Jelena Spasic denied having divulged a secret, because the material in question was scattered around the parliament desks and tables in the parliament restaurant and thus could not have represented a secret. She also protested because the Novi Sad Prosecutor's Office had raised an indictment against her without even conducting an investigation or summoning her for an interrogation.

The Commissioner for Information of Pubic Importance and Personal Data Protection, Rodoljub Sabic, warned (in the statement issued on 15 October 2011) that such a case was indicative of the deplorable state of the freedom of the press and the right of the public to know. The Commissioner's statement says that "Insisting on the responsibility of journalists, while at the same time not holding others, those who are really responsible to account will have harmful effects on the freedom of the press and the right of the public to know, regardless of the intentions of the Prosecutor's Office". Media associations pointed to a number of legal deficiencies in the indictment raised against Jelena Spasic. Media professionals were especially concerned over the fact that in this particular case there was no

753 The indictment accuses them of violating the law on the confidentiality of data or, in other words, publishing the material prepared for the session of the National Assembly of the Republic of Serbia designated as "STRICTLY CONFIDENTIAL" and violating the Penal Code by failing to reveal the identity of their source.

investigation before an indictment was raised and that the Prosecutor proposed that the trial should be closed to the public.<sup>754</sup>

Pursuant to the court decision, the daily *Danas* was forced to pay the fine of 600,000 dinars, including interest and court costs of 13,500 dinars, to three policemen from Pozarevac for having published an article which also appeared in *Glas javnosti* and *Kurir*. It is the question of an especially absurd case because by this court order *Danas* was actually ordered to pay a fine on behalf of the dailies *Kurir* and *Glas javnosti* as well. Otherwise, it is the question of an article taken by *Danas* from the two mentioned newspapers.<sup>755</sup>

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754 The participants of the Round Table Discussion entitled "State Secret and the Right of the Public to Know – The Case of Jelena Spasic" have agreed that the state is responsible for keeping the state secret and that journalists cannot be held criminally accountable for the publication of such information. Such practice is contrary to the practice of the European Court for Human Rights. "On the basis of about 300 cases handled by the European Court for Human Rights we can conclude that this Court had always given precedence to the freedom of information", said Professor Vesna Rakic Vodinelic. The Association of Serbian Journalists also condemned the indictment raised against the journalist and editor. In its statement it is said: "What they have published is not detrimental to Serbia's security, as stated in the indictment; on the contrary, it is a contribution to better informing citizens about the real state of the defence preparations and security of the country". Support to Jelena Spasic was also given by about 300 journalists and the Belgrade Centre for Security Policy.

755 In the meantime, *Glas javnosti* ceased to be published and its publisher was erased from the register. *Kurir-net*, the publisher of the daily *Kurir* during the disputed period, was also erased from the register, so that the defendants opted to request damages from one of the three publishers that still exists. However, the question that imposes itself is on what grounds did the court decide that these three newspapers should bear the joint responsibility for damage. The Association of Independent Electronic Media has concluded that, in accordance with the Public Information Law, joint responsibility is envisaged only for damage done within the same newspaper, that is, only for the responsible editor, journalist who is the author of disputed information and publisher of one concrete newspaper that published such information and not for more publishers. Such joint responsibility of more publishers may only arise from the general provisions of the Law on Contractual Relations, which is not applicable in this case. The Independent Journalists' Association of Serbia has appealed for the abolition of the judicial practice of joint media punishment.



## Unsolved murders of journalists

The murders of three journalists, Dada Vujasinovic (1994), Slavko Curuvija (1999) and Milan Pantic (2001), still remained unsolved in 2011, despite great pressure from the public and media associations, as well as the promise of every new government and conviction of the competent bodies that the killers would be identified. However, no indictment has so far been raised and all three cases are still in the pre-trial stage. It is especially important to raise indictments in the murder cases of Dada Vujasinovic and Slavko Curuvija, since it is suspected that the state also stood behind them.

Republic Public Prosecutor Zagorka Dolovac claims that, after the reclassification of Dada Vujasinovic's death from suicide to homicide, the Prosecutor's Office interrogated all old and new witnesses. Prosecutor Dolovac also says that – regardless of the fact that the details cannot be revealed in this stage – it is indicative that nobody in the police asked the witnesses what Dada Vujasinovic had been writing about before she was murdered and whether she was receiving some threats and with whom she was meeting at that time; on the contrary, they only asked whether she was visiting a psychiatrist at that time.

The representatives of several media link the fact that these murders have not yet been solved to the dominant view on the role of the state during the 1990s wars and hold that this is a bad message to journalists.<sup>756</sup>

<sup>756</sup> Nedim Sejdinovic from the Independent Journalists' Association of Vojvodina says that the unsolved murders of journalists are actually the result of the overall social climate. "Serbia has not come to terms with its past and the crimes committed in its name. In that context we can view the death of journalists and failure to identify those who committed the murders and those who ordered them", says Sejdinovic. *Deutsche Welle*, 23 November 2011. Dragan Janjic from the Independent Journalists' Association of Serbia says that journalists in Serbia do not feel secure because there is a justified suspicion of state interference in the murders of journalists in at least two cases (Vujasinovic and Curuvija). All collocutors agree that there would be less threats to journalists and that their lives would be less endangered should the killers of their three colleagues be brought to justice. *Deutsche Welle*, 23 November 2011.

## The Freedom of Expression and Hate Speech

During the past years, significant progress was made in the area of freedom of expression, although the cases of violations of one of the most fundamental human rights are still not rare. The denial of the right to freedom of expression in Serbia must be considered in a broader context. It is often related to the use of hate speech against individuals and organizations “having a different opinion”, which often ends up with quite concrete consequences for the targets of “media” attacks. The members of minority communities like LGBT and ethnic minorities (mostly Roma and Bosniaks) are most endangered. In these cases great responsibility lies with the media themselves and their editors.

One of the most drastic examples is the dismissal of the Director of the National Library of Serbia, Stevan Ugricic, from his position. It is the question of the author who was appointed to this position at the time of the Zoran Djindjic Government more than ten years ago and who is a member of numerous international bodies dealing with culture, as well as writers’ organizations like PEN. His sin consisted in the fact that he, as a member of the independent association Serbian Writers’ Forum, signed a petition whose signatories<sup>757</sup> call on the Serbian media to stop a campaign against Montenegrin author Andrej Nikolaidis and calls for his lynching.<sup>758</sup>

The Serbian Government dismissed Director Sreten Ugricic from his position at the initiative of Interior Minister Ivica Dacic and after a campaign through the media where it was often stated in the headlines that Ugricic was a terrorist. Dacic said, and his statement was carried by all media, that Ugricic should be in prison for “supporting terrorism”.

757 The petition was signed by Filip David, Borka Pavicevic, Laszlo Vogel, Vladimir Arsenijevic, Mirjana Miocinovic, Nenad Prokic, Mileta Prodanovic and many other well-known authors.

758 In the Montenegrin media Nikolaidis published the article entitled “Making up a Political Monster” where one controversial sentence was the reason for the campaign against this unpopular author in Serbia: “It would also be a civilization shift should Bole have used dynamite and guns he had hidden in the hall where political and spiritual leaders and artists celebrated the twentieth anniversary of the Republic of Srpska”. Serbian President Boris Tadic was also in the hall to which the author alluded, and that was the reason for such a campaign.

Few media have written about this case in accordance with the professional standards and respecting the right to a different opinion, including those defending Ugricic. Being under strong pressure, Ugricic was forced to defend himself and give statements such as the one that he is a Serb and that he recklessly signed the petition. All those who defended Nikolaidis and Ugricic were sharply criticized, so that newspapers also published big headlines such as "Scandal: Serbian Writers Defend a Serb Hater"!

Ugricic was given support by numerous non-governmental organizations such as the Helsinki Committee, YUKOM, Centre for Cultural Decontamination, Civil Initiatives, as well as individuals. The only parliamentary political party in Belgrade which gave support to Ugricic was the Liberal Democratic Party due to which its leader Cedomir Jovanovic "deserved" the headlines in almost all media: "Jovanovic Supports Murderers". The participants of the Conference of Directors of European National Libraries sent a letter to the Serbian Ambassador to France in which they stated that they were appalled by the Government's decision to dismiss Ugricic from his position.

Angelina Jolie's film "In the Country of Blood and Honey", which deals with the war crime of rape to which Bosniak (Muslim) women were exposed during the war in Bosnia and Herzegovina, was hit by fierce propaganda and declared as an anti-Serb film a few months before its premiere in Belgrade. Having assessed the film as a political pamphlet, Serbian critics even denied the raping of Muslim women in Bosnia. As the result of the campaign against this film, it attracted a very small audience in Belgrade, which watched it in the presence of police. The showing of this film started without any announcement and could be viewed only late at night (after 10.30 p.m.). It was removed from the repertoire after a very short time. The most serious effects of this campaign also included threats to young Serbian actors who played in Angelina Jolie's film. In order to understand the whole context, it must be noted that a neutral stance on this film was taken only by the daily *Danas*.

Almost all media joined the campaign against this film. The atmosphere created by Angelina Jolie's film in Serbia testifies about the unreadiness of the Serbian media and Serbian society to confront the effects of

war politics and speak about something that had happened. The topic that this film intended to raise was the existence of Serbian camps where Muslim women were raped during the war in Bosnia, which is also corroborated by the verdict issued by the Hague Tribunal for rapes in the municipality of Foca.

On the contrary: instead of dealing with the war crime of rape, the Belgrade media criticized the film saying that it is extremely bad, that Jolie is a bad film director, that actors are bad... Dubravka Lakic, the film critic of the influential daily *Politika*, and actor Tihomir Stanic say that they do not understand why this film "provoked such a fuss", adding that it is a bad film in which "all stereotypes are repeated in a pamphlet-like manner".

This was also the message of tv B92's talk show *Impression of the Week*, whose guests included *Politika* film critic Dubravka Lakic, actor and producer Tihomir Stanic, the scenarist and member of the Serbian Progressive Party, Radoslav Lale Pavlovic, and actor Branislav Lecic. The show (hosted by Olja Beckovic) demonstrated a lack of empathy for crime victims and was reduced to trivialities: what errors were made by the costume designer when choosing Serbian military uniforms and whether Angelina Jolie asked to be paid for her interviews. A strong impression was left by the fact there was only one woman in this tv show and that neither she nor host reacted to the actual event. In her review published in *Politika*, Dubravka Lakic emphasizes: "The general impression after yesterday's special showing of the film, organized for journalists on the eve of the Berlin Film Festival, is rather lukewarm and the viewers left the cinema absolutely indifferent."<sup>759</sup> Actor and producer Tihomir Stanic was also indifferent. After viewing the film "In the Country of Blood and Honey", he said that he was not moved at all. One of the best known Serbian film critics Dinko Tucako-

<sup>759</sup> Dubravka Lakic began her review in *Politika* in this way: "Serbian soldiers in uniforms, bearing both the insignia of the officers of the Yugoslav People's Army (SFRY) and those of "rump" Yugoslavia (FRY), five-pointed star and some other unrecognizable badges on their caps (?!), take Muslim women to camps, rape them and use them to form a human wall, throw a baby from the balkony of the flat they had seized, while ethically cleansing Sarajevo... And it is especially interesting that they kept shooting solely at civilians. Jolie exaggerated so much that this very serious topic was almost turned into a grotesque."

vic said: "This is not a film; this is political action and that is clear".<sup>760</sup> What is especially paradoxical and probably represents a unique case is that the film distributors, who showed this film in their cinemas, also had a negative opinion about it, which is contrary to any rational understanding of the market. According to the owner of the Roda Cineplex cinema, Zoran Cvetkovic, the film is artistically miserable and bad, as well as one-sided and tendentious. "... We will show it, but only once a day".<sup>761</sup>

The same pattern was followed by a small number of viewers. When one woman was interviewed immediately after leaving the cinema, her first sentence to the camera was that Angelina is a very bad film director.

An example of the media campaign can also be found in an analysis of the articles about the premiere of the Serbian film "Montevideo, God Bless You!" in Bosnia and Herzegovina and media attacks on its director and producer Dragan Bjelogrić and actor Sergej Trifunović. Attacks on them started when it became known that the film premiere in Sarajevo would also be attended by Bosnian Army General Jovo Divjak accused of war crimes by Belgrade.<sup>762</sup> Bjelogrić, who first said that he had invited Divjak to attend the film premiere and sit in the VIP lounge, and Trifunović, who wore a T-shirt with the General's image at the party organized after the film premiere, had to justify their actions in the media and deny whatever they had previously said or done.

The story in the Belgrade media that the film was jointly viewed by Bosniaks, Croats and Serbs and that the Serbian film won over the Bosnian audience could have been used in the reconciliation process. However, this was overshadowed by the politicization of the premiere of a melodrama and attacks on its authors who found themselves in such a situation by

<sup>760</sup> *Vecernje novosti*, 21 February 2012; the well-known actor Nebojsa Glogovac had the same opinion about the film, but space was also given to Elena Karic, an insignificant fashion designer, who also criticized Angelina Jolie saying that "she is semiliterate fool who has hidden herself under a humanitarian umbrella from the rain of her own frustrations".

<sup>761</sup> *Press*, 9 February 2012.

<sup>762</sup> This happened at the time of General Divjak's arrest in Vienna pursuant to a Serbian international arrest warrant. However, Divjak was released on the grounds that he could not be guaranteed a fair trial in Belgrade. The representatives of all three nations in Sarajevo regard Divjak as the symbol of the city's defence.

accident and accidentally missed their life roles to work on reconciliation. By the way, one consequence of this campaign was the cancellation of the film premiere in Pale, the one-time headquarters of the indicted of war criminals, Radovan Karadzic and Ratko Mladic.

There has never been substantive lustration (only of editors-in-chief and some belwethers of propaganda journalism during the Milosevic regime). This is also reflected in the editorial concept of these companies when the 1990s wars are in question. The attitude towards the neighbours against whom the war was waged is derived from it. Articles and contributions in the mainstream media dealing with the role of the Serbian institutions in the 1990s wars are at the incident level, which also has a negative impact on the improvement of relations in the region.

In the apology of the RTS public service for the events of the 1990s there was no mention of the war and war crimes, or an analysis what RTS was doing during that period. The Governing Board of *Radio Television Serbia* issued a public apology for its editorial policy during the 1990s, but failed to touch upon the essence. Thus, the apology did not exert any influence on a change in the social climate in Serbia, primarily with respect to the 1990s wars. The statement was very vague and practically referred to the editorial policy of RTS towards the domestic opposition. Violent attacks were especially aimed at the opposition advocating the stoppage of the war, including the political parties such as the Civil Alliance and Serbian Renewal Movement, non-governmental organizations and anti-war activists. The issue due to which the statement had primarily to be made – the role of the national television in warmongering and war propaganda – was not substantively touched upon.

One of the rare qualifications of RTS's role during the 1990s was given by the Governing Board of RTS at the end of the statement, saying that this is an apology to "the citizens of Serbia and the neighbouring countries for being the object of insults, libels and contents that would be qualified as hate speech".

The Governing Board stated that the RTB and RTS programmes were "almost continuously and grossly abused during the 1990s with a view to

discrediting the political opposition in Serbia and its leaders, and as part of the propaganda of the then undemocratic regime“.

It was avoided to mention anything about the character of the war (it is called an unfortunate event), while the neighbouring countries and peoples against which the war was waged were mentioned just in one sentence. It reads: “During the unfortunate events of the 1990s, the RTB and RTS programmes hurt the feelings, moral integrity and dignity of Serbian citizens, humanistically-minded intellectuals, members of the political opposition, critically-minded journalists, certain minorities in Serbia, minority religious communities in Serbia, as well as some neighbouring countries and their peoples on a number of occasions“.

Even this, fairly neutral statement was preceded by a discussion among the members of the Governing Board of RTS. “Some members put some remarks but, in the end, they all voted for such a decision by a show of hands”, says Deputy Chairman of the Governing Board Milan Nikolic, who is otherwise close to the right wing of the Democratic Party of Serbia. The Chairman of the Governing Board of RTS (elected in 2011) is historian Slobodan Markovic who also belongs to the right-wing forces and fiercely advocates the Chetnik leader Dragoljub Draza Mihailovic, whose units were involved in war crimes during World War II.

In 2011, the investigative team of the Special Prosecutor’s Office for War Crimes in Belgrade, which also included journalists, published the comprehensive documentation on the role of the state-run media in Serbia in war propaganda, including an analysis and examples of war propaganda spread by RTS, primarily through its prime-time news programmes *Dnevnik* and *Dnevnikov dodatak*, that is, evening news and its supplement. Therefore, it is especially disturbing that no more attention to this topic was devoted in the apology issued by the Governing Board of RTS.

Other media events also testify about the current consequences of war propaganda. So, for example, although the last war crime indictees, Bosnian Serb military leader Ratko Mladic and Miroslav Hadzic, were arrested the previous year, the media said almost nothing about the facts on the basis of which they were charged with war crimes. During several days of Ratko Mladic’s detention in Belgrade, before his handover to the

Hague Tribunal, the media dealt exclusively with his wish to eat strawberries and the books he wanted to read. The visit of Geoffrey Nice, the chief Hague prosecutor in the Milosevic case, to Belgrade where he talked at the launch of the book "Conflict in Numbers: Casualties of the 1990s Wars in the Former Yugoslavia (1991-1999)", was covered only by few media. Only two media, one daily newspaper and one TV broadcaster, were interested in interviewing Nice. Not one journalist took this opportunity to ask him something about the evidence against Milosevic, although he was already relieved of his obligation not to disclose official secrets related to this case.

The editors of *Pescanik*, Svetlana Lukic and Svetlana Vukovic, demanded that TV B92 apologize for inviting Ljiljana Bulatovic and Kosta Cavoski, who openly denied genocide and disputed the victims killed in Srebrenica, in their programme. B92 refused to apologize to viewers and families of victims, which is why the two editors of *Pescanik* decided to quit cooperation with this media company after 11 years.

As for lustration, it should be pointed to the dispute between the two journalists' associations. The dispute between the Independent Journalists' Association of Serbia (NUNS) and Association of Journalists' Association (UNS) was settled after more than 10 years by the decision of the Court of Appeals that the building at 28 Resavska St. should be placed at the disposal of all journalists' associations and journalists. The Court of Appeals determined that NUNS was formed after the forced withdrawal of journalists from UNS membership because they were unable to work in UNS, which placed itself in the service of the Milosevic regime, in accordance with the rules of a journalist's profession. According to the Court of Appeals, such a withdrawal entailed the property-rights consequences reflected in the establishment of joint ownership over the disputed building. The Association of Serbian Journalists (UNS), which is led by Ljiljana Smajlovic, still opposes such a decision. In the author's text published in *Novi Standard*, she states that this is a political decision which "introduces the principle of collective responsibility or, better said, collective guilt into property law" and donates the private property of UNS to NUNS "allegedly due to the sins of UNS at the time of Milorad Komrakov". It must be borne in mind that Ljiljana Smajlovic is one of the greatest opponents of problematizing the



role of the Serbian institutions in the 1990s wars, as well as an obstacle to the processes of confronting the past.

The dismissal of Antonije Kovacevic, Editor-in-Chief of the daily tabloid *Alo*, published by the Swiss-German company *Ringier Axel Springer*, provokes controversy. *Alo* is a tabloid (dealing with political and social issues) whose editors and journalists often violate the Code of Ethics and professional standards. Antonije Kovacevic was dismissed from his position under the pressure of Serbian President Boris Tadic. The reason for his dismissal was the publishing of an article about the Serbian army leader in Bosnia and Herzegovina, Ratko Mladic, indicted of the most serious war crimes before the International Criminal Tribunal in The Hague. The reason for his dismissal was the fact that in the whole text there was no mention of the crimes Mladic is accused of. Otherwise, this is not the only case that an editor was dismissed from his position due to his extremist right-wing views<sup>763</sup>.

763 According to the official statement of the *Ringier Axel Springer* company (9 June 2011), Antonije Kovacevic, Editor-in-Chief of the daily *Alo*, was relieved of duty due to different views on the further development of that newspaper. His removal from the position followed Tadic's interview for the *Frankfurter Allgemeine Zeitung*. In his answer to the statement of a journalist of this newspaper that his involvement in Serbia's cooperation with the Hague is criticized in the country by some nationalistic media, primarily the tabloid *Alo*, which is owned by *Ringier Axel Springer* and, according to the *Frankfurter Allgemeine Zeitung*, advocates extremist views, as well as to the question whether this shows that foreign investors are actually bothered by the political climate in the country, Tadic answered: "Unfortunately, some investors invest in Serbian media without considering too much the political and social consequences of their activities. But, they are interested in profit and I am very worried about that". The owner of the *Ringier* company, Michael Ringier, said that Kovacevic had crossed the red line in his reporting on Ratko Mladic, because it is immoral and contrary to the principles of good journalism to write six pages about Mladic without mentioning the crimes he is accused of. (*Blic*, 11 June 2011.) The President of the Independent Journalists' Association of Serbia, Vukasin Obradovic, says that he is not opposed to the removal of Kovacevic from his position in view of the fact that this newspaper had published numerous articles that violated professional standards and the Code of Ethics for journalists, but he is opposed in principle to the reason and the manner in which Kovacevic was removed. "Instead of the promised wide-ranging media reform and, above all, lustration of promoters of warmongering journalism, political pragmatism prevailed after 5 October and most of the Serbian media outlets are under strict control of the government. The consequences of this situation are

As for the examples of good practice, it must be noted that in 2011 the first verdict was brought for using hate language against the LGBT population and one of the first verdicts brought under the Anti-Discrimination Law. The Higher Court in Belgrade brought the first-instance verdict by accepting the complaint by the non-governmental organization Gay Straight Alliance against the daily *Press*. According to the verdict, the readers' comments on the text "I'll Be a Gay Icon", published on the Internet web-site *Press Online* on 2 July 2009, represent hate speech against LGBT population, while *Press* acted in a discriminatory way towards this population by allowing and enabling the posting of such comments on the web-site.<sup>764</sup>

The representatives of the media and journalists' associations formed the Press Council, a self-regulatory body that will deal with media discrimination problems.<sup>765</sup> The effects of its work will be assessed next year in view of the fact that it was formed in September 2011 and that it devoted most of the year-end period to the promotion of its work.

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disastrous and they certainly deserve much more attention than a single question and answer in the *Frankfurter Allgemeine Zeitung*", says Obradovic, *Danas*, 13 June 2011.

764 Most comments contained the most vulgar insults, calls for killings, slaughter, threats to the life and property of LGBT persons. As it is stated in the explanation of the verdict brought by the Chamber of the Higher Court in Belgrade, the comments containing insults to LGBT persons and stating that they should be "closed in the ghetto"... "be shot"... calling them "sick persons who should undergo treatment"... "perverted", send them threats, "instigate hatred and violence against members of the LGBT population and call for their discrimination, so that they represent hate speech altogether". The Court determined that, by publishing such comments, *Press* violated the ban on the expression of ideas, information and views which represent hate speech in public media, pursuant to Article 11 of the Anti-Discrimination Law. In its statement, the editorial staff of *Press* claimed that the disputed comments were removed as soon as the website administrator noticed them. However, the statement does not say whether the period during which such comments were on the website could be measured in minutes, hours, days, or weeks. The Association of Independent Electronic Media warns that new communication channels, including the Internet, are often used in an extremely irresponsible way. Technological changes, which have exceeded the legal framework in Serbia, have created a situation in which there are no ready solutions that can be applied to the e-editions of traditional media, so that a lot will have to be left to judicial practice, says ANEM in its statement devoted to this case.

765 A complaint can be submitted by those who are directly affected by a published text or photograph, and can also be submitted by a non-governmental organization with the consent of the person affected by such a text.

## Conclusions and Recommendations

The future Serbian government must enable the completion of the media privatization process. Media privatization is anticipated not only by law, but also by the Media Strategy adopted by the Government in October 2011.

Research has shown that numerous media are owned by the representatives of the political and economic elites, which hide themselves behind off-shore companies and marketing firms. The public has the right to know who real media owners are. To that end, the government is obliged to provide the conditions and mechanisms that will ensure the transparency of public media.

Public services, primarily Radio Television Serbia, only transmit the messages of the ruling elite and do not address the issues of social significance which the government does not want to deal with. It is necessary to work on the development of mechanisms that will enable the independence of public services, primarily RTS and regional public services, in relation to the ruling elites at the central and local levels.

In order to achieve the highest possible quality and plurality of the programme contents of RTS as a public service, it is necessary to ensure transparency in the selection of independent productions which RTS is obliged to broadcast.

The freedom of expression is still endangered in Serbia, which is also evidenced by numerous examples. Hate speech is still systematically used in order to remove or disqualify the representatives of minority opinion and minority groups from political and public life. Several cases have shown that hate speech has very concrete consequences. Thus, it is necessary to strengthen judicial and other mechanisms in hate speech prevention.

In this connection, it is necessary to ensure the education of journalists in the public and private sectors and their sensibilization for socially important topics and issues related to the country's democratization, European integration and European values and human rights. Civil so-

ciety organizations can help a lot in the creation of these educational programmes and their implementation.

It is necessary that international organizations, especially the EU, CSCE and Council of Europe, remain very present here and help in developing the mechanisms that will efficiently suppress media control by the political and economic centres of power. This also implies international monitoring over their implementation.

## **XII – DECENTRALIZATION AND REGIONS**



# Vojvodina: A Consensus on Enlarged Autonomy

## The Law on Public Property and Restitution

Extending of the autonomy of Vojvodina, i.e. its competences, is in the focus of of political parties and present government in the Province. The main topics are the adoption of the Law on Restitution and Public Property and the Law on Rehabilitation. The Law on Public Property is designed to improve the status of Vojvodina in the state of Serbia at least in some measure by creating the conditions for restituting to it (at least) some of the property it had until 1995, when the Milošević government 'nationalized' and centralized everything. At the same time, under the 1990 Constitution, Vojvodina was stripped of its numerous competences. Some of them have been restored by the present Statute of the Province although it has no functionality whatever without economic jurisdiction. The purpose of the new Law on Public Property, as stated also in a resolution of the European Parliament, is to correct this error committed at Vojvodina's expense. Incidentally, Serbia ought to have passed this law as far back as 2008.

In this connection, the Serbian prime minister, Mirko Cvetković, appointed the deputy president of the Vojvodina Social Democrats, Bojan Kostreš, as head of a working group for drafting the Law on Public Property. Ever since it was set up the working group was beset with numerous problems concerning its work, including lack of political party consensus on the type and form of Vojvodina's autonomy and the public property to be placed at Vojvodina's disposal. The debate on defining Vojvodina's public property comprising large systems was especially significant.

Members of the working group complained because the Commission did not meet for as long as two months (from May to July). Contrary to

the allegations of the members of the working group, the Commission president, Bojan Kostreš, said in July that intensive negotiations were being conducted all the time in order to reach a compromise on Vojvodina's property. The provincial secretary for finance, Jovica Đukić, complained that the negotiations were going on outside the working group (of which he was a member) and that it was not clear 'who is making arrangements with whom in the name of Vojvodina.'<sup>766</sup> The president of the working group, Bojan Kostreš, said that he would schedule a meeting of the working group after reaching political consensus on Vojvodina's property, i.e. on the large economic systems created in the province. This was why certain members of the working group, particularly those belonging to the Democratic Party (DS), complained and called for his dismissal.

In spite of the criticism levelled at the working group president, in August Bojan Kostreš submitted the final text of the Law on Public Property to Prime Minister Mirko Cvetković without the knowledge of the members of the working group.<sup>767</sup> Although the draft Law was ready, it pertained to property due to be returned to local communities and not to Vojvodina's property. The attitude of the president of the working group caused the Vojvodina prime minister, Bojan Pajtić, to react too. He said that he did not know what the law contained and that 'never since 2000 had the provincial Assembly and Government not been so much as consulted about legislation relating to the functioning of the institutions of the AP (Autonomous Province of) Vojvodina.'<sup>768</sup>

The Serbian Government's Committee for Economy and Finance adopted the draft of the Law on 19 August. The draft Law on Public Property provides for a 'functional principle' in determining public property as well as defining the common goods which cannot be sold and privatized. Božidar Đelić said that the natural resources that cannot be sold include mineral raw materials, mineral and thermal water sources, water-courses and natural lakes. He said that they were state property and can only be granted under concession or made available for use. Vojvodina, he

<sup>766</sup> *Dnevnik*, 8 July 2011.

<sup>767</sup> *www.autonomija.info*, 17 August 2011.

<sup>768</sup> *Danas*, 17 August 2011.



stressed, will get everything which, under the Constitution and the Law on Competences of the Autonomous Republic, represents the property of the state in use by the Province.<sup>769</sup> After that the draft was submitted for public debate scheduled to last until 31 August.

Although the Serbian Government approved the draft Law on Public Property on 5 September, the ruling coalition could not agree on some of its provisions, in particular those relating to the restitution of property to Vojvodina. The Alliance of Vojvodina Hungarians (SVM) announced many amendments because it considered that the draft Law provides for only partial restitution of property to Vojvodina and the local self-governments. The party agreed to support the Law only if its amendments were accepted. The League of Social Democrats of Vojvodina (LSĐ) said it was preparing amendments calling for the restitution to Vojvodina of large systems including the roads, railways, power network, post office, lottery, etc. On this occasion, the Vojvodina Government called for an urgent meeting of the provincial parliament to discuss the amendments to the draft Law on Public Property. The provincial authorities made the move out of displeasure with the Republic Government's rejection during the preparation of the draft of the Vojvodina Government's suggestions adopted during the public debate on the Law.<sup>770</sup>

At the end of August, the Vojvodina Government demanded additions to the legal text so that the property of the province could include, among other things, regional roads, part of the canal network, local and regional railway structure, as well as property built with finance from the Capital Investment Fund and provincial institution buildings. Further, compensation was demanded for facilities belonging to Vojvodina located in former Yugoslav republics. However, during the determination of the legislative proposal the Serbian Government proved unsympathetic to the proposals of the provincial authorities. The debate in the Vojvodina parliament on the Law on Public Property, which was eagerly looked forward to by both the Province and local self-governments in Serbia, carries special political weight in that for the first time it confirmed the existence of a con-

<sup>769</sup> *www.autonomija.info*, 19 August 2011.

<sup>770</sup> *Dnevnik*, 7 September 2011.

flict within the ruling DS, i.e. between its headquarters and the provincial board. The Law was namely prepared by the Serbian Government under the auspices of none other than DS personnel, having first been agreed outside the working group set up for precisely that purpose. Because of that, some provincial officials had already publicly expressed their disapproval, blaming the attitude to the working group members on its president and LSD official Bojan Kostreš.

The session of the Vojvodina Assembly, set for 12 December, was cancelled by telephone the night before. The calling of the assembly session was a precedent in the hitherto practice of the present government in Vojvodina: it was the first time a demand had been made to discuss a draft law at an extraordinary session of the Vojvodina Assembly under an urgent procedure because prior demands from the Banovina to this effect had been ignored by the Serbian Government. The fiercest critic of the cancellation of the debate in the Vojvodina parliament was the leader of the SVM, Istvan Pasztor. He told reporters that the identity of the person who arrogated to himself to power to cancel sessions of the Vojvodina Assembly must be made public. That the scandal in the Vojvodina Assembly took place against the will of the provincial Government leaders is borne out by the fact that the amendments it had submitted to the parliament for adoption a week before had not been withdrawn from procedure, the daily *Dnevnik* wrote. There was speculation in media circles that direct pressure had been brought to bear on the Vojvodina Assembly from Belgrade, resulting in the "cancellation" of the session by violating procedure in the crudest manner and without an explanation. Withdrawing the amendments would have been a softer option but there was no will for that in the Banovina.<sup>771</sup> After that, the Vojvodina amendments were accepted as a matter of course, the agreement being reached by Prime Minister Cvetković and his Vojvodina opposite number Bojan Pajtić.

More than 200 amendments were submitted to the proposed law on restitution of property and indemnity, under which restitution of property in its natural form is envisaged as the basic form of restitution. Support for the proposed law was announced by the parties belonging to

<sup>771</sup> *Dnevnik*, 12 September 2011.

the ruling majority as well as by the Liberal Democratic Party (LDP). Together with the LSV and the Social Democratic Party of Serbia (SDPS), the LDP opposes the amendments which exclude from restitution only foreign nationals who were members of the occupying force. The Serbian Government believes that the proposed law will redress the historical injustice done by confiscating property on ideological grounds after the Second World War. The proposed law gives priority to property restitution in kind wherever possible; where not possible, the former owners will receive indemnity in money and bonds at the current market value. The bonds will be issued in euro. The subject of restitution will be all property confiscated after the Second World War, including immovables, enterprises, movable possessions, building and agricultural land. People over 70 years old will be able to encash their bonds within five years. While foreign nationals who served as members of the occupying force will have no entitlement to restitution, rehabilitated persons will. The conditions of restitution will be the same for all categories of the population. Alienation of restituted property, especially in the process of privatization, will be prohibited from the moment the law is adopted.

In accordance with the repacked Vojvodina amendments package, the Serbian Government agreed to let the Province have ownership over second-class roads and the canal network, but not the regional and local railway network. The Province is recognized the right to own facilities abroad which are the subject of succession, as well as facilities built with resources from the Vojvodina budget or with capital investments. What was rejected was Vojvodina's claim to ownership of the Novi Sad Fair and an amendment whereby the Province's property would be registered automatically, i.e. with the entry into force of the Law; instead, Vojvodina and the local self-governments will have three years, and an additional seven-year period, to register the property as its owners.

A stormy debate in the parliament was also occasioned by the provision of the Serbian Government's amendment to the draft Law on Restitution of Confiscated Property and Indemnity which provides that foreign natural persons who served as members of the occupying force are not entitled to property restitution. The Serbian Government's amendment to

Article 5 of the draft Law on Restitution of Confiscated Property and Indemnity in no way cancels the crimes of those who committed them, the deputy prime minister, Božidar Đelić, told the daily *Blic*.<sup>772</sup>

The republic MP and official of the SVM, Balint Pazstor, accused the LSV of having betrayed the interests of the Vojvodina citizens and pushed the Province into humiliation and vassalage by its amendment to the Law on Public Property adopted by the Serbian Government on 21 September. In an interview with *Dnevnik*, Pazstor said that the LSV amendment, which was incorporated in the Law, allows the Serbian Government to determine by a decree, within 180 days from the entry into force of the Law, the resources in the Province's ownership in the fields of mining and energy, fairs and other commercial events, public information, protection of cultural property, science and technology and other affairs regulated by the Law on Competences.<sup>773</sup>

On 22 September, the Serbian Assembly achieved a majority for adopting the draft Law on Restitution. On the day before, the Serbian Government withdrew from procedure the amendment exempting from restitution of property only foreign nationals who were members of the occupying force. The draft law thus retained the original provision denying restitution to members of the occupying force operating in Serbia during the Second World War. While this pleased the parties opposed to the amendment, the SVM, which had made its support for this piece of legislation conditional of this amendment, said it would file a complaint with the Constitutional Court. The party's official, Laszlo Varga, said that after the Government had changed its mind and withdrawn its own amendment, the legislative proposal had become unacceptable because it contained a 'provision which is discriminatory because it confirms the principle of collective responsibility for what took place during the Second World War'. The LSV MP, Aleksandra Jerkov, welcomed the Serbian Government's move, saying that the controversial amendment would render the entire law unacceptable because it was insulting to the victims of and fighters against

<sup>772</sup> *Blic*, 21 September 2011.

<sup>773</sup> *Dnevnik*, 22 September 2011.

fascism by placing them on the same level as those who fought on the side of the occupier.<sup>774</sup>

Finally, at the end of months-long debates, talks and hard bargaining, the Law on Public Property was adopted on 25 September in the Serbian parliament with 133 ruling parties and LDP MPs voting in favour and the SVM and DSS MPs voting against. The voting was attended by a 'record' 155 MPs, given that the opposition usually boycotts the casting of votes. The Law on Restitution was voted in the same manner, with 117 MPs voting for and 23 against.

As already stated, the Law on Public Property gives Vojvodina second-class roads and the canal network except the navigable waterways but not the railway infrastructure. In accordance with LSV's motion, ownership of the property into which Vojvodina had invested its resources will be transferred to it. In consequence, Vojvodina is expected to become the owner of the Novi Sad Fair, the Gas company of Novi Sad, the Kovin mine, Radio and Television Vojvodina, Petrovaradin Fortress, the Vojvodina Academy of Sciences and Arts and endowments. The Province will also be able to appear as a party claiming property when it comes to the succession of the former SFRY.

In addition to the Republic and the Province, local self-governments are also becoming holder of ownership. All these three levels of power will have three years from the date of entry into force of the Law to register ownership of the public property they are using. The Law provides that public ownership extends to natural resources, goods of common interest and effects in use by organs and organizations of the Republic of Serbia, Province and local self-governments. They include waters, watercourses, mineral resources, groundwater resources, reserves of mineral raw materials and others. The Law provides that a natural resource can be subject to concession or right to use, with the charges payable to the Republic, Province or local self-government unit in question. The state and local self-governments as founders of public and public utility companies will have to make over to them property necessary for their work. The Law incorporated the LDP's amendment providing that public enterprise directors must

774 *Dnevnik*, 23 September 2011.

be elected by public competition and prohibiting the use of a good of public interest for private or party purposes.

The Law on Restitution regulates the conditions, mode and procedure of restituting and indemnifying for property confiscated in the territory of Serbia through implementation of legislation on agrarian reform, nationalization, sequestration and other legislation and on the basis of the nationalization legislation after 9 March 1945. The principal model will be property restitution in kind wherever possible; where not possible, the former owners will be indemnified in money or bonds at the current market value. The bonds will be issued in euro. The Serbian Government adopted the LDP's amendment according to which the law on restitution of property and indemnity will also apply to immovables confiscated as a consequence of the Holocaust. The Serbian Renewal Movement (SPO) amendment was also adopted, entitling to indemnity persons who can prove before a court of law that they sold their property under duress between 1945 and 1958. They will be entitled to the balance between the sale price and the real price of the immovables. There will be no entitlement to restitution for persons who served as members of the occupying force on the territory of Serbia during the Second World War and for their descendants. Although the Law on Restitution states that all rehabilitated persons are entitled to restitution of property, the law regulating the matter was withdrawn from procedure during one of the September sessions. The SPO vice-president, Aleksandar Jugović, said that the Law on Rehabilitation would not be returned into procedure because the political will for its adoption was lacking.<sup>775</sup>

Reacting to the adoption of the above-mentioned legislation, the state secretary of the Hungarian Ministry of Foreign Affairs, Zsolt Nemeth, warned the Serbian authorities that the Law on Restitution could call into question the continuation of the European integration of Serbia. In a meeting with the Serbian ambassador, Nemeth said he believed that the Law, as adopted, would revive the principle of collective guilt because it would deprive of indemnity both members of the occupying force and their descendants. In effect, the Law will exempt from indemnity all ethnic Hun-

<sup>775</sup> *Dnevnik*, 26 September 2011.

garians in Vojvodina.<sup>776</sup> At the same time, the National Unity Committee of the Hungarian Parliament unanimously adopted a resolution calling the Law on Restitution unacceptable, with State Secretary Nemeth saying that in December Hungary may not support Serbia's candidacy status in the European Union.

On the occasion of these reactions, the European Commission early in October made clear to the Hungarian Government that it views the Law on Restitution in a positive light, saying that the law was 'in line with the EU *acquis*' and does not imply any collective Hungarian guilt in Vojvodina during the Second World War. It also stressed that the Hungarian foreign minister was given to understand that the Serbian Law on Restitution also clearly defines the 'procedure for individual rehabilitation'. This is a guarantee that there will be no collective guilt and that all, including members of the Hungarian army of occupation and of other security forces in Serbia during the war, as well as their heirs, may file a claim for the restitution of property if they can prove in a legal proceeding that they committed no crimes or other punishable offences.<sup>777</sup>

Irrespective of the opinion of the European Commission, a few days later the MPs of the SVM filed with the Serbian Constitutional Court a request for a constitutional review of the Law. The SVM president, Istvan Pasztor, said that the 'legal provision which confirms the principle of collective guilt is in violation of the European Convention on Human Rights and is incompatible with several provisions of the Constitution of the RS and the legislation in force'. He said that he expected, in view of the importance of the matter, the court to render a ruling before the Law begins to be implemented.<sup>778</sup>

During a telephone session on 28 October, the Serbian Government adopted the draft Law on Rehabilitation. The previous text was withdrawn from parliamentary procedure in September owing to the opposition of the SPO, SVM and SDPS MPs to the proposed provisions.

<sup>776</sup> *Pravda*, 27 September 2011.

<sup>777</sup> *Blic*, 11 October 2011.

<sup>778</sup> *Dnevnik*, 14 October 2011.

Under the draft Law on Rehabilitation, the right to rehabilitation and property restitution will belong to all who are found during the rehabilitation procedure not to have committed a war crime; those members of the occupying force and quisling formations who committed war crimes during the Second World War will not have that right. The right to rehabilitation attaches to persons regarded as veterans of the war of national liberation in accordance with the law and other regulations; however, it does not attach to those who during the Second World War lost their lives on the territory of Serbia in armed conflict as members of the occupying armed forces and quisling formations. Rehabilitation will not be possible for those who were declared war criminals or participants in war crimes by decision of a military court or by another authority under control of National Committee for the Liberation of Yugoslavia from the date of liberation of the place in question, or for those found to be war criminals by a court or another authority of the former Yugoslavia. However, an exception will be made of those who were rehabilitated before the day of the entry into force of this law, those who are rehabilitated in accordance with this law and those found during the rehabilitation procedure not to have committed and/or participated in the commission of war crimes. The day of liberation of a place will be deemed to be the day on which members of the National Liberation Movement began to effectively exercise power in that place without interruption. The draft Law regulates the question of rehabilitating persons deprived of their lives, liberty or other rights for political, religious, national or ideological reasons by the day of the entry into force of this Law in the territory of Serbia or outside if they were permanent residents or citizens of Serbia, provided that the deprivation was not subject to a court or administrative decision.

### **Conflict of Interest in Public Service**

In July 2011, the Constitutional Court declared unconstitutional a provision allowing directly elected officials to perform several functions without being screened by the Anti-Corruption Agency for conflict of interest. The disputed provision of Article 29, paragraph 3 of the Law on



Amendments to the Law on the Anti-Corruption Agency, which had been in force since 6 August 2010, would become ineffective on the day the decision of the Constitutional Court is published in the *Official Gazette*. The provisions of that article, which failed to pass muster before the Constitutional Court, were incorporated by the amendment approved by the parliamentary majority. The Constitutional Court reviewed the disputed provision on the proposal from the Anti-Corruption Agency and established on 7 July that it was incompatible with the Constitution and a ratified international treaty. The provision varied Article 82 of the basic law which, as an interim solution, regulates the rules for dealing with conflicts of interest in the performance of public functions. Under the Law, an official who performed several public functions on 1 January 2010 and had not chosen by 1 April one of them he or she would continue performing, was under the obligation to let the Agency know which functions he or she was performing.

On receiving such information, the Agency proceeds to determine whether the performance of several public functions jeopardizes the impartial performance of a public function, i.e. whether that constitutes a conflict of interest. If the Agency finds that there is a conflict of interest, it renders a decision setting a time-frame, which shall not exceed 30 days, within which the official must cease performing the incompatible functions. However, Article 29, paragraph 3 allowed that 'by way of exception, an official may continue to perform a public function along with a public function he or she was directly elected by the citizens to perform, as well as to perform public functions he or she is required to perform by law or other regulation' without the prior consent of the Anti-Corruption Agency. The Constitutional Court found that this provision is not in agreement with the Constitution and the UN Convention against Corruption. In its reasoned decision, the Court underscored that, under the law, an exception to the rule applying to all officials is possible only subject to the consent of the Anti-Corruption Agency, and this includes the officials still performing their functions on 1 January 2010 when the Law entered into force.

The Court found that under the disputed provision the 'conditions under which officials can come into exactly the same functions were laid down depending on the time when the officials entered upon office', as well as making it possible for an official to continue performing any other public function 'even where a conflict of interest evidently exists'. For this reason the disputed provision is not in agreement with the constitutional principle of the equality of all before the Constitution and law and is in breach of the principle of the prohibition of the conflict of interest, the Court said in its reasoned decision. Further to this, it said, the disputed provision is not in agreement with the principle of the rule of law, which is attained through compliance by government with the Constitution and law in everything including respect for the principle of prohibition of conflict of interest.

The Court pointed out that the constitutional authority of the lawmaker to determine where a conflict of interests exists cannot be interpreted as an authority, in situations where it is not expressly provided that there is no conflict of interest between precisely defined public functions, to completely exclude the procedure for determining a conflict of interests in each concrete case. In addition, in the view of the Constitutional Court, the disputed provision also violates the constitutional principle of the separation of powers into legislative, executive and judicial branches because it allows one branch of government to exert unlawful influence on another owing to the possibility of simultaneous performance of otherwise incompatible functions. The Court was of the view that the disputed provision does not help strengthen the system of preventing conflicts of interest, which is one of the fundamental principles of the accepted UN Convention against Corruption. There are as many as 1,300 officials in Serbia with dual posts; this, however, does not mean that all of them are guilty of a conflict of interest, said the head of the For European Serbia parliamentary group, Nada Kolundžija.<sup>779</sup>

Vojvodina officials, i.e. Vojvodina Assembly MPs who are also municipality presidents, were the first to object to the provisions forbidding them to perform these functions at the same time. In April 2010, they filed an

<sup>779</sup> [www.b92.net](http://www.b92.net), 7 September 2011.

initiative for a constitutional review of the original transitional provisions of the Law on the Anti-Corruption Agency which required them to give up one of these functions at once. The Constitutional Court reacted promptly, suspending the application of these provisions and requesting the Assembly to furnish an explanation. Instead of complying with the request, the Assembly varied the law and adopted an amendment giving the directly elected officials a free hand until the end of their terms. In connection with the proposal from the Agency for a constitutional review, the Court reacted with far less expedition (it had been expected that it would render its decision before the expiry of the customary 30-day time-limit); the officials for their part were in no hurry to hand in their resignations even after the Court rendered its decision, saying in excuse that the decision had not yet been published in the *Official Gazette*. Besides the 13 provincial MPs, many members of city or municipal councils also have two functions each. Of the 13 MPs, as many as 12 belong to the DS-led For European Vojvodina coalition, whereas the president of the municipality of Apatin, Živorad Smiljanić, is a member of the Socialist Party of Serbia (SPS).

Most of them had already said that they preferred to stay at the head of the local self-governments. Resignations from the provincial functions were first handed in by the presidents of the municipalities of Indija and Sremski Karlovci, Goran Ješić and Milenko Filipović.

The Constitutional Court's ruling on the incompatibility of functions only entered force on 7 September 2011, after being published in the *Official Gazette*.

## Vojvodina in Brussels

The Vojvodina European Office in Brussels started its work on 22 September 2011, i.e. soon after an agreement was reached with the Serbian Government to open the Province's office at the seat of the European Union. Bojan Pajić said that the provincial Government's priorities were development and job creation and pointed out that the Province had attracted about EUR 6.3 billion in foreign investment in the previous years. As announced by the Provincial Secretariat for Culture and Public

Information on the Vojvodina Government's website, Pajtić said that since in the Danube Strategy funds alone some EUR 50 billion was earmarked for application, the priority was for Vojvodina's representatives at the EU to ensure a greater presence, lobby for EU resources and accelerate the Province's development.<sup>780</sup>

According to earlier announcements by provincial officials, the Brussels office was to be headed by the director of the Vojvodina European Affairs Fund, Predrag Novikov. The announcement of the opening of the Vojvodina European Office had triggered a public controversy, with some parties insisting that the opening would be yet another step towards Vojvodina's secession. This right of Vojvodina was determined by the Vojvodina Statute after a lengthy polemic and made conditional on the Republic Government's consent. Back in November 2010, Serbian Foreign Minister Vuk Jeremić publicly supported Vojvodina's initiative and offered premises in the Serbia's mission building in Brussels. However, the Government only gave its formal consent three months later and kept postponing the opening of the Office due to 'technical issues'. Owing to this, and contrary to expectations in the Banovina and the Vojvodina Assembly, the Brussels Office was not opened in May. With the solution of the 'technical issues' being put off during the summer, Vojvodina officials announced that the Office would be opened in early October during the event Open Days. More than 300 European cities and regions already have their offices at the EU seat. Before Vojvodina, offices were opened by the cities of Niš and Kragujevac.<sup>781</sup>

## **Association of Vojvodina Municipalities and Cities**

The idea to establish an Association of Vojvodina Municipalities and Cities, made official in the provincial Assembly at the middle of July 2011, was both welcomed and criticized by the public and opposition in the Province. While some argued that such an association could prove useful, others pointed out that the Standing Conference of Towns and Municipalities

<sup>780</sup> *www.vojvodina.gov.rs*

<sup>781</sup> *Dnevnik*, 22 September 2011.

already existed. The Vojvodina branch of the Democratic Party of Serbia (DSS) saw the initiative of the Vojvodina Assembly speaker, Sandor Egeresi, as an 'admission that the provincial administration has no purpose because it is planning something which already exists within the framework of the Autonomous Province of Vojvodina'. In introducing the initiative, Egeresi said that the interests of local communities on their road to Europe could be more easily realized within the Association. 'Jointly applying for funds of the European Union will be a very important task of the Association, because if there are more of us and if we combine, the greater our chances of realizing all that is in our interests,' he said. He said that the Association was envisaged as a non-party and non-profit organization seeking, *inter alia*, to establish permanent communication and exchange of information between representatives of local self-governments, something which was lacking in the past. The DSS, however, considers that the Vojvodina cities and municipalities are already members of an 'association' called the Autonomous Province of Vojvodina; therefore, it argues, the provincial organs should work to enable communication between local officials in the interests of the citizens and to facilitate access to the EU IPA funds. The Vojvodina Government deputy prime minister and provincial secretary for local self-government, Tomislav Stantić, said that he could not say whether another such association was necessary until he had talked with municipality representatives, Egeresi and, above all, Vojvodina Prime Minister Bojan Pajtić. He said that in principle he supported any initiative aimed at improving the chances of access to European funds. The idea of organizing local self-governments was also supported by the LSV. The high-ranking LSV official, Maja Sedlarević, said that she welcomed the fact that the initiative came from Sandor Egeresi in his capacity as Vojvodina Assembly speaker, rather than from Sandor Egeresi as a private person. The provincial MP from the ranks of the SPO, Milan Đukić, said that while such an association initiative could prove useful, the main role in applying for IPA funds and coordinating local self-governments in Vojvodina should be played by the provincial organs set up for just that purpose.



## Sandžak: A Struggle for Identity

Sandžak and particularly Novi Pazar, the region's largest city, were at the focus of public attention in Serbia in 2011. The media covered this part of Serbia extensively, mostly in a negative context, with the spotlight focused on the mufti of the Islamic Community in Serbia, Muamer Zukorlić. Zukorlić was branded by the media and most politicians and non-governmental organizations as an 'extremist' and a 'mischief-maker' posing a threat to the stabilization of the situation in that sensitive area. In addition to Zukorlić, the media paid great attention to the Wahabi phenomenon and to occasional incidents caused by sports fans. The Novi Pazar football club FK, which only came in third place, finally made it to the Serbian Super League in a rather strange way, i.e. through an 'amalgamation' with first-placed BASK. It appears that FK received a strong push upwards from the local government led by the Sandžak Democratic Party (the founder of the party, Rasim Ljajić, is the honorary member of this Novi Pazar club and several members of the City Council are in its management). The fulfilment of Ljajić's pre-election promise of bringing FK into the Super League was celebrated in Novi Pazar. Very soon, however, the downside of FK's entry into the Super League became apparent, with nearly all of its matches accompanied by incidents, ugly chanting and physical violence. As a rule, supporters of rival teams greet FK with chants of 'Nož, žica, Srebrenica' (Knife, wire, Srebrenica) and 'Ubij, zakolji da Turčin ne postoji' (Kill him, cut his throat, until the Turk is no more), to which FK's ardent fans reply with 'Ubi Srbina' (Kill the Serb) and 'Sandžačka Republika' (Sandžak Republic). Because such incidents have overshadowed the positive developments in Novi Pazar, negative public attitudes to Sandžak and towards the Sandžak Bosniaks have been revived in Serbia.

Ever since the outbreak of crisis in the former Yugoslavia, Sandžak has often been referred to as a potential hotbed of crisis where serious conflicts are possible. Those who think this possible have put forward various arguments including Sandžak's ethnic and religious structure (the majority

population in the region being Bosniak-Muslims), the region's borderline position, the proximity of the former war zones in Kosovo and Bosnia and Herzegovina and the fact that five out of the total of 11 Sandžak municipalities are located in Montenegro. During the 1990s wars peace was preserved throughout Sandžak, both in Serbia and in Montenegro. Although during the Bosnian war several grave cases of human rights violations occurred in Sandžak including kidnappings, murders, arrests and beatings of Bosniaks (e.g. at Sjeverin, Štrpci, Bukovica and ethnic cleansing of border villages in Priboj municipalities), there was no backlash on the part of the Bosniak population. Since the return of peace in BiH and particularly the 5 October 2000 changes in Serbia, relations between Novi Pazar and Belgrade have 'thawed' with Bosniaks taking an increasingly more active part in the country's political and social life.

The two leading political parties of the Sandžak Bosniaks, the Party of Democratic Action (SDA) and the Sandžak Democratic Party (SDP) have come to power, with their leaders and founders, Sulejman Ugljanin and Rasim Ljajić, becoming ministers in the present government of Mirko Cvetković. This is Ugljanin's first term of office as minister while Ljajić has held various governmental offices, including ministerial, in the past 11 years. Several Bosniaks have been appointed as assistant ministers and state secretaries. Unfortunately, this rosy state of affairs at the top is not reflected in the lives of the 'ordinary' Bosniaks. In the last 10 years, all Serbian governments, whether headed by the Democratic Party (DS) or the Democratic Party of Serbia (DSS), have been stressing their devotion to respect for the rights of national and religious minorities. In the case of the Bosniaks, the chief criticism is the failure to form a national council, for which not only Belgrade but Bosniak political parties too are to blame. Independent institutions, Commissioner for Equality Nevena Petrušić and Ombudsman Saša Janković have been warning that the state has not respected the legal norms concerning the integration of the Bosniak and other minorities in government institutions, and that the municipality of Priboj has not introduced the Bosnian language into official use in conformity with the Constitution and law.



The Sandžak Bosniaks are more concerned by the serious economic situation and intra-Bosniak political strife. 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-European and pro-democracy parties, with a large majority of them voting for President Boris Tadić and the For European Serbia coalition in 2008. For almost 12 years the Sandžak Bosniaks have been wondering whether the democratic changes and Milošević's fall have brought any improvement to their lives. The answer is, unfortunately, a disheartening 'No'. All Sandžak municipalities are on the verge of economic collapse, privatization 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.

The unemployment rate in this city of just over 100,000 inhabitants is officially 55% and continues to rise each year. The residents of Novi Pazar and other towns still look to foreign countries, mostly those in Western Europe, as their only chance. While there have never been so many Bosniaks in power in Belgrade before, the situation in Sandžak has never been worse, save for minor infrastructure works, reconstruction of town squares and repair and repavement of streets. A similar situation prevails in other parts of impoverished Serbia, with Sandžak Serbs sharing the fate of their Bosniak neighbours. Nevertheless, many Sandžak Bosniaks believe that they are getting less from the state than others because they belong to a minority nation and religion.

They have found additional cause for discontent in certain specific problems. In spite of announcements by many governments so far, the share of Bosniaks in the structures of the state, especially in the police force and the judiciary, has not increased and has not 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 by favouring the Islamic Community of Serbia (IZS) of Reis-ul-Ulema Adem Zilkić at the

expense of the Islamic Community in Serbia (IzuS) led by Mufti Muamer Zukorlić. Even Turkey's initiative to unite the Islamic communities did not bear fruit. The state has not addressed the problems of Sandžak in earnest and the government formed in 2008 appears content with having two Bosniaks in its ranks. This obviously has not solved the accumulated problems and Sandžak remains a region which nationalist forces, both Serb and Bosniak, exploit for their political ends.

### **Hijab and Wahabis**

In common with some Western European countries, where the use of Muslim women's traditional dress (the hijab, niqab, veil, burqa) in public has stirred a bitter controversy and has even been banned, this matter has been raised in Serbia too though far less openly and mostly by media and NGO circles. In the streets of majority Muslim places like Novi Pazar, Tutin and Sjenica the number of young Muslim girls and women wearing the traditional dress is visibly on the increase. In the former Yugoslavia, distinctive dress, consisting of traditional long and wide skirts, long-armed shirts and scarves was worn mainly by older Muslim women. At that time, most young Moslem women refused to wear such dress and preferred modern clothes. The war, crises and disintegration of the country during the 1990s have resulted in the strengthening of national and religious sentiments and adoption of 'traditional' values all the former Yugoslav republics.

In Sandžak this trend was pronounced because of the war in neighbouring BiH, among other things. The attraction of Islam has apparently been particularly strong among young generations of Sandžak Bosniaks who grew up listening to accounts of crimes committed against their fellow nationals and co-religionists. Today, many young Bosniaks not only study and practice their faith more deeply than their parents did, but they also want to manifest their Muslim identity by the way they look. In these parts, more and more young Muslim women are seen wearing the hijab and young men growing 'Muslim' beards. Nevertheless, young Muslim women in Sandžak choose a somewhat 'more liberal' form of wear (they

‘cover themselves’ with clothes with long arms and legs and the obligatory hijab) in preference to the ‘more radical’ niqab, veil and burqa.

This mode of dress is being popularized with the help of students from the Faculty of Islamic Studies and members of the Muslim Youth Club, who are close to the Islamic community led by Mufti Zukorlić. They organize panel discussions on women’s Islamic dress, which are covered by local TV stations under Zukorlić’s influence, and take an active part in various Internet portals. One such panel discussion was held in Novi Pazar at the beginning of January 2011. A lecture on the hijab as the ‘only correct dress for Muslim women’ was given by a student of the Faculty of Islamic Studies, Aida Rašljanin. At the end of the lecture, she appealed to her fellow Muslim women with the words: ‘Wake up, the demure Muslim woman! Isn’t this the time you considered [wearing] the hijab?’ A promotional video was screened to remind and caution Muslim women that the wearing of the hijab was ordained by Allah and that the purpose of the traditional dress was to protect women and their chastity ‘in order not to make Allah angry’. At the end of the evening, Rašljanin asked: ‘Are there among our sisters here who have not yet covered themselves any who would like to cover themselves tonight?’ Seven girls and one woman from the audience responded. Their decision was greeted with a storm of applause and calls for prayer because, it was said, they had ‘agreed to confirm their being Muslim also by their dress.’<sup>782</sup> Because this was followed by several similar events, a segment of the NGO sector in Sandžak found it necessary to react.

Aida Ćorović, director of the Novi Pazar NGO Urban, presented her personal views in an article entitled ‘The hijab, headscarf as politics’. She wrote, *inter alia*: ‘I a town where more or less we all know each other, girls with serious histories of drug-taking, and not infrequently with such presents too, often resort to covering themselves in order to “whitewash” their backgrounds and social lives’. The article angered many ‘covered’ Muslim women and provoke an avalanche of criticism from circles close to Zukorlić’s IZuS. Ćorović further wrote: ‘Zukorlić is laying one brick after another for the little jamahiriya of his in which he will be the sacrosanct

<sup>782</sup> *Politika*, 4 January 2011.

leader and owner of all that breathes and walks in it... Actually, Mufti Zukorlić is desperately looking for allies to support his policy and will shrink from no means and stop at nothing to accomplish that, and he is not choosy about whom he will use. Regardless of the fact that this event was palmed off on the public as spontaneous and originally initiated by the women themselves, it is obviously [part of] a well-prepared and controlled process. The whole iconography, the roles, the lines uttered, even the conspicuous physical absence of Mufti Zukorlić at these panels testifies to his omnipresence and full control over everything that goes on in the Islamic community and around it, as well as to the political milieu he has begun to create.<sup>783</sup>

Aida Rašljanin responded sharply with a text entitled 'Aida Ćorović with the Ravna Gora Movement members and Ljajić'.<sup>784</sup> Mincing no words, Rašljanin accused her namesake of being in the pay of Rasim Ljajić, from whose ministry she had allegedly received a large donation. Rašljanin denied that Mufti Zukorlić was behind the decision of the young Muslim women to 'cover' themselves and insisted that the decision was a personal act: 'Humiliating and insulting demure Muslim women and associating them with vendibles, drug addiction and socially deviant persons is a most illustrative example of watery tendentiousness reeking of the freshly printed money from the state coffers used to handsomely pay Ćorović and others to slur the people to which they belong or at least to which, until recently, they said they belonged.'<sup>785</sup> The altercation between the 'two Aidas' agitated and sharply divided the public in Sandžak and the rest of Serbia. While Belgrade wholeheartedly backed Ćorović, Sandžak Internet portals brimmed over with both criticism and threats. Serbian President Boris Tadić received Ćorović and warned that the state would stand in the way of anyone who threatened and tried to jeopardize the security of Serbian citizens. He said: 'Serbia has never been and will never be a country of chauvinism, national intolerance and hate speech. Therefore, both the

<sup>783</sup> *Danas*, 9 February 2011.

<sup>784</sup> *Danas*, 13 February 2011.

<sup>785</sup> *Ibid.*

verbal attacks on Aida Ćorović and the attacks on and threats against the authors of the TV B92 *Insajder* programme are highly reprehensible.<sup>786</sup>

Mufti Zukorlić interpreted Tadić's message of support to Ćorović as an 'unstatesmanlike, irresponsible and partial attitude of the president of Serbia towards those who attack Islamic values and symbols: 'In years past, when people were killed and injured in clashes among his political allies, when people were discriminated against on religious and ethnic grounds, and when the rights of the citizens of Sandžak were violated in various ways, the president did not deign to make an utterance, let alone come to the defence of those who were at risk. Hereby, unfortunately, the president of the Republic has sent a signal that he will protect only those who are ideologically, morally and culturally close to him.'<sup>787</sup> After that, Mufti Zukorlić received Aida Rašljanin.

For months, media were abuzz with reports of recriminations between Ćorović and Zukorlić. Ćorović said: 'A kind of organized crime is at work in Sandžak and the institutions must punish everything which falls outside the bounds of a religious community. It is the state's move now: Muamer Zukorlić must be deprived of the levers of force and money he controls and also uses to intimidate citizens in Sandžak.'<sup>788</sup> For his part, most often without actually naming Ćorović, Mufti Zukorlić described her as a person without any weight among Bosniaks who runs errands for and fulfils the wishes of the Belgrade regime and Minister Ljajić. This affair, among others, showed how relative everything in Sandžak is. In the wake of the split of the Islamic community in 2007, Mufti Zukorlić was wholeheartedly supported by a larger portion of the Sandžak NGO sector, with Aida Ćorović often having words of praise for him. Zukorlić and Ljajić were for years united against Sulejman Ugljanin. However, soon after Ljajić's SDP came to power in Novi Pazar in 2008, with Mufti Zukorlić's support, the two fell out. Zukorlić also lost the support of the larger portion of the NGO sector in Sandžak, which accused him of extremism.

<sup>786</sup> *Blic*, 22 February 2011.

<sup>787</sup> Statement by the Islamic Community in Serbia, 22 February 2011.

<sup>788</sup> *Blic*, 25 February 2011.

In addition to being criticized for promoting traditional Islamic dress for women, Zukorlić is more seriously implicated with the popularization of the Wahabi movement. Attention to the existence of Wahabis in Sandžak was revived after it was established that the person who opened fire from an automatic rifle at the US embassy in Sarajevo on 28 October 2011, named as Mevlid Jašarević, was a member of the movement. An exchange of fire ensued in which Jašarević and a Bosnian police officer were wounded. It soon turned out that Jašarević, who is awaiting trial, is from Novi Pazar. The attack on the embassy was promptly condemned by all Bosniak parties and politicians as well as by the Islamic community. People living in Sandžak pointed out that what Jašarević did was an insane act of an individual that should not be associated either with Sandžak or with Novi Pazar (the town Jašarević left long ago).

While many young Muslim women have adopted Islamic mode of dress, some of the men have embraced the Wahabi movement. Wahabis are distinguished by characteristic beards and mode of dress, as well as by their conservative way of life. Although most Wahabis have no connections with terrorism and can more aptly be described as rigid Muslims, media and public opinion in Serbia and this part of the world identify them with armed and terrorist groups. Two groups of Wahabis were arrested near Novi Pazar and Sjenica in 2007 and 2008 and sentenced for illegal possession of weapons and planning terrorist actions. As a result of the arrests, it appears that the number of Wahabis in the region is somewhat less, if one is to judge by the look of people in the streets of Novi Pazar. The allegations about Zukorlić's links with Wahabis are contradictory to say the least. On the one hand, he is accused by individuals not only of supporting Wahabis but of being responsible for their appearance in Sandžak; on the other, a group of 12 Novi Pazar Wahabis was sentenced in Belgrade in 2009 to more than 60 years for conspiracy for unconstitutional activity, terrorism and plotting to assassinate the chief mufti of the Islamic Community in Serbia, Muamer Zukorlić.

The sentences did nothing to change some people's minds. Ćorović for one insists that there is an exceptionally strong link between the Mishi-hat of Zukorlić's Islamic Community in Serbia and the so-called Wahabis.

'I am in possession of information that for many years Muamer Zukorlić has been receiving money from the Wahabis' headquarters in Vienna and Rome. I also know the addresses of the hotels where they hold their meetings and where money is collected for men in Bosnia and Sandžak. By the way, some time ago I gave the addresses of the hotels also to the Austrian ambassador to our country. I also know the names of some young men who carried that money to Mufti Zukorlić on a number of occasions.'<sup>789</sup> The Austrian embassy has made no comment in this regard. Regional media claim that the headquarters of the Wahabi movement 'in charge of' the former Yugoslavia is in Vienna. Mevlid Jašarević's family says that he too became a Wahabi in Vienna.

The former chief of the Military Intelligence Agency of Serbia and Montenegro, Momir Stojanović, also directly links Zukorlić with Wahabis and extreme Muslim groups: 'There are many indications that the situation in Sandžak resembles that in Kosovo and Metohija during 1997 and 1998. I fear that we have drawn no lessons from that either as a state or as a society. The current situation in Sandžak is such that obviously the appropriate authorities – the MUP, the military and civilian security services, and the inspection and tax authorities – cannot track down these money flows. We also know that most of that passes through various international humanitarian organizations. I'll mention LMK from Los Angeles, which is sponsored by the US CIA agency. Zukorlić's announcement that he wants to build nursery schools and schools tells me that the state does not function over there; what are the municipal authorities doing over there, seeing that an Islamic chief is taking a hand in the matter? The establishment of the Bosniak Cultural Community is Zukorlić's attempt to enter the political from the religious arena. I'm afraid that that party will win absolute power at the next elections in Sandžak municipalities. I don't see any reaction in those parts from competent Serbian authorities.'<sup>790</sup>

<sup>789</sup> *Politika*, 2 November.

<sup>790</sup> *Pravda*, 6-9 January.

## St. Sava's Day, BANU and All-Bosniak Assembly

In 2011, Mufti Zukorlić was repeatedly criticized by the public and media, particularly on the eve of celebrations of St Sava Day. The day honouring the first Serb archbishop and patron of education has been celebrated as the school patron-saint's day in Serbia for years. This practice has been criticised by some NGOs in Sandžak before. Although the Islamic community itself does not view the practice with approval, last year Zukorlić attacked it bitterly and called on Muslims to boycott the event: 'It's hard for people in their right mind to understand why in a secular state, such as Serbia, public institutions, such as schools, should observe their Orthodox patron saint's day, while at the same time requesting loyalty from all other non-Orthodox citizens.' Zukorlić further said that the marking of St Sava's Day was another assimilation project which 'impudently, grossly, brutally violates the religious and human right of adherents to Islam'.<sup>791</sup> Zukorlić's appeal was condemned by other Bosniak religious and political leaders.

The reis of the rival Islamic Community of Serbia, Adem Zilkić, said: 'What he said was yet another gaffe, an absurdity uttered in the spirit of electioneering. That statement is purely political and has nothing to do with religious rights.'<sup>792</sup> The general secretary of the Sandžak Democratic Party, Mirsad Jusufović, said that Zukorlić was abusing children and the question of religious and human rights for the sake of his own political promotion: 'Obviously he is using all possible means to cause instability and is not above abusing children in schools for such undertakings of his. As is well known, Bosniak children are and should not be obliged to celebrate St Sava. However, it is obvious that Zukorlić is exploiting every such situation to ensure political promotion for himself and instability for Sandžak. I don't expect that this initiative of his will meet with much response because Bosniaks have long recognized that he is trying to realize his political ambitions through religious issues.'<sup>793</sup>

<sup>791</sup> *Press*, 21 January 2011.

<sup>792</sup> *Ibid.*

<sup>793</sup> *Press*, 21 January 2011.



The Serbian Orthodox Church (SPC) also reacted. The Bishop of Bačka, Irinej, said: 'The interpretation of Islam of Muamer Zukorlić is causing the most harm to Islam itself. Inadvertently, but balefully, it confirms the main theses of the representatives of Islamophobic movements and organizations that Islam is always and unfailingly, by its very nature, intolerant and violent.'<sup>794</sup>

Although most media reported that the mufti's call to boycott the celebrations of St Sava's Day had failed, participation by Bosniak children in Sandžak schools was minimal. The event was marked with a lecture about St Sava's life and work during the first class that day. Since attendance was not obligatory, the outcome could have been predicted. The fact that most Bosniak children stayed away could not be attributed to Mufti Zukorlić alone. Celebrations of St Sava's Day were for the most part ignored by Bosniak children even before the mufti made his appeal. Nevertheless, his side proclaimed the outcome as a victory. Zukorlić's spokesman Samir Tandir said that all in his camp were 'proud of the Muslims' reaction to the mufti's appeal to boycott the celebration of St Sava's Day. For the first time it was possible for children of Muslim denomination to say that they do not want to participate in or attend, without being punished, events glorifying something which does not belong to their faith.'<sup>795</sup>

Zukorlić intensely irritated Serbia on a number of other occasions. At the Mawlid in Novi Pazar (marking the birth of the Prophet Muhammad), he warned against an 'Egyptian' scenario: 'Let Egypt and Tunisia be a lesson to them. There was a great reign of terror over there, and it had grown so thick that it had to snap; all things snap where they're thinnest, only reign of terror snaps where it's thickest. That thing happened in the city square in Tunis, in a square in Egypt, and it could easily happen in Isabeg Isaković Square in Novi Pazar or in Republic Square unless they come to their senses.'<sup>796</sup>

The Bosniak Cultural Community (BKZ), whose list for the National Council of Bosniaks is led by Muamer Zukorlić, scandalized the public

<sup>794</sup> *Večernje novosti*, 26 January 2011.

<sup>795</sup> *Press*, 28 January 2011.

<sup>796</sup> *Kurir*, 18 February 2011.

with its demand for changing the name of Karađorđe's street in Sjenica on the grounds that the leader of the First Serb Uprising 'took part in the genocide against Bosniaks'. This was announced during the 202nd anniversary of Karađorđe army's march on Sjenica in May 1809.<sup>797</sup>

At the central celebration in Novi Pazar of 11 May, Day of the Bosniak National Community, Mufti Zukorlić said: 'With all its educational and humanitarian institutions, the Islamic community cares for your children, for the poor, for our entire being. Admittedly, something is lacking. There is no opportunity for you to earn your necessities of life, your pay and your food. This cannot be provided by the Bosniak National Council, or by the Bosniak Cultural Community, or by the Islamic community. For this reason, you've got to occupy that building over there (City Council). You'll have an opportunity to do that very soon.'<sup>798</sup>

Some took this as a call to bring down the local government. Esad Džudžević, an MP of Ugljanin's Bosniak List, interpreted Zukorlić's words, given that they were uttered by a religious leader as a 'call to transform Sandžak into a Jamahiriya and create a theocratic state'.<sup>799</sup> The secretary-general of Ljajić's SDP, Mirsad Jusufović, said that 'this year the SDP is trying to calm tensions, so that good news instead of disturbing statements should emanate from this city. Of course, elections are here and people ought to vote for a responsible local government. Mufti Zukorlić and all of his organizations must realize that they are not the only actors on the scene and that this city and the whole Bosniak people can go forward only through agreement and cooperation, not through divisions and spreading of intolerance.'<sup>800</sup>

The establishment of the Bosniak Academy of Sciences and Arts (BANU) drew a negative reaction from Serbian media. The BANU constituent assembly was held in Novi Pazar in June 2011. The distinguished philosopher and professor from Skopje, Ferid Muhić, was elected BANU president and Mufti Zukorlić its secretary. The reis-ul-ulema from BiH, Mustafa Cerić, is

<sup>797</sup> Alo, 10 May 2011.

<sup>798</sup> *Danas*, 13 May 2011.

<sup>799</sup> Ibid.

<sup>800</sup> Ibid.

one of its members and founders. On that occasion, Zukorlić described BANU as the 'most important pillar of the survival of the Bosniak people'.

He stressed that 'this academy must on no account be regarded as something being created parallel with the existing Academy of Sciences and Arts in BiH. We look upon the academy in BiH as a partner. We will cooperate with it in the fullest sense of the word, as with all other academies in the region, Europe and beyond which are willing to cooperate.'<sup>801</sup>

In Serbia, the establishment of the Bosniak academy met with sharp condemnation. While MP Esad Džudžević granted that the establishment of the academy was a legitimate idea and project, he said he regarded as 'controversial the affirmation and promotion of a clerical-religious circle within the Bosniak national being, the omission of education from pre-school to secondary school [levels], the idea that BANU has been challenged by the Council of the Congress of Bosniak Intellectuals, the Bosniak Institute and the Preporod Cultural Society'.<sup>802</sup>

The president of the Sandžak Committee for Protection of Human Rights and Freedoms, Semiha Kačar, said that the event 'slightly surprised also those familiar with the political situation in Sandžak and carries more questions than answers'. She asked, 'Is Mufti Muamer Zukorlić using a respect-inspiring institution to build himself up? Is he using BANU for political hype? If that is the case, then he is behaving irresponsibly. The establishment of BANU brings a new political dynamic to these parts which will result in new divisions within the Bosniak community.'<sup>803</sup>

On the occasion of the establishment of BANU, the president of the Serbian Academy of Sciences and Arts (SANU), Nikola Hajdin, only made the following brief statement: 'This affair is not worthy of discussion. The decision to establish this academy is at variance with everything there is. For shame.'<sup>804</sup> The assistant minister for education and science, Slobodan Jauković, said that the establishment of BANU was a 'rash and arbitrary political act' and that the 'establishment of the academy does not appear as

801 *Danas*, 11-12 June 2011.

802 *Ibid.*

803 *Ibid.*

804 *Ibid.*

a result of authentic scientific, cultural and artistic needs but as a totally arbitrary and rash political action of Mufti Muamer Zukorlić.<sup>805</sup>

A number of SANU members saw the formation of BANU as a violation of the Constitution and a step closer to Sandžak's independence and secession. Academician Vasilije Krestić stressed, 'An academy of sciences and arts is a basic element of statehood in every country. Therefore, it is clear where this is leading. A failure by the state to take measures provided by law will be evidence of its impotence and of the beginning of the disintegration of the country.' Academician Dragoslav Mihailović said that the event reminded him of the break-up of the former Yugoslavia, only this time it was Serbia in question. 'The occurrence of that creation is a consequence of the bad policy of the government, which just can't understand that the Yugoslav idea was long ago consigned to the dustbin of history. The appropriate authorities should react but with extreme caution. It would not to do make an uncontrolled move against BANU by invoking the Constitution, because the Bosniaks will allege violations of their right to freedom of religion and of their national minority rights.'<sup>806</sup>

Such a sharp reaction drew an equally sharp response from Zukorlić: 'Deep into the 21st century we meet with reactions ranging from denial of the Bosniak nation to the promise of the minister of education to dispatch inspectors to find out who is responsible. Obviously, these people continue to live in the darkness of monolithic thinking, their rhetoric is a negation of everything they are not and their arguments have the weight of threat and force.'<sup>807</sup> He went on: Nothing spectacular and negative has taken place in relation to Serbia and the Serb people, not even to SANU. I don't see any common ground between SANU and BANU. SANU is an institution of the state whereas BANU is an institution of the Bosniak people, a non-state, non-governmental one which ought to be treated in accordance with the Law on Citizens' Associations. I absolutely see no point at issue. I don't want to sound cynical, but I regard all this as a big complement and a big recognition in the sense of the seriousness of BANU. Those

805 Ibid.

806 *Pravda*, 10 June 2011.

807 *Danas*, 13 June 2011.

who cannot come to terms with the capacity of the Bosniak people are obviously unable to face the capacity of the Bosniak intellectual elite in a dignified manner. I invite the academicians from SANU to cooperate with us, in spite of the fact that those negative-minded ones who'd jumped the gun are now silent because they do not dare confront this flood wave. Those over there are not all of the same mind.'<sup>808</sup>

The All-Bosniak Assembly of Sandžak met several months later and adopted, under direction of Chief Mufti Zukorlić, the 'Declaration on Discrimination in Sandžak'. The declaration appeals for protection by international institutions and says that Bosniaks will be called upon to show civil disobedience and stage protests unless the authorities change their attitude. The Assembly also adopted a declaration renaming itself as the National Council of Sandžak. Among the Council's tasks are preparation of all that is necessary to open Sandžak's offices in Brussels, Washington, Istanbul and Sarajevo.

In its discrimination declaration, the Assembly claims that discrimination in Sandžak exists in all spheres of life. It says that the aggression against the Islamic community in 2007 was orchestrated with the aim of destroying the mainstay of the Bosniaks' survival, as well as that the attack on Islamic religious instruction was a hostile act aimed at converting Muslim children to Orthodoxy. The Vakuf (endowment) property is said to be sacrosanct and the foundation of the preservation of the spiritual and cultural identity of the Sandžak Bosniaks. The Assembly said that the contestation of the existence of the Bosniak National Council, set up by the Bosniak Cultural Community in July 2010 (with Zukorlić heading its list), was part of the government programme of 'weakening and eliminating Bosniak influence and existence in Sandžak'. The Assembly said it looks upon the obstruction of accreditation of the International University, founded by Zukorlić, as returning Bosnian children and youth to the 'darkness of ignorance' for the purpose of further 'enslavement of the individual and collective consciousness'. The Declaration states that 'The International University represents the mainstay of freedom and development in the area of Sandžak' and that Bosniaks are discriminated against

808 Ibid.

through the policy of employment in government institutions, whose 'high-handed and unprecedented' nature indicated that the Bosniak people are not wanted in Serbia. For this reason, the Assembly asked BANU to draw up a 'programme of national survival of the Bosniak people'. The Assembly also passed a Declaration on renaming the All-Bosnian Assembly of Sandžak as the National Council of Sandžak, with Džemail Suljević elected as its president. The Council, it was said, is the highest representative body of the citizens of Sandžak and will equally represent the interests of the citizens in the country and abroad and will also have members from the ranks of Serbs and Montenegrins.<sup>809</sup>

Two months later, the National Council of Sandžak (nvs) opened a representative office in the Swedish town of Goteborg with the main object of campaigning for autonomy for that part of Serbia. The inaugural ceremony was attended by the chief mufti of the Islamic Community in Serbia, Muamer Zukorlić, and the president of the nvs Executive Committee, Sead Šaćirović. SDP leader and Minister Rasim Ljajić dismissed the event as yet another propaganda stunt of Muamer Zukorlić. 'That subject is of no consequence. Pure hype! Like all the other institutions he's so far opened only on paper, this one too is of no consequence whatever. This is an illusion which he thinks will bring him political points.'<sup>810</sup>

The nvs later opened offices in Sarajevo and a New York suburb. It is also planning to open an office in Brussels. All these activities are associated with the realization of Zukorlić's autonomy idea. Zukorlić's spokesman, Samir Tandir, explained: 'We're fighting a "battle" for the autonomy of Sandžak in several simultaneous phases, the office in Brussels being only one of these phases. At the moment we're doing all work and preparatory work in order that Sandžak may become a region with autonomy. Our aim is that, when Serbia and Montenegro become part of the EU, Sandžak should be granted autonomy as a trans-border region which threatens neither the sovereignty of Serbia nor of Montenegro.'<sup>811</sup>

809 *Večernje novosti*, 11 September 2011.

810 *Kurir*, 14 November 2011.

811 *Akter*, 23 May 2011.

The residents of Sandžak have so far had no practical benefit from these offices. Local authorities too have similar ideas. The president of the Party for Sandžak and member of the Novi Pazar City Council, Dr Fevzija Murić, proposed that the city too should open its office in Brussels. 'A Novi Pazar office would mean a lot to us because that would bring us near the EU pre-accession funds and we could compete for several projects in the field of infrastructure, ecology and other fields; it would operate on behalf of all the municipalities in Sandžak and help bring foreign investors to this part of Serbia,' he said.<sup>812</sup> Although Kragujevac, Niš and Vojvodina already have their offices at the EU, the public in Serbia is bitterly opposed to the idea of a Novi Pazar office in Brussels. Many look upon the idea as part of a 'separatist' agenda.

### **The Bosniak National Council: Negative Effects of Belgrade's Obstruction**

The Bosniaks are still the only national minority in Serbia with no national council. The Bosniaks call this body the Bosniak National Council (BNV). According to the Law on National Councils of National Minorities, adopted by parliament in 2009, a national council represents a national minority in the fields of education, culture, information in the language of the national minority and official use of its language and script. Elections to the national councils of 19 ethnic minorities were held back on 6 June 2010. Out of the total of 96,656 Bosniaks who applied for registration in a separate electoral roll, 54,574 cast their votes, representing 56.46% of the number of those registered. The list Bosniak Cultural Community BKZ – Mufti Muamer effendi Zukorlić polled 26,212 votes or 48.40% of the total, giving it 17 mandates in the National Council of Bosniaks (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

812 Ibid.

Labour and Social Policy, Rasim Ljajić, won 7,717 votes or 14.25% of the total, earning 5 mandates in the NSB.

The Ministry for Human and Minority Rights scheduled the constitutive session of the body in Novi Pazar for 7 July 2010. 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. With 19 members present – 17 from the BKZ and 2 from Bosniak Revival – the Zukorlić-led list formed the BNV. The election was recognized neither by the state nor by the two other lists – the Bosniak List and Bosniak Revival. At the beginning of 2011, the former minister for human and minority rights, Svetozar Čiplić, set the new elections to the BNV for 17 April. In the wake of the BNV elections, Čiplić's moves were criticized by his former associates in the Ministry for Human and Minority Rights, Petar Antić and Marko Karadžić, and by Commissioner for Equality Nevena Petrušić. In a subsequent government reshuffle, Čiplić lost his portfolio and was replaced by another DS member, Milan Marković. One of the first moves of the new minister for human and minority rights, public administration and local self-government was to delay the elections to the BNV.

Even before this decision was taken it was clear that the elections would not succeed. The BKZ and Mufti Zukorlić announced promptly that they would not participate because they held that the BNV they had formed was legitimate. Zukorlić predicted, 'The turnout of Bosniaks for the elections to the Bosniak National Council, which are a downright trick of the regime and its yes-men, will be below seven per cent, that is, as low as it was during the vote on the amendments to the Serbian Constitution. We won't let them stuff the ballot boxes without control because we will be closely watching.' 'In deciding to repeat the elections to the BNV the regime has made a big mistake because it has given the Bosniak National Council a free hand to concern itself with matters other than those laid down by the law. Autonomy is not something you are given over a counter in Belgrade; it is born, cherished and developed in your mind and your heart, it is in the hearts of all Bosniaks. We don't need autonomy as a goal but as



a means. The Serb regime had a whole decade to show that Serbia has capacity to accept us as equal citizens. Nothing has been done on that score. The blame lies with those in Belgrade as well as with those here who are helping them and trying to convince us that all that matters is a little gravel [for the roads] and a little bread, and that's that.<sup>813</sup>

The then minister, Svetozar Čiplić, saw the announced boycott by the BKZ in a different light: 'There are grounded and quantifiable concerns that at the repeat elections the BKZ list will not win nearly as many votes as it did at last year's election. Fear of such an outcome is at the root of the political decision to boycott the election.'<sup>814</sup>

The positions of the other two lists, Bosniak List and Bosniak Revival, were rather vague. The head of the Bosniak List, Esad Džudžević, said, 'The calling of the new elections to the Bosniak National Council has created a completely new situation, with a large number of new lists – minority parties, citizen associations and citizen groups – appearing in view of the need and interests to protect the national rights of Bosniaks. The lists which took part in the last elections and failed to come to an understanding regarding the formation of this exceptionally important institution, practically no longer exist. Since everything has to be done again from scratch, threats of boycott by some of them count for nothing.' 'A far larger turnout is expected because the majority of Bosniaks have understood the importance of and the need to set up the Bosniak National Council and determine its competences. I am looking forward to a better ambience and to assistance from domestic and international actors and the media, especially from the Public Broadcasting Service, and I expect that the elections will be of high interest to the Bosniaks, particularly because no representatives of religious communities will be taking part in them,' he said.<sup>815</sup>

The Bosniak List later changed its mind and began to raise the possibility of a boycott itself. Džudžević, who at the time had a technical mandate as president of the BNV Executive Board (becoming president in the autumn of 2011), petitioned the Serbian Government repeatedly demand-

813 *Večernje novosti*, 20 January .

814 *Večernje novosti*, 21 January 2011.

815 Ibid.

ing that the process of realization of Bosniaks' national rights should not be halted. He asked the Government to revoke the Regulation on Administrative Districts (which divides Sandžak into two districts) and to reply why nothing had been done to identify and punish the persons responsible for war crimes in Sandžak. He also asked the ministers of internal affairs, education, culture and public administration to contribute to the realization of concrete rights of the Bosniak minority. The BNV, whose technical mandate is recognized by the state, announced: 'Unless they receive a positive reply from the Government, the Bosniaks have no interest in turning out for the 17 April elections; what is more, there will be no reason for the existence of the Bosniak Council itself.'<sup>816</sup> The third list, Bosniak Revival, did not state clearly whether it would participate in or boycott the elections. 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."<sup>817</sup>

An idea was floated that the Bosniaks should be offered another list with the 'names of meritorious individuals judged by their work and deeds rather than by their party cards'. The first to speak in this connection was the director of the NGO Urban, Aida Ćorović: 'I'm not going to figure on that list and I have no intention of drawing it up on my own. It should be the result of joint work of the non-aligned sector and political parties, so that we can come up with names people would really trust.' She said she had discussed the idea with SDP president Rasim Ljajić, that he had agreed in principle and that probably the party would not draw up a list of its own. She also said that she had talked with 'certain representatives of the SDA and the Bosniak List, and it remained for them to look into the idea'. She believed that by backing one list the Bosniaks would manifest their maturity. In her view, by turning out for the elections and rallying around one list they would also show that the popularity of Mufti Zukorlić is on

<sup>816</sup> *Politika*, 14 March 2011.

<sup>817</sup> *Sandžak Danas*, 21 January 2011.

the wane.<sup>818</sup> The single list idea failed to elicit much response and draw support from Bosniaks and their political parties.

Soon after taking over as minister for human and minority rights, Milan Marković tried to break the deadlock and achieve some agreement with representatives of the three lists that contested the June 2010 elections. In March 2011 he paid a visit to Novi Pazar and had talks with representatives of all three lists. The media did not fail to register Zukorlić's very cordial welcome for Marković, given that he and the Ministry for Human and Minority Rights had been fighting tooth and nail for several months before. Zukorlić said, 'I look upon this visit as a positive signal by the Government in Belgrade, a very positive gesture. I expect that symbolic signals will lead to concrete steps. The minister was very convincing in his promise that we will seek solutions to all the problems in the law.' Minister Marković said on that occasion: 'This is our state, we have no other, and it is here that we must address all the problems. The most important thing now is to restore the shaken confidence.'<sup>819</sup>

Following the first successful meeting, contacts with all the lists continued but no results materialized. The new elections to the BNV were announced but not held. Minister Marković said that the Bosniak leaders should leave their political differences aside because the aim of the establishment of the BNV was to preserve the Bosniaks' cultural identity rather than to achieve the parties' political ends. He stressed that 'there is no problem to organize elections to a national council of the Bosniak national minority.'<sup>820</sup>

Muamer Zukorlić said he was surprised at Minister Milan Marković's 'inconsistency' because he 'failed to pursue' the efforts to solve the matter. He added that the 'only possibility for the authorities to extricate themselves from the problem they created for themselves is to stop obstructing the legally established BNV, which remains open to deputies from the two other lists'. Zukorlić recalled that Minister Marković had promised, after meeting representatives of all three lists in Novi Pazar, to do everything he

818 *Politika*, 14 March 2011.

819 *Kurir*, 26 March 2001.

820 RTS, 17 August 2011.

could to put an end to the matter. He believes that the authorities' policy on the Bosniak question in Serbia is hypocritical and that it is manifested in their support for the present BNV, which has operated in a technical mandate for already nine years and is composed entirely of representatives of Sulejman Ugljanin's Bosniak List for a European Sandžak.<sup>821</sup> Minister Marković showed that he wanted to put the relations with all Bosniak representatives on a different footing by laying a wreath at the memorial to the victims of the Štrpci kidnapping. The 27 February 1993 kidnapping was the work of about 20 members of the Army of Republika Srpska under the command of Milan Lukić from Višegrad. At Štrpci local station they stopped a fast Belgrade-Bar train and took out 18 Bosniaks and one Croat. The passengers were later tortured and murdered and their bodies were thrown into the Drina.

Marković was the highest Serbian state official to pay tribute to the victims in this way. Unfortunately, Marković's goodwill and urgings to address the problems surrounding the establishment of the BNV and other objections by some Bosniak organizations bore no fruit whatever. Although both sides made promises and expressed wishes to solve the problems, no concrete progress was achieved. The failure to form a BNV shows that the gap between the three Bosniak lists is unbridgeable, with Belgrade not showing enough ability or desire to prevail on the Bosniaks to form a BNV and thus approximate their positions.

### **Census: Another Stumbling Block**

The population census in Serbia was held on 1-15 October 2011. Although a population census is a major, primarily technical undertaking which every state should organize, the Bosniak National Council, acting under the influence of Mufti Zukorlić, appealed to the Bosniaks to boycott it. The BNV said that the conditions for carrying out the census were not in place. 'The practice so far has shown that the numbers of Bosniaks and Muslims have been faked all the time, by lowering their number in order

821 Tanjug, 17 August 2011.

to create confusion during determination of their national, religious and linguistic identity,' it said.<sup>822</sup>

The BNV announced that, contrary to the Constitution and the law, the census forms were printed only in the Serbian language and the Cyrillic script and called on the Islamic community, the National Council of Sandžak and other national organizations and institutions to join the campaign for boycotting the forthcoming census. The BNV said that the boycott might be called off if BNV representatives were admitted to all census implementation and control bodies and if new forms were printed in the Bosnian language and the Latin script. Since these conditions were not met, these organizations boycotted the census and conducted an anti-census campaign. On the other hand, Zukorlić's political opponents and those from the NGO sector sharply criticized him and organized a pro-census campaign.

The president of the NGO Urban, Aida Ćorović, said that Zukorlić's boycott call was not aimed at protecting the real interests of Bosniaks in Serbia. 'The whole purpose of that is to go for "bombastic" effects in order to keep Zukorlić in the focus of media attention,' she said.<sup>823</sup> The mayor of Novi Pazar, Meho Mahmutović, felt sure that the citizens of Sandžak would not heed Zukorlić's calls and that the census would enable the residents of Novi Pazar to realize many rights. He said, 'Zukorlić is interested neither in this city, nor in the Islamic community, nor in the Bosniaks but only in his personal interests. To ask people to boycott the census is tantamount to asking them not to admit that they exist.'<sup>824</sup>

The president of the Executive Council of the Bosniak National Council in the technical mandate, Esad Džudžević, said that Muamer Zukorlić's boycott call would not be a success. He said that it was of the utmost importance to also register Bosniaks holding Serbian citizenship who are temporarily living abroad in order to ascertain the actual number of Bosniaks in Serbia. Minister of Labour and Social Policy Rasim Ljajić said that a boycott of the population census would only work against those who re-

822 BNV statement, 27 September 2011.

823 Beta, 27 September 2011.

824 RTS, 27 September 2011.

fused to be registered and those who urged them to boycott the census. All that the state should do, Ljajić said, is to tell the people what a census is and why it is important. He said that the call to boycott was a political act that had no chance of succeeding.<sup>825</sup>

The census commissions in the field claimed that there was no census boycott in Sandžak and that the turnout of Bosniaks was massive. The deputy president of the census commission in Novi Pazar, Sulejman Nicević, said that the census was completely lawful and that in a large majority of Novi Pazar homes the census takers were invited to coffee and even to breakfast. In the first two days over 17,000 residents of Novi Pazar in nearly 5,000 households were registered. On the first day, the census was boycotted by 50 residents of Novi Pazar and only 20 the following day. Later, they changed their mind and called the census-takers to register them. Novi Pazar city administration and Bosniak party leaders who thought that the census was exceptionally important, instructed their fellow Bosniaks (the Serbs were being registered without much pomp and in silence) to write down their national affiliation as Bosniak, their denomination as Islam and their language as Bosnian.<sup>826</sup>

On the other hand, supporters of Mufti Zukorlić and leaders of institutions operating under the aegis of the Islamic Community in Serbia maintained that a large majority of Bosniaks had refused to be registered: 'It is not true that the boycott me with fiasco. According to our information, in many settlements in Sandžak only a few citizens were registered.'<sup>827</sup>

According to the initial results of the local census commissions, the population of Sandžak numbers about 260,000. The figures for Novi Pazar were 109,321, Tutin 34,864, Sjenica 28,521, Prijepolje 41,096, Priboj 30,057 and Nova Varoš 16, 758. At the end of the census, the local census commissions announced that there had practically been no boycott. The deputy president of the City census commission, Sulejman Nicević, said that the population census had been a success and that no incidents had occurred

825 Ibid.

826 *Politika*, 4 October 2011.

827 *Politika*, 4 October 2011.

during it: 'Our citizens have come to realize the importance of the census and turned out in their masses, as evidenced by the results themselves.'<sup>828</sup>

The deputy president of the census commission in Tutin, Dževa Hamzić, said: 'We are pleased with how the census in Tutin turned out and can say that almost all of its residents were registered.' The president of the census commission in Sjenica, Senad Mahmudović, said that by their participation in the census the residents of Sjenica had manifested a high sense of the need to develop their municipality, and that this was what the population census results basically reflected.<sup>829</sup> In three majority Bosniak environments in Sandžak – Novi Pazar, Tutin and Sjenica – the census registered an increase in the number of residents compared with the previous census in 2001. On November 16, the Republic Statistical Office published the initial results of the 2011 census of population, households and dwellings in the Republic of Serbia. Interestingly, the results were somewhat different, showing lower figures for Sandžak (less than 230,000) compared with those announced by the local commissions (about 260,000). According to the Republic Statistical Office, the figures for Sandžak were: Novi Pazar 92,766, Tutin 30,770, Sjenica 25,248, Prijepolje 36,713, Nova Varoš 16,758 and Priboj 27,127.<sup>830</sup> The total number for Sandžak was about 14,000 less.

Owing to the 'drastic' difference between the figures announced by the Republic Statistical Office and the City electoral commission, the president of the City Board of the Serbian Radical Party (SRS) in Novi Pazar and republic MP, Milan Veselinović, asked the Office for a census revision not only in Novi Pazar but also in Tutin, Sjenica and Prijepolje: 'There was a pretension to also register those who do not live here and to inflate the figure at all costs to a projected 110,000 inhabitants. The aim was to increase the number of Bosniaks, reduce the number of Serbs and so to distort the demographic structure of Novi Pazar.' He alleged that the population number was 'inflated' with help from instructors from Novi Pazar and

828 *Sandžačke novine*, 25 October 2011.

829 Ibid.

830 Republic Statistical Office website.

their advisers in Belgrade.<sup>831</sup> For its part, the City census commission said it had done its job correctly and forwarded exact and precise data to the Republic Statistical Office. According to the official figure of the Republic Statistical Office, Novi Pazar has 92,766 residents or 6,770 more than at the time of the previous census. The figure released by the City census commission was 109,327, representing an increase of as many as 25,000 from the 2011 census. The commission says that the discrepancy is most probably due to the number of 'unassigned persons' and that when the number of Novi Pazar residents living abroad (8,881) is added the total works out at 109,000.

## **The Bosniak Political Scene**

At the time of the 2012 elections, the Bosniak political parties were more divided than ever. Of the 87 political parties in Serbia entered in the Register of Political Parties, the majority (47) are parties of national minorities. The Bosniaks have as many as 12 parties. Most of these parties came into being as a result of internal divisions and are not very influential. Political divisions in Sandžak still revolve around the leading personalities, with Bosnians identifying themselves as 'pro-Sulejman', 'pro-Rasim' or 'pro-Mufti'.

The Bosniak Democratic Community (BDZ), whose president is Emir Elfić, was entered in the Register of Political Parties in April 2011. Elfić identified as the 'party's most important programmatic goals the autochthony of the Bosniaks in Serbia, the autonomy of Sandžak and amendment of the Constitution'. 'As the Bosniaks are fully entitled to constitutional status, we will campaign for changing the state symbols and the national anthem with a view to achieving equal status and equal rights for the Bosniaks in Serbia. Since Sandžak is a region with historical and other specificities, we will also strive for the realization of an autonomous region of Sandžak.'<sup>832</sup> The constituent assembly of the BDZ took place the end of December 2010. As the main reason for establishing the party, the found-

831 Sandžak TV, 28 November 2011.

832 Beta, 26 April 2011.



ers cited the alleged manipulation of the results of the elections to the Bosniak National Council on the part of the Belgrade regime. The fact that Mufti Muamer Zukorlić addressed the constituent assembly was publicly interpreted as a certain sign that the new party was founded thanks to his support and authority. Zukorlić is the son-in-law of Emir Elfić, who was a member of Ljajić's SDP and deputy mayor of Novi Pazar. Zukorlić, who backed President Boris Tadić and the For European Serbia list at the 2008 elections, said before the May 2012 elections that he would support no party from Belgrade because so far they had all been taking advantage of the support of the Bosniaks and minority communities. Zukorlić predicted that the election campaign in Sandžak would be of a 'referendum type', i.e. a choice between the 'Belgrade' and 'Sandžak' parties for the Bosniaks. Although he announced that he would vote for the BDZ, he said that 'nevertheless one should choose one's future partners among those who manifest greater consideration for the rights of the Bosniaks, that is, for the status issues in Sandžak'.<sup>833</sup>

In early 2012 the youngest Bosniak political party so far was founded in Novi Pazar. It is the Bosniak People's Party led by the former SDP vice-president and secretary at the Ministry of Infrastructure, Mujo Muković. At the beginning of February 2011 he resigned from the SDP 'over the lack of a minimum of political responsibility and will for changes within the party'. 'As a founder of the SDP, I will have no part in the further decline of a party which has reduced itself, from the status of the strongest Sandžak and Bosniak party, to a narrow interest group with an incompetent leadership installed after the party's founder, Rasim Ljajić, formed the Social Democratic Party of Serbia with headquarters in Belgrade'. Muković said that his resignation from the office of state secretary at the Ministry of Infrastructure was a logical outcome of his resignation from the party as well as 'due to the discriminatory attitude of the Serbian Government towards the Bosniak people and the Sandžak region'. He stressed that he did not wish to be 'one of those who carry out special programmes of ostensible investment in Sandžak; instead of investment programmes being part of the Government's permanent policy, the Government adopts

833 *Press*, 16 March 2012.

them in order to re-educate the citizens of Sandžak and silence political dissentients.<sup>834</sup>

Speaking at the party's constituent assembly, Muković told sympathizers and members, as well as possible political opponents, that the BNS would aim for intra-Bosniak reconciliation in Sandžak, particularly within the Islamic community, and for serious political work with more mutual respect. Muković told a news conference that the BNS would criticize the present government for failing to solve the problems besetting the Sandžak municipalities. He described the BNS as a political option which would develop into a relevant political factor in the future and said that no government in any Sandžak municipalities would be formed without it.<sup>835</sup> After the 2012 elections were called, the party signed a pre-election coalition agreement with Tomislav Nikolić's Serbian Progressive Party (SNS). A coalition between a Bosniak party and the Serb progressives led by Nikolić, who emerged from the 1990s wars with the title of 'Chetnik vojvode', came as somewhat of a surprise because, until recently, any alliance between a Bosniak party and the former Serb Radicals had been unthinkable. This partly accounts for the fact that many Bosniaks are so deeply disappointed with Tadić and the policy of the present DS-led government that they see no appreciable difference between the DS and the SNS.

This is probably why last year there was a rapprochement on the political scene between Nikolić and some Bosniak parties. As a candidate of his former SRS, Nikolić suffered electoral defeat, including at the 2008 presidential elections, partly because the minorities voted mostly for his opponent Boris Tadić. In spite of his endeavours, during the 2008 pre-election campaign, to convince the minorities that he was not a chauvinist and that he respects all the citizens and peoples of Serbia, he was apparently not believed by the Bosniaks, who nearly all voted for Tadić. After leaving the Radicals and establishing the SNS, Nikolić softened his rhetoric and began to meet and talk with representatives of minority parties, first of all with Istvan Pasztor of the Alliance of Vojvodina Hungarians. Contacts with Bosniaks followed, culminating in a meeting between Nikolić and Zukorlić in

834 Tanjug, 11 February 2012.

835 B92, 1 January 2012.

Novi Pazar in October 2011, an event that caused a real shock. Although they both denied that the forthcoming elections had been on the agenda, many believe that that was precisely what was discussed and that Nikolić tried to obtain Bosniak support through Zukorlić. Zukorlić's and Nikolić's opponents reacted as expected. The sharpest reaction came from Rasim Ljajić who said: 'Zukorlić, who'd like to seize power locally, is obviously expecting the SNS to win the elections and wants to attach himself to Nikolić. As it turned out, correctly, Zukorlić cares neither about religious, nor national nor human rights but only about power. I find that meeting interesting, particularly because only until last week the two actors had been busy exchanging recriminations. Zukorlić had been calling Nikolić a Chetnik and Nikolić had been calling him various names.'<sup>836</sup>

The SNS leader insisted that the purpose of his meeting with Zukorlić was not political cooperation or a coalition. He said that his meeting with the mufti had one objective, namely to find out what problems would await him in Sandžak when he came to power, given that Zukorlić is highly influential in that part of Serbia. Nikolić stressed that he 'could not have political talks with a mufti, just as he could not have them with priests of the Serbian Orthodox Church. But, of course, he can agree that we should all live in peace and that everybody deserves the same living conditions.'<sup>837</sup> 'My wish is to find out what problems Serbia has, so I wanted to learn from Mr Zukorlić the reasons for his disagreement with the authorities, given that they had no such problem at the start of their mandate. I wanted to find out whether it was a matter of spite, of something that could be solved quickly or something that will take time to solve. I asked him openly where the problem was and found out what problems he had. We reached no agreement concerning that, let alone concerning political cooperation because that is out of the question.'<sup>838</sup>

In explaining the meeting, Zukorlić said that the Bosniaks had no illusions that they could be ideologically close to the SNS and that the point was to display statesmanlike capacity for understanding the problem of

836 *Alo*, 8 October 2011.

837 *Blic*, 7 October 2011.

838 *Blic*, 7 October 2011.

Sandžak and the Bosniaks. 'We will wait for Mr Nikolić to come to power and to confirm that he is unlike those before him and that he will confirm from the position of power the things he said here,' he added.<sup>839</sup> Zukorlić said that their disappointment in Tadić had forced them to seek the understanding of others. 'Tadić has cheated me twice and therefore it is now hard for me to judge him. At any rate, judging by what he had been doing so far, Tomislav Nikolić appears more consistent. But I'm not looking upon all this with special emotions indicating closeness or similarity. This was only a meeting of two responsible men who are prepared to bear responsibility for their acts in the name of those they represent.'<sup>840</sup>

Nikolić and his deputy Aleksandar Vučić said repeatedly that if they formed the next government it would have room for Bosniaks including ministers Ljajić and Ugljanin. They also showed political sympathies for Mujo Muković and his BNS. The Liberal Democratic Party (LDP) of Čedomir Jovanović established cooperation with several Bosniak parties. Owing to his highly critical attitude to Serbia's policy during the 1990s, condemnation of war crimes and the statement that Republika Srpska is a genocidal creation, Jovanović is very popular among Bosniaks. The May elections will show whether his popularity will translate into votes or whether Sandžak Bosniaks will prefer to vote for their national parties. At the republic elections, the LDP list was supported by the Sandžak National Party of Mirsad Đerlek and the Democratic Party of Sandžak of Zulkefil Bata Sadović.

In 2011, SDA leader Sulejman Ugljanin became more critical of Belgrade, particularly after his son was arrested in Novi Pazar for violating the Law on Traffic Safety. Ugljanin's son was one of four minors arrested after a girl complained to the police that they had blocked her way with their car and threatened her with a pistol. The weapon was not found. The youths were taken to a police station for an 'identity check' because they had no identity cards on them. Ugljanin's son, M.U., had a provisional driving license issued on 1 November.

Sulejman Ugljanin reacted by demanding that the chief of the Police Department, Dragan Terzić, leave 'Novi Pazar and Serbia' and accused the

839 *Politika*, 8 October 2011.

840 Ibid.

police of beating and otherwise ill-treating the youths. He said that 'unless he received an immediate reply from the Government and MUP about the steps taken against such bullies he would be forced to call on the international community and international forces to protect our citizens against the police of the Serbian MUP'.<sup>841</sup> He also called for the resignation of Minister of Interior Ivica Dačić. The police carried out an investigation and announced that there had been no transgression of authority.

In this connection, Dačić said: 'I do not wish to polemize in the midst of the celebrations of Kurban Bairam. But I must say that the police are a factor of stability in Novi Pazar and that they have done much for the security and advancement of that part of Serbia in recent years. The public has been kept informed about their numerous actions, and they have also been successful in their preventive work in spite of operating in delicate and sensitive conditions'.<sup>842</sup> Dačić said that that was the first time a minister had called for the resignation of a colleague and that such an attitude was not conducive to the Government's stabilization.<sup>843</sup> Minister Ugljanin and his party occasionally criticized the Government and accused Belgrade of discriminating against Bosniaks. On the eve of the pre-election campaign, 1 March 2012, the Bosniak National Council in a technical mandate comprising representatives of the SDA and Ugljanin's Bosniak List, adopted a Resolution on the position and exercise of the rights and freedoms of the Bosniak people in Serbia.

The Resolution notes that the right of the Bosniaks to their national identity has been denied in Serbia for several decades and calls for the full implementation and exercise in all fields of their collective rights guaranteed by the Constitution, law and European Union standards. The Resolution calls for, *inter alia*, amending Article 1 of the 2006 Constitution of the Republic of Serbia and redefining Serbia as a community of equal citizens and peoples living in it. In the Resolution, the Bosniak National Council supports the territorial integrity and sovereignty of Bosnia and Herzegovina, condemns the aggression and crime of genocide against the

<sup>841</sup> *Danas*, 6 November 2011.

<sup>842</sup> *Press*, 7 November 2011.

<sup>843</sup> *Ibid.*

Bosniak people and the order and development on that basis of the special parastatal entity in it, and calls for the reciprocity of the status and rights between the Bosniaks in Serbia and the Serbs in Bosnia and Herzegovina. The Resolution calls for amending Article 176 of the Constitution in order to guarantee the citizens' right to the autonomy of Sandžak in Serbia as well as the right to establish a transborder region and cooperation with the southern part of Sandžak in Montenegro. In the Resolution, the BNV condemns the ongoing process of judicial rehabilitation of Dragoljub Mihailović, the commander of the Chetnik forces which committed a series of crimes against Bosniaks in eastern Bosnia and Sandžak during the Second World War. The other Bosniak minister in the Serbian Government, Rasim Ljajić, continued to build up his new Social Democratic Party of Serbia while not neglecting political activities in Sandžak. He was particularly active during the pre-election campaign which he for the most part conducted himself in Novi Pazar. Unlike Ugljanin and Zukorlić, Ljajić is not in the habit of criticizing the Government's moves and Belgrade's policy in relation to Sandžak.

At a glance, the Sandžak Bosniaks are obviously dissatisfied with the economic and political situation and with the achievements so far of the leading political parties and figures, the SDA and SDP, Sulejman Ugljanin and Rasim Ljajić. Their discontent has resulted in the establishment of several Bosniak parties although there had been signals that a 'third' Bosniak bloc would agree on cooperation and present a united front in order to bring down Ugljanin and Ljajić, or that it would appear on the LDP list. Neither of this happened. As it turned out, individual egos proved stronger than the unity and discontent rhetoric. Ugljanin's Bosniak List contested the elections on its own and the SDP did that on the joint list of the DS and Ljajić's new Social Democratic Party of Serbia. The 'third bloc' was divided. At the Serbian parliamentary elections, the BDZ went to the polls in a coalition of minority parties, Muković's BNS joined Nikolić's SNS and Đerlek's SNP supported the USR list.

The BDZ formed the coalition with six minority community parties. The 'All Together' coalition was formed by the Bosniak Democratic Community, the Democratic Community of Vojvodina Hungarians, the Democratic

Community of Croats, the Slovak Party, the Civic Alliance of Hungarians and the Democratic Party of Macedonians. The list was headed by its president, Emir Elfić. The coalition's goals were the 'democratization of society, affirmation of the rights of the national minorities it represents and support for Serbia's Euro-Atlantic integration.'<sup>844</sup> The coalition partners said that they would pursue 'necessary changes in society, decentralization of government and regionalization of the Republic of Serbia, which necessitates constitutional amendments and amendment of the Law on National Communities.'

Mirsad Đerlek, the leader of the Sandžak National Party, a member of the LDP's 'Turnaround' coalition, called on Bosniak parties to reach agreement on common goals such as Bosniak unity and economic development of Sandžak. He stressed that since 'all political parties in Sandžak have Bosniak unity in their programmes' they should be 'correct and sincere, put their programmes to practice, agree on common goals and set their differences aside.'<sup>845</sup> He said that those divisions were dangerous because they destabilized Sandžak. In common with the earlier appeals for unity by other Bosniak politicians, intellectuals and religious leaders, Đerlek's appeal had no effect. At the local level his SNP contested the elections on its own while at the republic level it supported the LDP list.

Esad Džudžević, the republic MP of the Bosniak List, said that the list would go to the polls in the same composition on its own and that it would again be headed by Dr Sulejman Ugljanin. 'We will appear as a minority list because we attach importance to post-election coalitions,' he said.<sup>846</sup> He said that representatives of his coalition had already discussed post-election cooperation with DS leader Boris Tadić and that the three Bosniak parties making up the coalition were prepared to talk with other parties as well.

<sup>844</sup> *Sandžak Danas*, 16 March 2012.

<sup>845</sup> *Ibid.*

<sup>846</sup> *Danas*, 11 March 2012.

## The Islamic Community: Attempts at Reconciliation

The failure of the talks on uniting the Islamic community in Serbia was an event that overshadowed all the rest. The Islamic community is one of the traditional religious communities of Serbia. During the life of Yugoslavia, both the kingdom and the socialist state, the spiritual centre of the Muslims and the Islamic community was in Sarajevo, with the Riyasat and the reis-ul-ulema as their religious head. The disintegration of the former Yugoslavia led to the disintegration of the single Muslim organization in the territory of the former state. However, the process of rapprochement of these Islamic communities began after the end of the wars. The Muslims and Islamic communities in three former Yugoslav republics, Slovenia, Croatia and BiH, recognize the Riyasat of the Islamic Community of BiH and the reis in Sarajevo as their seat and head. The other parts of the former Yugoslavia have autonomous Islamic communities whose relations with the Riyasat in Sarajevo are mostly friendly and cordial. Serbia is the exception.

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.<sup>847</sup> While the IZS insists on its full autonomy, the IZuS (which derives from the Islamic Community of Sandžak, established in 1994) is organizationally linked with the Riyasat in Sarajevo and recognizes 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 Boris Tadić said at a pre-election rally in Novi Pazar in 2008 that he would like to see a unified Islamic community, after his election and the election of the new government in which the Ministry of Religion was first headed by Bogoljub Šijaković and then, following its reshuffle, by Srđan Sretković as minister of religion and diaspora, there was not only no dialogue with the Islamic community in Serbia but relations with it became

<sup>847</sup> The Islamic community was divided with Belgrade's support (during the term of Vojislav Koštunica) in order to reduce its influence and create a rift in the Bosniak community.



strained. By some of its moves, such as the appointment of religious teachers and financial support by the Ministry of Religion, Belgrade has made it clear that the Islamic community led by Zilkić is more to its liking. The IZS is closer to the official structures in Belgrade, with Zilkić and his chief religious officials, the brothers Jusufspahić from Belgrade (Muhamed is a mufti and Mustafa an imam) having praise for the state's moves to protect and respect the rights of Muslims. The IZuS for its part is highly critical of both the present and former governments. Zukorlić is accusing the Serbian authorities of cheating the Bosniaks, violating Muslims' human rights and hiring sycophants among their ranks.

In addition to criticizing Zukorlić, Belgrade is increasingly critical of the BiH reis-ul-ulema, Mustafa Cerić. For his part, Cerić is a severe critic of Belgrade's attitude towards Muslims and Sandžak. In spite of the fact that two years ago the Serbian Ministry of Religion declared Cerić a 'persona non grata', he continued to visit Serbia in 2011 and address believers in several Sandžak municipalities. During his Ramadan visit to the Pešter village of Delimeđe, Cerić issued a fatwa (legal pronouncement) that every Bosniak would be responsible for every other Bosniak, that he must never leave him on his own and that he must fight for him. 'This is the obligation of every Bosniak which we must not forget. We must carry it in our hearts and pass it on to our children,' he said. He called for a 'pan-Bosniak awakening' and stressed that 'we here in the Balkans have, in common with all other peoples, the right to have a state, freedom, security, religion, nation and home in which several generations will live rather than each generation having to move at least twice, as has been the case so far'.<sup>848</sup>

Cerić accused Serbia of 'provoking a new hotbed of crisis in Europe' in Sandžak by violating the national and religious rights of Bosniaks. Cerić extended his 'full support to the Islamic Community in Serbia headed by Mufti Muamer Zukorlić in its just struggle to preserve the freedom and autonomy of the Islamic community and protect the national rights of Bosniaks in Serbia in accordance with international instruments on human

848 *Blic*, 19 August 2011.

rights and fundamental freedoms'.<sup>849</sup> In return, these statements were criticized by official Belgrade and by the Bosniak parties participating in government, i.e. the SDA and SDP. Cerić enjoys considerable support in Sandžak and was welcomed by large numbers of believers during each of his visits. Since Cerić is also very influential in the Muslim world, it came as no surprise that he was the first to be consulted in connection with the talks on the unification of the Islamic community in Serbia by Turkey's religious leader Mehmet Gormez and the country's highest state leaders.

At Turkey's initiative, a series of meetings were held in 2001, mostly in Istanbul and Belgrade, with the object of uniting the Islamic community. The Turkish initiative met with incomprehension on the part of a segment of the Serbian public, who have traditionally been distrustful of the successor state to the former Ottoman rulers. In Serbia, many speak of 'neo-Ottomanism' and fear perceived hegemonic pretensions on the part of Turkey. Even Turkish TV series, which have been immensely popular in Serbia in recent years, are viewed with suspicion. Nevertheless, most citizens of Serbia enjoy the series, holiday in Turkey and patronize the growing number of Turkish restaurants in Belgrade.

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 cooperation and signed a number of agreements in various, above all economic, fields. The two countries' economic cooperation has increased several times over during the last two years. 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 killing 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. The marking of the 15th anniversary of the Srebrenica genocide in July 2010 was attended by Turkish Prime Minister Recep Tayyip Erdogan and Serbian President Boris Tadić. This was Tadić's second visit to the eastern Bosnian town. After visiting Srebrenica and BiH, Erdogan visited Belgrade and Novi Pazar. Turkish President Abdullah Gul visited Belgrade in

<sup>849</sup> *Danas*, 13 September 2011.

October 2009 and visits by Turkish Foreign Minister Ahmet Davutoglu became increasingly frequent.

Turkish officials have traditionally regarded relations with Serbia as important. The Turkish ambassador to Serbia, Riza Colak, said that the 'Republic of Turkey has no imperialist ambitions and we want to help neighbouring states and states close to us as much as we can. We wish for the best possible relations with Serbia and we see Sandžak as a bridge of cooperation between our two countries.'<sup>850</sup> The ambassador said that the Turkish delegation which visited Mufti Zukorlić and Reis Zilkić in Novi Pazar in June 2011 had communicated the 'expectations of friendly Turkey'. He stressed: 'Sandžak is important. It is a part of Serbia and will always be a part of Serbia. Sandžak must not be a source of problems but a bridge of cooperation. Also, Belgrade must understand the sensitivities and feelings of the people in Sandžak. Belgrade must treat Sandžak equally like other parts of the country, without any discrimination.'<sup>851</sup>

Reis Mustafa Cerić discussed the future of the Islamic community in Serbia with his Turkish opposite number Gormez in Istanbul in the autumn of 2011. The two chief representatives of Muslims in the former Yugoslavia and Turkey respectively agreed on basic principles. In October, Belgrade media reported that the two, with support from Turkish political leaders, agreed the principles of an agreement on the reconciliation of the two Islamic communities in Serbia. Reconciliation and the proposed principles were also upheld by the Serbian ministers, Ugljanin and Ljajić, who discussed the matter with Turkish Prime Minister Erdogan. Belgrade media reported that the main principles of the reconciliation agreement are: forming a single Islamic organization in Serbia, forbidding the religious heads from engaging in political activities and preventing Zukorlić and Zilkić from being nominated for the highest office. Even the signing of the agreement was announced, with the Sandžak Bosniaks wholeheartedly welcoming reports about reconciliation of the Islamic communities and formation of a single community.

850 *Danas*, 22 June 2011.

851 *Danas*, 22 June 2011.

The proposed union and the Turkish initiative were supported by Mufti Zukorlić, the izuS Mishihat, Reis Cerić and the Assembly of the Islamic Community of BiH. The initiative was supported by Turkish President Abdullah Gul, Prime Minister Recep Tayyip Erdogan and Foreign Minister Ahmet Davutoglu, as well as Serbian ministers Sulejman Ugljanin and Rasim Ljajić. Minister without Portfolio Ugljanin said that a solution had been worked out by Belgrade, Sarajevo and Ankara to restore the unity of the Islamic community in Serbia. Ugljanin said that the 'solution lies in a single Islamic community which will respect the sovereignty and territorial integrity of Serbia and cooperate with all other churches and religious communities in Serbia and the neighbourhood'.<sup>852</sup>

President Tadić was also said to have supported the idea but official Belgrade soon changed its position. While Adem Zilkić's Islamic community did not officially reject the Turkish initiative, it was not long before it made objections to it. Zilkić complained, 'So far we have been presented with no paper, no document, nor have we been contacted by any person taking part in the negotiations. There's also this strange precedent, where the Islamic community is discussed by politicians while I'm being kept in the dark. It would be frivolous of me to comment on the media allegations, it would be the same as if you asked me what kind of weather we shall have on 20 April next year.'<sup>853</sup>

The unification talks were conducted by the Turkish foreign minister, Ahmet Davutoglu, who discussed the matter not only with his Serbian opposite number Vuk Jeremić but also, on several occasions in the autumn of 2011, with President Tadić. After a visit to Belgrade, Davutoglu expressed the hope that a 'new period is about to begin for all people in Sandžak and all Muslims in Serbia, as well as for peace and stability of Serbia'.<sup>854</sup>

Turkey promised to start the construction of already agreed road projects and make greater investments in Sandžak after the unification of the Islamic community. Although several talks were held with this end in view, on the basis of unofficial information (Ankara asked the partici-

852 *Blic*, 15 October 2011.

853 *Blic*, 15 October 2011.

854 Anatolia agency, 25 October 2011.

pants to refrain from disclosing information and the draft agreement), statements by religious leaders in Serbia, and Belgrade media reports, one could soon conclude that the initiative would fail owing to Belgrade's position and demand for additional time and consultations. Although Belgrade had initially supported Turkey's initiative, Dragoljub Mićunović, president of the DS Political Board and president of the parliamentary Foreign Affairs Committee, told Turkey sharply to 'not interfere in the affairs of Islamic communities in Serbia.'<sup>855</sup> He said that during his official visit to Ankara he had asked his hosts, 'What is the interest of a secular Turkey in solving disputes in religious communities in an equally secular state of Serbia?' I told them that while I did not doubt their good intentions, matters should remain at the level of religious communities which should deal with those disputes through their canon law.'<sup>856</sup> Mićunović dismissed the allegations of any discrimination against Bosniaks. 'They said that the situation in Sandžak was unstable and that there were reports that that minority's rights were in jeopardy. I explained to them that that existed only in the propaganda of Mr Zukorlić. I repeatedly assured my hosts that Serbia is very tolerant towards minorities and that we have so far taken no measures whatever against such manifestations although such activities are sometimes on the brink of violating the Constitution.'<sup>857</sup>

When it became clear that the negotiations would fail, one learned that Serbia had been insisting on Zukorlić's withdrawal from the future Islamic Community (he was allegedly asked to withdraw from public life and it was also suggested that he should emigrate to Turkey) and on the seat of the single Islamic community being in Belgrade. On the other hand, Turkey had proposed that the seat of the Islamic community in Serbia should be in Novi Pazar. Things also got bogged down over the new community's relations with the Islamic community of BiH. The agreement was shelved until after the Serbian elections. Belgrade obviously began to distance itself from the proposed unification of the Islamic community, probably out of concern that he might be reproached by the opposition for permit-

<sup>855</sup> *Danas*, 3 November 2011.

<sup>856</sup> *Ibid.*

<sup>857</sup> *Danas*, 3 November 2011.

ting Turkey to mediate and 'interfere' in Serbia's internal affairs. Turkey's mediation, which at first did not bother anyone (what is more, after Minister Davutoglu 'reconciled' the quarrelling Sandžak leaders, Ugljanin and Ljajić, Belgrade looked with favour on the prospect of Turkey also reconciling the Muslim religious leaders), could not only be attributed to a desire to assert Turkey's increasingly important role as well as to historical and internal considerations. Islam arrived in these parts of the Balkans on the wave of Ottoman conquests. For hundreds of years, local Muslims have belonged to the religious community which had its seat in Istanbul and Islam developed under Turkish influence. Since there are more Bosniaks and their descendants in Turkey than in the former Yugoslavia, Turkey wishes to show that it is contributing to the stabilization of the situation in their native country.

Minister of Labour Rasim Ljajić also confirmed that the unification of the Islamic Community had fallen through: 'If things continue this way, I'm afraid we're closer to the collapse of the whole process than to any fruit it may bring.'<sup>858</sup> Zukorlić embraced the Turkish proposal at once, Zilkić did not, and the Bosniak ministers in the Serbian Government accused both Muslim religious leaders of being to blame for the failure. However, Zukorlić put forward a different version. In his view, the agreement to unify the Islamic community in Serbia was stalled 'because we have Belgrade's obstruction'. 'The things we've been saying for four years have now been confirmed. The government in Belgrade stands behind the aggression against the Islamic Community and behind the attempts to cause rifts,' he said. He considers that 'this is a political issue and it can only be dealt with by political means'. He also believes that it will be addressed after the elections.<sup>859</sup>

858 *Press*, 23 November 2011.

859 *Danas*, 21 December 2011.

## Conclusions and Recommendations

The situation in Sandžak last year was marked by political tensions and intra-Bosniak divisions fomented by Belgrade. At a time of a deep economic and social crisis in Serbia, the policy of 'pulling the wool over people's eyes' is what the authorities consider profitable in the short term. For this reason they are diverting attention from bigger problems, such as the need to reform government institutions and economic difficulties, to Sandžak's 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 2011 either.

Because economic recovery can hardly be expected in the election year 2012 either, further impoverishment may give rise to social and political turbulence. Serbia must pay special attention to Sandžak owing to its specific multiethnic 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, whose influence can be curbed by strengthening an official Islamic community and improving standards and education.

The Government has not demonstrated sufficient maturity and wisdom in its policy on Sandžak. Having two Bosniaks in the Government and making constant promises of investments and assistance are not enough to solve the local problems. These problems must be identified and dealt with in earnest.

Bosniak parties will probably participate in the future Serbian government as well. In order to stabilize the situation in that part of Serbia, the authorities should finally embrace and implement the idea of a single Islamic community. While Bosniaks are actively involved in Serbia's political life, Serbia has not fulfilled the obligation prescribed by law regarding the participation of members of minorities in the state services, the police and the judiciary above all.





## South Serbia: A Hotbed of Tension

The situation in northern Kosovo, which is controlled by radical Serbian leaders, has a serious potential for increasing tensions in southern Serbia, in the Albanian-populated municipalities. The prevention of the Kosovo authorities to place northern Kosovo under their control represents the source of continuous tensions in the three municipalities in southern Serbia (Presevo, Bujanovac and Medvedja), which especially affects the daily lives and needs of their citizens. The citizens in both regions located in the border areas are the hostages of such policy and unsettled neighborly relations.

In addition, the negotiations on technical issues between Belgrade and Pristina taking place in Brussels also exert influence on the situation in the municipalities of Presevo, Bujanovac and Medvedja or, more exactly, on the Albanian community in Serbia. Riza Halimi, President of the Party for Democratic Action and the only Albanian member of the Serbian Assembly, welcomed the agreements on the free movement of persons, civil registries and recognition of diplomas, stating that this "means an end of the ghettoization of the Albanian community in the Presevo Valley and allows for much freer relations with Kosovo".<sup>860</sup> All problems faced by Serbs living in northern Kosovo who often travel to Serbia, such as border crossing problems (e.g. high car insurance rates), also affect Albanians living in southern Serbia who are linked to Kosovo through their daily activities.

The agreement between Belgrade and Pristina for the mutual recognition of university diplomas is especially important for Serbian citizens who live in the municipalities of Presevo, Bujanovac and Medvedja and completed their university studies in Pristina and Tirana. This is also one of the vital prerequisites for the integration of young Albanians in southern Serbia, since they cannot find jobs in their fields in Serbia without the recognition of their diplomas.

Since higher education in their native language has not been available in Serbia,<sup>861</sup> young Albanians have mostly attended the universities in Kosovo<sup>862</sup> and Albania. A number of students from Bujanovac and Presevo also study at the University of Tetovo in Macedonia. Due to the non-recognition of diplomas, they have not had any opportunity to find jobs in their fields, primarily in the public administration, health and judicial sectors. This has resulted in a very high rate of unemployment among young educated Albanians in southern Serbia. Therefore, a great number of them emigrated to West European countries.<sup>863</sup>

Although the agreement on the mutual recognition of diplomas has been adopted, there is resistance to its implementation, which often comes from Serbia's academic circles. In Serbia, Pristina University diplomas have always been treated with disdain, while the expertise of Kosovo professors has been negated. Mirko Vasiljevic, Dean of the Faculty of Law, University of Belgrade, says that such a move will not bring quality to Serbia. "This is both my and public opinion that the quality of education at the University of Pristina is below the level maintained by the Universities in Serbia." Politicizing this issue, Mileta Poskurica, Professor at Kragujevac

861 The sections where courses are delivered in Albanians have only recently been opened – in Medvedja (the sections of the Faculties of Law and Economics of the Nis University were opened in 2009) and Bujanovac (in October 2011). The section of the Subotica Faculty of Economics, which was opened in Bujanovac, will admit 69 students, who will attend first-year courses in Serbian and Albanian. Students from Medvedja have complained about the quality of teaching: poor simultaneous interpretation into Albanian and a great distance from Presevo and Bujanovac. Due to these problems, a small number of students have enrolled at the Faculty in Medvedja.

862 According to the data provided by Albanians living in southern Serbia, 160-200 students from Presevo and Bujanovac are enrolled at the University of Pristina each year. ([www.politika.rs](http://www.politika.rs)) On 13 October 2011, about 1500 young people protested because of the non-recognition of their diplomas. They carried banners saying: "Stop discrimination!", "We want knowledge and diplomas from Pristina University!", "We want law and justice!" ([www.b92.net](http://www.b92.net), Tanjug, 13 September 2011).

863 According to MP Riza Halimi, "the number of Albanians in those three municipalities in southern Serbia has been halved since 2001 and many villages in the Ground Safety Zone, along Kosovo's border, have been abandoned". He claims that, according to some estimates, 25-30 thousand Albanians have emigrated from three municipalities. He also says that the total rate of unemployment is even 70 per cent.

University, holds that Serbia should not recognize the diplomas issued by Pristina University. "Such an act of capitulation would lead to another act, which might even end up recognizing the Republic of Kosovo and I think that the state should not do that", says Poskurica<sup>864</sup>.

Albanians living in southern Serbia also demanded earlier that the diplomas bearing the UNMIK seal should be recognized. In this connection, the representatives of the Albanian community appealed to Prime Minister Mirko Cvetkovic and the representatives of international organizations, primarily CSCE. Saip Kamberi, President of the Bujanovac Municipality, asked Albanian Prime Minister Sali Berisha as early as 2008 to get involved in solving the problem related to UNMIK-sealed diplomas. At that time, Minister of Education Zarko Obradovic rejected the recognition of Kosovo diplomas stating that this was the decision of the Serbian Government "for which there are many reasons".<sup>865</sup> Oliver Ivanovic, State Secretary in the Ministry for Kosovo and Metohija, admitted that this topic was placed on the agenda of the Brussels talks primarily at the request of Albanians from southern Serbia and that the Serbian Government acknowledged those views. On the other hand, according to Ivanovic, "none of the Serbs (...) or probably just few of them intend to seek employment in Kosovo institutions"<sup>866</sup>.

There are still problems related to Albanian textbooks as well as culture and history curricula and syllabi for three municipalities in southern Serbia. According to some data of the Helsinki Committee, there is a lack of understanding between the Ministry of Education and the Ministry of Local Self-Government relating to these textbooks. Namely, whereas Milan Markovic (DS), Minister of Local Self-Government and President of the Coordination Body for the Municipalities of Presevo, Bujanovac and Medvedja, insists on solving the textbook problem more efficiently, Minister of Education Zarko Obradovic (SPS) hinders the process. Markovic stated that solving this problem should be accelerated and that, despite everything, the Coordination Body could not carry out the task falling within

864 [www.politika.rs](http://www.politika.rs)

865 [www.politika.rs](http://www.politika.rs)

866 [www.politika.rs](http://www.politika.rs)

the competence of some other bodies<sup>867</sup>. He acknowledges the right of Albanians to be dissatisfied because of elementary and secondary school textbooks in view of the fact that their children have been using mimeographed notes and illegal textbooks deviating from the curricula and syllabi for 20 years already. "This is below any standard"<sup>868</sup>, says Markovic. In his opinion, this is not only the problem of Albanians, but also the problem of Serbia or, more exactly, the integration of Albanians: "Serbia can find itself in a situation that it has 60,000 citizens who don't know a word in Serbian and have not been integrated into its institutions"<sup>869</sup>.

Albanians living in the three municipalities in southern Serbia are still dissatisfied with their position. It must be noted that the Serbian Government also applies a double standard when requesting the same rights for Serbs in northern Kosovo which it denies to the Albanian community. In early 2012, the representatives of Presevo Valley Albanians called on Belgrade "to take measures to protect individual and collective rights of Albanians living in Serbia in accordance with the internationally proclaimed standards instead of discrimination and repression". By this Political Declaration, the Albanian councilmen again called on the international community, especially the European Union, to use all legal, political and diplomatic mechanisms in its contacts with Belgrade so that it should finally stop discriminating Albanians<sup>870</sup>. In the Declaration of the Assembly of all Albanian councilmen of the Presevo, Bujanovac and Medvedja municipalities it is requested that the Albanian-populated settlements be integrated with Kosovo, which is based on the conclusions of the referendum of 1 March 1992, when they almost as one voiced their support for political and cultural autonomy, including the right to join Kosovo.

This political declaration must be interpreted in the context of responding to the events in northern Kosovo and preventing Kosovo's institutions from establishing control over the whole territory of their state. Riza Halimi, President of the Party for Democratic Action, says that the

867 *www.b92.net*, 14 September 2011.

868 *www.b92.net*

869 *www.b92.net*

870 *www.e-novine.org*, 2 March 2012.

criteria to be used in solving the problems of Albanians living in southern Serbia should be the same as those used in solving the problems of other ethnic communities in the countries constituting the former Yugoslavia. Insofar as the integration of Albanians into state institutions is concerned, Halimi says that “the only real integration occurred when a multi-ethnic police force was created, while everything else was just symbolic”.

Saip Kamberi, President of the Bujanovac Municipality, said that the Declaration only confirmed the views set forth in the political platform of 2006. Kamberi also said that the platform announced the possibility that – should the international community change its position and allow the change of Kosovo’s border – Albanians living in southern Serbia would then request to join Kosovo. In his opinion, the idea of this declaration was to turn attention to the difficult position of Albanians in southern Serbia. According to Skender Destani from the Democratic Union of the Valley, seeking the solution for northern Kosovo could also have a very clear and observable impact on the Presevo Valley, that is, the municipalities of Bujanovac, Presevo and Medvedja. So far, the functioning of the mechanism of communicating vessels has also been evident – whatever happens in southern Serbia triggers a reaction in northern Kosovo and vice versa. The “politically turbulent area” in the Macedonian neighbourhood where there is still no stable multi-ethnic infrastructure in the functioning of state institutions should not be disregarded either<sup>871</sup>.

The Serbian Government reacted to the political declaration of the Albanian councilmen from three the municipalities in accordance with their election programs and activities. Interior Minister Ivica Dacic said to Albanians in southern Serbia that they should not “play with fire” and request the integration of those municipalities with Kosovo. Milan Markovic (DS), Minister of Local Self-Government, was somewhat more moderate. He holds that the decision of Presevo Valley Albanians is “part of their on-going election campaign”.

Although a number of agreements have been reached, including that on the free movement of persons, there are still tensions in the region when cooperation between the Serbian and Kosovo governments is in

871 *Danas*, 2 March 2012.

question. This especially affects the interests of citizens, since such meetings should serve for problem solving and the normalization of relations between the two neighboring countries. In early January 2012, Kosovo Minister of Diaspora Ibrahim Makoli was not allowed to pass the Serbian border crossing, thus being prevented from visiting Bujanovac and Presevo in order to talk with the representatives of the local authorities about the freedom of movement, insurance paid at the border crossing and recognition of diplomas<sup>872</sup>.

Interior Minister Ivica Dacic stated that everyone could enter central Serbia from Kosovo and Metohija as a citizen, in accordance with the Brussels agreement on the free movement of persons, if he or she produces the appropriate documents at the administrative crossing, but not as a politician. "The Ministry of the Interior was not informed that the visit of Kosovo Minister of Diaspora Ibrahim Makoli was scheduled. Everyone can come as a citizen, but not as the minister of diaspora"<sup>873</sup>, said Dacic. According to him, the Municipality of Bujanovac is not authorized to invite politicians and the procedure must be observed. "We haven't been informed of his coming; we have only obtained this information from Bujanovac". In his statement to the media, on 12 January he explained why Minister Makoli was denied entry into Serbia, Dacic also mentioned the recent visit of Serbian President Boris Tadic and Minister for Kosovo and Metohija Goran Bogdanovic to Decani Monastery, and emphasized that nobody condemned the recent attack on Serbian President's convoy, Bogdanovic's car and bus carrying Serbs.

Albanians living in southern Serbia boycotted the census in the first half of October 2011, expressing their discontent with the current situation.

872 *www.b92.net*, 12 January 2012.

873 *www.b92.net*.

## **Conclusion and Recommendations**

A necessary step towards the integration of young people from the three municipalities in southern Serbia and their stay in the region is to implement the agreement on the mutual recognition of diplomas between Belgrade and Pristina as soon as possible.

It is necessary to intensify formal meetings between Serbian and Kosovo politicians in the interest of citizens and solving their problems. Any resistance to such meetings is contrary to the interests of the citizens of the two countries. This is also a necessary step towards the normalization of relations between Kosovo and Serbia.

It is necessary to start as soon as possible with integrative programmes involving primarily young people and women in order to start building a new foundation of multiculturalism within which different communities will communicate among themselves and cooperate, and will not tend towards self-isolation. In this connection, civil society organizations can be of great assistance.

Solving the problem of northern Kosovo in accordance with the international standards (including primarily the Helsinki Charter and Copenhagen Documents) is in the interest of Serbia itself and relaxation of tensions in the three municipalities in the southern part of the country. If Serbia requests ethnic territorial autonomy for northern Kosovo, it must be ready to offer the same to Albanians living in southern Serbia.





## **XIII – SERBIA AND NEIGHBORING COUNTRIES**



## Serbia and Its Neighbors: Mutual Distrust

Croatia has made the biggest progress towards EU integration in the entire region: EU has closed accession negotiations with Croatia. Montenegro has obtained EU candidacy and expects the decision on accession negotiations in 2012. Serbia also obtained EU candidacy in March 2012. Though an EU candidate since 2005 Macedonia has not started yet accession negotiations because it is still in dispute with Greece over the name of the country. Albania applied for EU candidacy in 2009 but has not obtained it so far. Political crisis hampered Bosnia-Herzegovina's movement towards EU integration. It signed SAA with EU in 2008.

Findings of the survey "20 Years after 1991" conducted by IPSOS Strategic Marketing and European Fund for the Balkans, citizens in the Western Balkans nourish mutual distrust and do not perceive the region as a common cultural space. Further, they would rather travel to EU countries than to those in the region they had never seen. The great majority takes that they would be living better had Yugoslavia been preserved.<sup>874</sup>

The survey – conducted in 2011, 20 years after Yugoslavia's dissolution – focused on two generations: people born in 1971 and in 1991. The purpose of surveys as such, said Hedvig Morvai-Horvat, executive director of the European Fund for the Balkans, is to determine differences and similarities between generations and what could possibly be expected from them. This specific survey demonstrated that 25-40 percent of interviewees trusted other nations. Citizens of Kosovo and Serbia trusted one another the least, while citizens of Macedonia and Bosnia-Herzegovina had most confidence in one another.<sup>875</sup>

874 <http://www.euractiv.rs/eu-i-zapadni-balkan/3715-nepoverenje-meu-narodima-sfrj>, March 9, 2012.

875 Ibid.

As for Serbia, 43 percent of interviewees said they had confidence in Slovenes. They trusted others less – 33 percent said they trusted Montenegrins and only 9 percent Albanians. Only 7 percent of citizens of Kosovo said they had confidence in Serbs.

Further, citizens of the Western Balkans (Serbia, Kosovo, Montenegro, Macedonia, Croatia, Bosnia-Herzegovina and Albania) that perceive the region as a common cultural space are rather few – 6 percent in Bosnia-Herzegovina, 2 percent in Montenegro and Macedonia respectively, and 1 percent in Croatia and Serbia alike.<sup>876</sup>

The causes of such attitudes towards one's neighbors are the legacy of the past and unwillingness to overcome it. This primarily refers to Serbia that still denies the new reality in the region. Moreover, strong currents in the society and in the administration still question the borders of the newly emerged states and hold that the Serb question has not yet been solved. This generates misgivings in neighboring countries, especially in Bosnia-Herzegovina, Montenegro and Kosovo.

What Serbia badly needs is a new ideology of inclusion and multiculturalism, and recognition of its neighborhood. The model of Vojvodina's coexistence and interethnic tolerance could well serve as foundation for this new ideology.

876 Ibid.

## Bosnia-Herzegovina: Safeguard of a Booty

Although 15 years have passed since the signing of the Dayton Agreement, Bosnia and Herzegovina (BiH) is yet to achieve integration within its borders. At the root of this state of affairs is the status inequality produced by the Dayton Agreement. Fifteen years on, the international community is aware of the shortcomings of the Agreement. While the Serbs have achieved a fully autonomous status for Republika Srpska (RS) as a result of their strategy and persistence, the Federation is faced with continuous tensions between the Bosniaks and Croats. In terms of strategic security, both the Croats and Serbs possess considerable strategic depth, estimating that their security lies in integration with Croatia and Serbia respectively.

As far as Serbia is concerned, the Dayton Agreement is not looked upon as a final solution but as a tactical step putting off the final reckoning. This is manifested on a daily basis by Serbia's state policy, with RS President Milorad Dodik playing the role of chief executor of this policy in RS.

With this aim in view Serbia continues to pursue the same policy towards BiH with the primary objective of preserving the status of RS. This priority is what determines its behaviour towards Sarajevo. Belgrade's support for Dodik's policy of undermining Bosnia is manifested daily not only by frequent visits by Serbian politicians to Banjaluka but through numerous publications, round tables, media reports and the like. To this should be added the public's views about the future of RS both in Serbia and in RS. It is generally held that RS is inseparable from Serbia on both economic and cultural planes. Their political integration is believed to be a matter of time. The relationship between Serbia and RS, in the words of Brano Miljuš, 'has never been on a higher level and should be jealously guarded.'<sup>877</sup> RS is considered as a state in its own right and the position

<sup>877</sup> Brano Miljuš, 'Povodom 15 godina Dejtona: BH zemlja

that its statehood was cemented by the Dayton Agreement is constantly repeated in public. The Dayton Agreement, it is stressed, 'has the following major achievement: recognition of the statehood of RS, in spite of the fact that it is officially designated as an "entity". Republika [Srpska] is a state after all.'<sup>878</sup>

On the occasion of the 15th anniversary of the Dayton Agreement, a number of conferences and round tables were held on the subject of the strategy on the future of RS. Slobodan Samardžić is of the view that the position of the Serbian state on the survival of RS and its push for independence is of the greatest importance. He believes that staking Serbia's fortune on European integration would prevent Serbia from helping the preservation of RS. In other words, Serbia is too much exposed to broad political conditionality by the European Union to be able to pursue convincingly such an authentic political endeavour as unconditional support to RS.<sup>879</sup> Also well known is Vojislav Koštunica's position that Serbia should tell Brussels that 'our state goal is no longer accession to the EU'. RS is the state goal which is above both membership of the EU and the fundamental national interests of Serbia itself.

RS is treated as a new fact emerged in service of defending the constitutional status of the Serb people and internationally verified by the Dayton Agreement. The international efforts to revise the Dayton Agreement have met with the determination of RS and Serbia to preserve the document in its original form. A possible collapse of the Dayton Agreement, according to Svetozar Stojanović, can only be violent, and RS would have to defend its existence by other means and through other solutions.<sup>880</sup>

The events from the 1990s and their interpretation remain the main obstacle to the normalization of relations between Serbia and BiH. Besides, Serbia's opposition to a revision of the Dayton Agreement shows that Serbia is not ready to make a constructive contribution to the efforts

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večite tranzicije', NSPM, Belgrade 2011. p. 26.

878 Blagoje S. Babić, 'Jedan narod s obe strane Drine', NSPM, Belgrade, 2011. p. 157.

879 'Petnaest godina Dejtonskog sporazuma i budućnost Republike Srpske', Nova srpska politička misao, Belgrade 2011, p. 207.

880 Ibid.

to turn BiH into a functional state. Although, during his first official visit to BiH, Serbian President Boris Tadić supported the territorial integrity of BiH, other actors on the political scene, both formal and informal, are letting it be known daily that they will not give up RS as the spoils of war.

In this regard, Dobrica Ćosić's latest book *Bosanski rat* (The Bosnian War), written in diary form covering the period 1992-95, is highly indicative. The timing of its publication and its messages are not only addressed to Bosnia, but above all to the Serb political elite and its 'still unfinished task'. The book portrays the Bosnian Serbs as the victims of the Muslim-Croat coalition and RS as the only Serb war victory in the second half of the 20th century. In his entry on 16 May 1992, Ćosić writes: 'The Muslims have declared war on the Serbs with a view to their complete conquest of BiH and extermination of the Serbs in the first Muslim republic in Europe.'<sup>881</sup> At the presentation of the book in the Youth Centre, Ćosić addressed the audience with the following words: 'The book about the Bosnian war is my defence of the liberties, truth and national rights existing in Republika Srpska, that very costly yet unique political and war victory of the Serb people in the second half of the 20th century.'<sup>882</sup>

In Serbia publications of this kind have already cemented the interpretation of the war in Bosnia in spite of the fact that the majority of judgments rendered by the Hague tribunal are linked to this war and to Serb crimes against Bosniaks. Disregard for the International Criminal Tribunal for the Former Yugoslavia (ICTY) and for collected and documented evidence about the war in Bosnia is additionally complicating the relationship with BiH, particularly the relations between the Serbs and Bosniaks.

881 [http://www.slobodnaevropa.org/content/cosiceva\\_rehabilitacija\\_ratne\\_politike\\_devedesetih/24507663.html](http://www.slobodnaevropa.org/content/cosiceva_rehabilitacija_ratne_politike_devedesetih/24507663.html).

882 Ibid.

## Republika Srpska Marks its 20<sup>th</sup> Anniversary

The marking of the 20th anniversary of the establishment of RS was accorded special importance. The fact that RS is regarded as having been established on 9 January 1992, when Bosnia still existed as the territorially undivided Republic of BiH (and was as such admitted to the United Nations on 6 April 1992), gives the lie to the endeavours to prove that RS is not a genocidal creation. However, in view of the fact that RS was territorially delimited during the 1992-95 war, insistence on the continuity of its 'statehood' implies its *de jure* and *de facto* responsibility for the ethnic cleansing, war crimes against humanity committed on that territory during the period.

During the celebrations it was stressed that 9 January (1992) was without doubt the most significant date in the history of the Serb people in those parts because it was on that date that the youngest Serb state was formed. Felicitations on Day of Republika Srpska were extended by President Boris Tadić and other state officials as well as by representatives of the Serbian Orthodox Church (SPC) and the Army of Serbia. Dodik said on the occasion that RS is a 'permanent legal, territorial and political category and therefore accepts only the BiH which was verified by the authentic Dayton Agreement and which respects RS'. He said that RS is not a disruptive factor but an equal partner in talks with representatives of the other entity and constituent peoples.<sup>883</sup>

Serbian media referred highly selectively, without giving any details, to the 20th anniversary of the beginning of the siege of Sarajevo (6 April 2012). Such reporting is part of increasing efforts to call into doubt the very siege of Sarajevo by insisting that the Bosniaks started the war. *On the day when war reporters from all over the world and numerous international personalities gathered in Sarajevo, Dodik said that fascism in 1992 was the cause of the exodus of 150,00 Serbs from the city. 'Sarajevo lacks the 150,000 Serbs who could not endure the fascist policy of Alija Izetbegović and government of the time and they therefore left the city,' he said.*<sup>884</sup>

883 *Politika*, 10 January 2011; *Press*, 10 January 2011.

884 *Srna*, 6 April 2012.



## Rehabilitation of Draža Mihailović

The rehabilitation of the World War Two Chetnik commander, Dragoljub 'Draža' Mihailović, is yet another long-term strategic blow against both positive human values and the stability of the whole region, particularly in BiH. Because Mihailović's rehabilitation has a special impact on the establishment of coexistence and mutual toleration in BiH, numerous intellectuals and institutions in BiH found it necessary to react.

The association of intellectuals of Podrinje region stressed in a statement that 'to speak about the Ravna gora Chetnik movement as an internal affair of Serbia is as cynical as if one were to refer to Nazism as an internal affair of Germany. This act is the rehabilitation of fascism in a neighbouring state which, not so long ago, carried out an aggression and financed the perpetrators of genocide on the soil of BiH; therefore, the consequences will seriously affect many ongoing processes in BiH if the petition to rehabilitate Dragoljub Mihailović is granted.'<sup>885</sup>

Historians in BiH say that rehabilitation of Draža Mihailović would mean rehabilitation of the whole Chetnik movement. Such a revision of history would leave out of account, inter alia, the crimes committed by the Chetnik movement during the Second World War. Because the last war in BiH was foreshadowed by, inter alia, the appearance of Chetnik iconography, the announcement of rehabilitation of the Chetnik leader was considered in BiH as very dangerous.

The director of the History Institute in Sarajevo, Husnija Kamberović, thinks that Mihailović's rehabilitation would 'literally mean a threat to the sovereignty of the country because rehabilitation of the Chetnik movement implies also rehabilitation of the Chetnik ideology, and we know that that ideology strove for the creation of a Greater Serbia in which there would be no place either for Bosnia or for some peoples living in Bosnia'. The former president of the Presidency of Yugoslavia, Raif Dizdarević, says that Mihailović's would rehabilitate the movement which committed the most atrocious crimes in BiH, crimes as great as those committed by the Ustashe movement. 'If one rehabilitates a person who was at the head of

885 Fena, 1 April 2012.

such a movement, such a policy and such crimes, one has in effect rehabilitated everything that makes up fascism,' he said.<sup>886</sup>

The president of the National Liberation War Veterans' Federation of RS, Blagoje Gajić, said that Mihailović's rehabilitation would be unacceptable. He said that only law could prevent the pernicious activities of the Chetnik movement in BiH. 'These Chetnik organizations ought to be made to bear the brunt of the law once and for all. What else can we use to ban them if not the law? If the law says "do this", then you do it,' he said.

Various associations, branches and sub-branches of the Chetnik Ravna Gora Movement are active in BiH precisely because there is no legislation banning fascist organizations. Two years ago in Trebinje, such organizations repeatedly announced, without any interference, their intention to establish training centres. Rehabilitation of Draža Mihailović can only aggravate the already difficult situation in BiH because such ideas can give rise to a new wave of historical revanchism.

## **New Government Obstructed from all Sides**

General elections in BiH were held in October 2010 and the Council of Ministers (central government) was formed more than a year later. In the BiH Federation the majority of votes were won by the Social Democratic Party of BiH (SDP) and the Party of Democratic Action (SDA), while in RS the best results were achieved by the Alliance of Independent Social Democrats (SNSD) and the Serb Democratic Party (SDS).<sup>887</sup> Because no party succeeded in winning an absolute majority, agreements and coalitions were necessary for the formation of the executive. Further, the parties which had won the confidence of the electorate failed to agree on the allocation of functions in the BiH Council of Ministers.

Lack of political will on all three sides and absence of a vision of a unitary Bosnia are the main reason for the late formation of its government. Bosnia lost time and the chance of being granted EU candidate status because it did not have a central government. On several occasions the

<sup>886</sup> Radio Free Europe, 21 March 2012.

<sup>887</sup> <http://www.izbori.ba>.

international community urged, in vain, the prompt formation of a government as a necessity. In the dispute between the SDP and the Croatian Democratic Union (HDZ), Dodik and the Serb parties were on the side of the latter. Dodik has long been supporting the Croats in their efforts to win for themselves a better status in the BiH Federation, i.e. in their demands for a third, Croat entity.

Lack of political will on all three sides in Bosnia, insufficiently constructive engagement by neighbours, particularly Serbia, and lack of imagination in the international community for approaching Bosnia from a new angle are creating room for various scenarios playing into the hands of Serb nationalists.

A recent analysis in a publication by the Friedrich Ebert Foundation under the title 'Bosnia and Herzegovina: A Scenario of Future Developments', does not rule out the possibility of the state falling apart.

The publication says that while countries in the neighbourhood, Croatia, Serbia, Montenegro and Macedonia, will join the EU between 2013 and 2020, 'owing to the unresolved national question [BiH] will remain isolated'. Both the international community and the communities in BiH themselves realize that after 2015 a peaceful dissolution will be the only solution, it says. It also predicts that the EU, Russia and Turkey will reach consensus on the dissolution of BiH and that a 'Dayton 2' conference, resulting in a dissolution agreement, will be held in 2022. According to the scenario, a portion of the Bosniak population dissatisfied with the agreement will express its disappointment through violent actions. The publication puts forward four other scenarios of developments in the next two years and beyond. According to one, in spite of the BiH constitutional framework remaining unchanged, BiH will become an EU member in 2025 after all. A second scenario sees BiH as a decentralized and functional state, while according to a third there will be regional cohesion between BiH and neighbouring countries. And finally, BiH is envisioned as becoming a functional centralized state in the wake of conflicts and a NATO intervention.<sup>888</sup>

888 *Danas*, 4 April 2012, 'Dejton dva za raspad države'.

The director of the Foundation office, Paul Pasch, says that the suggested scenarios are not predictions but a 'point of departure in an intellectual exercise' which will stimulate policymakers to show more resolve in their reform activities and the implementation of their political strategies.<sup>889</sup>

## Denial of Bosnia

During 2011, the state of BiH was denied strongly and in many ways.

The most serious attempt to undermine the state community was made by RS, with the RS National Assembly adopting, at Dodik's initiative, a decision to call a referendum in RS on whether to abide by the decisions imposed by the high representative in BiH, particularly those relating to the BiH Court and Prosecutor's Office. Dodik's explanation for the decision was that the institutions in question had become excessively politicized and had no basis either in the Dayton Agreement or in the BiH Constitution. He said that the state of BiH had no legal competences whatever save for the Constitutional Court of BiH.<sup>890</sup>

The referendum decision was criticized by both Sarajevo and the international community. The BiH Federation said, in response to the announced referendum in RS, that it would adopt a declaration of BiH's commitment to Europe and NATO. The announcement provoked a stormy reaction in RS. The RS National Assembly president, Igor Radojčić, reacted immediately by stating that entities could not impose any decisions on each other and that the BiH Parliament had no authority to decide on the positions of the RS National assembly. The SNSD warned the Federation Parliament that it had no right to 'promote itself into the proprietor of European and Euro-Atlantic integration in BiH. RS alone will regulate its competences based on the Dayton Agreement and the Constitution.'<sup>891</sup>

The majority of members of the Peace Implementation Council consider that a referendum in RS would be in violation of the Dayton Agree-

<sup>889</sup> Ibid.

<sup>890</sup> *Politika*, 12 March 2011.

<sup>891</sup> *Politika*, 20 April 2011.

ment and destabilize the country, and that therefore it should not be permitted even under pain of sanctions against Serb politicians.<sup>892</sup> High Representative Valentin Inzko said he would prevent implementation of the referendum decision because his duty was to ensure respect for the Dayton Agreement.<sup>893</sup> Although Inzko failed to secure the full backing of the UN Security Council and the Peace Implementation Council for using his Bonn powers, the international community stepped up pressure on Serb politicians to withdraw the referendum decision themselves.<sup>894</sup>

Following the visit to Banjaluka by the high representative of the Union for foreign affairs and security policy, Catherine Ashton, RS accepted the suggestion to delay the referendum in return for the promise of a dialogue on reforming the BiH judicial system. The RS vice-president, Dr Emil Vlajki, said that the referendum might be postponed if the international community would help to eliminate the deficiencies in the work of the BiH Court and Prosecutor's Office.<sup>895</sup> The International Crisis Group recalled that because the BiH Court and Prosecutor's Office had been voted by the BiH Assembly in regular procedure and enjoyed the support of the international community, their existence could not be called into question even by a referendum.

The goal of RS is amending the Law on the Court of BiH and the Law on the Prosecutor's Office of BiH. Dodik interpreted Ashton's visit and promises of initiating a reform of the judiciary as indicating that RS had become a political factor to be reckoned with, and that it was the raising of the issue of referendum that had brought about these results. On the other hand, the opposition in RS believes that putting off the referendum meant a heavy defeat and that RS should have gone all the way.<sup>896</sup>

RS's criticism of the Court and Prosecutor's Office of BiH boils down to four main things: most of the proceedings are against Serbs; retroactive application of the 2003 law; the possibility of the BiH Court president

<sup>892</sup> *Politika*, 15 April 2011.

<sup>893</sup> *Večernje novosti*, 25 April 2011.

<sup>894</sup> *Blic*, 6 May 2011.

<sup>895</sup> *Večernje novosti*, 7 March 2011.

<sup>896</sup> *Politika*, 14 May 2011.

appointing both the first – and second-instance court panels; territorial jurisdiction of the Prosecutor's Office.<sup>897</sup>

The object of the structural dialogue on reforming the judicial system, Stefan Fuehle said, is the creation of an independent, impartial and autonomous judicial system in BiH. Bakir Izetbegović believes that reform of the judiciary system will lead to statutory amendments, formation of some institutions and amendment of the statutes of existing ones, and that no change would be possible without the consent of parliament and all in BiH.

In connection with the referendum, Serbia maintained its position of supporting the 'territorial integrity of BiH and accord of the three peoples and two entities'. Nevertheless, Foreign Minister Vuk Jeremić, who advocates a harder line on BiH, indirectly supported the referendum by saying that decisions of the RS National Assembly were in accordance with the law and must be respected. After the EU and RS reached agreement, Jeremić openly called for the withdrawal of the international community from BiH, saying it should be governed by the democratically elected representatives of the peoples living in it.<sup>898</sup>

After giving up the referendum, Dodik continued to promote RS as being completely independent of BiH. He argues that a single nation cannot possibly be built in BiH on the American model because BiH is made up of three constituent peoples and several national minorities, and that trouble began with the commencement of the project of developing government institutions and a nation-state. He says that one cannot build in BiH a society functioning according to the principle 'one man – one vote' because that would inevitably make it possible for the majority Bosniak people to outvote the rest and treat them with arrogance. For this reason, he says, BiH cannot exist as it was before and can survive as a territorially integrated country only with strong confederal units and wide autonomy for RS up to and including full autonomy of RS within BiH. Also, he says,

897 *Politika*, 10 May 2011; *Večernje novosti*, 18 May 2011; *Večernje novosti*, 20 May 2011.

898 *Danas*, 16 – 17 April 2011.

RS will oppose further efforts of Turkey and Islamic countries to build a unitary Bosnia.<sup>899</sup>

At the beginning of 2010, RS adopted the Law on State Property under which state property would pass on to the entities – a step closer to the disintegration of Bosnia. The adoption of the Law provoked a reaction from the BiH Federation and the international community. This time Valentin Inzko exercised his Bonn powers and stopped implementation of the law on pain of sanctions for failure to do so. Dodik claimed that the Law could not be cancelled because BiH had no property and its Constitution did not say it had. Dodik wrote to the ambassadors of EU member countries and to the Peace Implementation Council in BiH, challenging the legality of Inzko's suspension of the Law on the Status of State Property located on RS territory.<sup>900</sup>

Dodik used every opportunity to argue that BiH is a failed experiment of the international community and cannot survive as a state. He stressed that the only part of BiH functioning properly was RS, that it would not accept a subservient position and should be accepted and respected.<sup>901</sup> RS can do without BiH because BiH has been of no use to it whatever, and it will never agree to the unitarization of the state because that would put the Bosniaks in a dominant position. RS sees an additional problem in the relations between Banjaluka and Sarajevo in the fact that the Bosniaks continually call upon the international community to intervene and impose partial decisions at the expense of RS. Such interventions frequently imply a threat of sanctions and the exercise of the 'nonexistent' Bonn powers, it is said. Dodik attributes all the problems in BiH to the arrogance of the Bosniak political elites, something RS finds unacceptable. He points out that BiH is a deeply divided country in every respect: cultural, territorial, political, sporting... These divisions, he says, will bring about a natural division and dissolution of the state. Some university professors in Sarajevo and Banjaluka agree.<sup>902</sup>

899 *Politika*, 22 May 2011.

900 *Politika*, 10 January 2011.

901 *Politika*, 21 March 2011.

902 *Press*, 7 June 2011.

Interpretation of the Dayton Agreement is an additional problem in relations within BiH. Although the Serbs had long challenged the agreement, now they accept it as the foundation of BiH and insist on its strict observation. This position implies that no amendment of the Dayton Agreement is possible. On the other hand, Sarajevo maintains that it is non-functional and the international community agrees.<sup>903</sup> As regards the Croats, they believe that they are in an unenviable position and that discrimination against Croats by Bosniaks must be eliminated by forming a Croat territorial unit.<sup>904</sup>

### **Economic Relations: Focus on RS**

Milorad Dodik is a welcome guest in Belgrade and his policy is supported in many different ways. Serbian Prime Minister Mirko Cvetković honoured him with the Gold Dinar of Tzar Dušan award for strengthening economic and cultural ties between Serbia and RS. Dodik said on that occasion that the relations between RS and Serbia had never been better. These relations are manifested by joint sessions of the Serbian and RS governments. Two such sessions were held during 2011, one in Banjaluka and the other in Belgrade. At the first joint session, the Serbian Government committed itself to providing a several-million very-low-interest credit for various projects of RS. As many as 27 various agreements were signed on that occasion.

The BiH Presidency members, Željko Komšić and Bakir Izetbegović, repeatedly criticized the close relationship of Boris Tadić and Milorad Dodik. In connection with the joint session, Izetbegović said that while Serbia and RS were entitled to a special relationship, the arrival of the complete government from Belgrade was a bit too much.

The visit to Banjaluka by a delegation of the Serbian Progressive Party (SNS) was a sign that Dodik is an unavoidable factor in Serbia. The SNS deputy president, Aleksandar Vučić, said that he was pleased with the visit and that Serbia should not remember that RS exists only for the purpose

903 *Pravda*, 11 October 2011.

904 *Večernje novosti*, 20 November 2011.



of electioneering and photo opportunities: 'It is necessary that we should develop the best and closest possible relations in accordance with the Agreement on Special Parallel Relations and the rights we have under the Dayton Agreement.'<sup>905</sup>

### **Tadić's First Official Visit to Sarajevo**

It was not before July 2011 that President Boris Tadić made the first official visit to Sarajevo. During the visit, he said that Serbia desired the closest friendly relations with BiH and was willing to address all the remaining open issues between the two countries. He also said that Serbia wanted to have special relations with the BiH Federation along the lines of those it has with RS. He stressed that Serbia's support for the integrity of BiH was not merely declaratory but was also manifested in political practice.

Tadić touched upon the subject of war crimes, saying he had great reserve and distance about any person accused of war crimes and named Divjak (Jovo), Ganić (Ejup), Karadžić (Radovan) and Mladić (Ratko). The statement drew a protest from the supreme head of the Islamic community in BiH, Mustafa Cerić, who said that likening academician Ganić to the war crimes suspects Karadžić and Mladić was utterly hypocritical and immoral. He recalled that Ganić had been acquitted by a competent court in London of all the charges fabricated against him by the Belgrade security services over the years. The Serbian president, he said, must realize once and for all that those who defended Sarajevo courageously and honourably and those who shelled it for four years are not of the same kind.<sup>906</sup>

High-level political meetings between Belgrade, Zagreb and Sarajevo continued as a result of pressure and demands from the EU, which considers regional cooperation a key requisite for accelerating Balkan countries' European integration. Meetings between Izetbegović, Josipović and Tadić were particularly frequent.

<sup>905</sup> *Politika*, 8 February 2011.

<sup>906</sup> *Press*, 6 June 2011.

Tadić, Josipović and the three members of the BiH Presidency had an informal meeting on the Brioni Islands in July 2011. After the meeting, Tadić said that the participants had concluded that it was necessary to speed up European integration of all states on the territory of the former Yugoslavia. He said that the relations between the three countries as well as the personal relations between the three heads of state were excellent. While some open issues such as borders, property and material succession remain, he said, the potential for the solution is great. Josipović saw the meeting as an important continuation of the process of political reconciliation and that in the future tripartite meetings would be held at least once a year. Komšić said that the states must help each other and that the talks had been open and sincere.<sup>907</sup>

### **Dodik's Attitude towards Kosovo**

In its attitude towards Kosovo, RS follows Belgrade's official line of not recognizing Kosovo as an independent state. Dodik says that the national divisions in Kosovo reflect the failure of the international community's approach and that he supports the Kosovo Serbs in their struggle to realize their legitimate rights. He says that the international community has long made moves which harm the interests of the Serb people wherever it lives and particularly in Kosovo.<sup>908</sup>

Owing to the RS attitude, BiH as president of the UN Security Council failed to agree on a final text on Kosovo to be submitted to the Security Council. When violence broke out in Kosovo in the summer of 2001, Serbian Foreign Minister Vuk Jeremić asked BiH to condemn in the Security Council Pristina's unilateral decision to dispatch special operations units to the north of Kosovo (with some analysts claiming that the request included elements of threats). However, Željko Komšić, one of the Presidency members, said that in the Security Council BiH would present its

907 *Press*, 19 July 2011.

908 *Politika*, 1 August 2011.

own position and will pursue its own interests rather than those of Serbia or Kosovo.<sup>909</sup>

Dodik made many statements about Kosovo, saying that all that was going on in Kosovo was the result of the mistake Serbia made when, under pressure from the US and Europe, it withdrew its declaration condemning the illegal proclamation of Kosovo's independence. During a visit to Kosovo, Dodik met the mayors of northern Kosovo municipalities and promised that RS media would make sure that the truth about the north of Kosovo is heard in the world. He likened the situation in Kosovo to the situation in RS, saying that RS fully understood what was going on in Kosovo because it itself had gone through that. He said that the situation in the north of Kosovo was slowly deteriorating into a concentration camp where people are denied freedom of movement, are subjected to violence and are shot at in spite of being unarmed.<sup>910</sup>

Dodik later softened his rhetoric and admitted that Serbia could no longer prevent the seizure of Kosovo. Nevertheless, he said that Serbia should never recognize Kosovo and should set aside considerable funds for those Serbs who choose to stay there or provide free land throughout Serbia for those who want to emigrate. He also invited Kosovo Serbs to live in RS.<sup>911</sup>

## Turkey in Bosnia

RS regards Turkey's presence in the region and its increasingly important role in regional relations as anti-Serb. This position was taken at the time of the Istanbul 2010 meeting of Haris Silajdžić, Boris Tadić and Turkish President Abdullah Gül which resulted in the Istanbul Declaration. Misunderstandings between Turkey and RS continued in 2011, resulting in the cancellation of a meeting between Turkish Foreign Minister Ahmet Davutoglu and Nebojša Radmanović. Davutoglu had already met Dodik. The

909 *Pravda*, 14-15 May 2011.

910 *Politika*, 6 October 2011.

911 *Danas*, 27 October 2011.

meeting was called off because the RS decided to display only its own flag whereas Turkey wanted to see the BiH and Turkish flags as well.<sup>912</sup>

The Istanbul 2010 meeting was positively assessed in Serbia, Turkey and the BiH Federation. A new trilateral meeting followed at Karađorđevo in 2011 with all three BiH Presidency members present. That was the first visit to Serbia by a Bosniak member of the BiH Presidency in 20 years.

The meeting was fruitful because, *inter alia*, Tadić declared that Serbia would never approve of a referendum leading to the division of BiH or otherwise calling into question the integrity of that country. Bakir Izetbegović said that he was pleased with what he had heard from Tadić during the meeting and that that would help improve the relations of the two countries. Sarajevo and Belgrade can discuss all contentious issues without patrons being involved, he said. He said that the demands for Sandžak's autonomy were unnecessary because the matter of disintegration in the Balkans is a closed chapter.

At the meeting, Nebojša Radmanović raised the question of war crimes indictments that were causing a lot of problems and said that a meeting of Croatia, Serbia and BiH was possible to address the matter. Željko Komšić also said that a meeting might be held in connection with the matter and that Tadić's position on referendum was a very important signal to BiH.<sup>913</sup>

The opposition in RS criticized the Karađorđevo meeting, saying that the roadmap for such cooperation had been traced by Haris Silajdžić with a view to helping Turkey to pursue its neo-Ottoman goals. Although he made no comments about the Karađorđevo meeting, Dodik agreed in principle. He believes that Turkey's presence is bad because Turkey is partial and supports the Bosniaks.<sup>914</sup>

912 *Politika*, 1 February 2011.

913 *Danas*, 27 April 2011.

914 *Politika*, 26 April 2011.

## **RS vs. Sarajevo and the Federation**

Republika Srpska's attitude towards Sarajevo is generally negative, with Sarajevo looked upon as Banjaluka's rival in most respects. RS politicians react vehemently to any mention of revising the Dayton Agreement.

Rajko Vasić of the SNSD considers the issues of population census and military property of much more far-reaching importance. He warned that a population census according to the wish of the unitarianized Sarajevo circle raises the possibility of a constitutional disappearance of Serbs in BiH. As regards the military property, Vasić is convinced that the Sarajevo unitary state wishes to create on the territory of RS extraterritorial areas in Sarajevo's possession in order to carry out the 'Vaticanization of [Republika] Srpska'. He also does not support Sarajevo's sincere efforts to confront the past. He regards the initiative to erect a monument to the victims of war at Kazani in Sarajevo as a 'belated' initiative of the 'fake SDP-ite Serbs which is a mere show'. He says that the 'purely Muslim Sarajevo is the biggest monument to the killed, tortured and exiled Serbs from that city'.<sup>915</sup>

## **The agreement on Cooperation between Prosecution Offices**

RS has had a negative attitude to the BiH Prosecutor's Office since the beginning. Its most vociferous critic, Milorad Dodik, has succeeded in having the international experts removed from the Prosecutor's Office. His chief argument is that the number of Serbs convicted so far has been out of all proportion compared with the number others. This argument is also part of a strategy to relativize the responsibility for the war in Bosnia. The director of the RS Centre for War Crimes Investigation, Janko Velimirović, says that the prison sentences imposed on Serbs by the Court of BiH for war crimes are three times as long as those imposed on Croats and Bosniaks taken together. He says that the Court and Prosecutor's Office of BiH violate human rights by largely imitating the Hague tribunal.

<sup>915</sup> *Politika*, 24 September 2011.

At Dodik' request, the RS National Assembly discussed a paper on the work of the Prosecutor's Office and Court of BiH concerning investigation and processing of war crimes in BiH. The president of the veterans' organization, Pantelija Ćurguz, says that the justice institutions have a selective approach to processing war crimes to the detriment of RS.<sup>916</sup>

The signing of the Agreement of Exchange of Evidence in War Crimes Cases was an event that attracted considerable attention in 2011. The signing had been announced several times and put off each time. The main stumbling block was the nearly universal negative attitude to the agreement in the BiH Federation, based on the belief that Serbia would not abide by it and that BiH would gain nothing by it. The president of the Court of BiH, Medžida Kreso, was adamantly against the agreement on the grounds that it would be detrimental to BiH because it was not based on reciprocity. The Party for BiH argues that, because under the agreement all cases of war crimes committed in BiH would be referred to the state in which the suspect has his or her permanent residence, BiH would renounce its competence to process thousands of suspects with Serbian citizenship.

The signing was once postponed at the intervention of the BiH Presidency. The BiH Prosecutor's Office had received a letter from the chair of the BiH Presidency, Željko Komšić, in which he warned the Prosecutor's Office that the Presidency was the only body with competence to conclude international treaties on behalf of BiH.<sup>917</sup>

At the trilateral meeting (Tadić, Josipović and the three-member BiH Presidency) on Mount Jahorina (BiH) in February 2012, Tadić supported the initiative of his Croatian opposite number Josipović to facilitate the processing of war crimes suspects by concluding an intergovernmental agreement between Serbia and Croatia. Komšić said that BiH did not join the initiative because there was no consensus on the matter. He said, 'That is a particularly sensitive issue in BiH. I consider it natural that a person should be tried where the crime was committed.' He said that BiH had not signed with the Serbian and Croatian prosecutors' offices even an agree-

<sup>916</sup> *Pravda*, 12 April 2011.

<sup>917</sup> *Politika*, 13 June 2011.

ment on cooperation in war crimes cases because the 'procedures were not respected'.<sup>918</sup>

## RS Support for the Croats

RS has long supported the Croats' drive for a third, Croat entity in BiH with a view to the final dissolution of BiH. The Croats believe that they are in an unequal position in relation to the Bosniaks. In support of this claim, they often recall that Komšić was elected to the BiH Presidency with Bosniak votes. The situation regarding the formation of government at state and Federation levels was additionally complicated after the SDP formed the BiH Federation government without the participation of the largest Croat parties.

The Croat National Assembly (HNS) adopted a resolution calling for a detailed reform of the BiH Constitution to ensure the institutional equality of the Croat people. The Croats also want a new administrative-territorial organization of BiH comprising several federal units of which at least one would have a Croat majority. Nearly all political parties in RS are basically in favour of the resolution because, they point out, the Croats have been the victims of Bosniak political torture for years. On the other hand, they do not approve of the part challenging the existence of the RS as being contrary to the Dayton Agreement. They say that the problems in the BiH Federation should be addressed on the basis of the Washington rather than the Dayton Agreement.<sup>919</sup>

Support for the Croats in the BiH Federation was also expressed by RS Vice-President Dr Emil Vlajki. He maintains that the Bosniak seized power in the Federation illegally and illegitimately thanks to an undemocratic act of the high representative and that the HNS must adopt a 'decision on a referendum which would lead to the integration of the Croat areas and their territorial, administrative, financial, law enforcement and cultural autonomy.' The Serb politicians' support for the Croats is conditional: the

918 *file:///C:/Documents%20and%20Settings/ZORANA%20MARKOVIC/Desktop/BiH%20odbacila%20sporazum,%20Srbija%20i%20Hrvatska%20za.htm.*

919 *Politika*, 11 April 2011.

Croats cannot become equal or get an entity of their own at the expense of RS.<sup>920</sup>

The international community is aware of the Croats' position and Inzko signalled that some wishes of the Croats as a constituent people could be met in the future. However, while admitting that the Croats' frustration is justified, he said that it is often exaggerated and artificial. The high BiH HDZ official, Ivo Miro Jović, says that Inzko sees the Croats as a disruptive factor and that BiH is divided into a Serb and a Bosniak part.<sup>921</sup>

### **Dobrovoljačka Street and the Tuzla Column: Equalization of Responsibility for the Bosnian war**

The case of Jovan Divjak, as other cases, raises the question of interpretation of the war in Bosnia. Back in 1993, the Serbian Military Prosecutor's Office brought indictments against BiH leaders in connection with the incident in Dobrovoljačka street in Sarajevo with the thesis that Bosniaks' started the war by attacking the Yugoslav People's Army (JNA). By using the Dobrovoljačka street and Tuzla column cases Belgrade is bent on cementing 'its truth' about the events in Bosnia. Belgrade proceeds from the thesis that a 'conviction by itself in the Dobrovoljačka case would alter the nature of the war in BiH, establish the correct identity of the aggressor and lay the foundations for a reconsideration of the continued existence of the states established on the basis of long-ago plotted confusions of issues or roles for the actors in the bloody conflicts in the Balkans'.<sup>922</sup>

Other than by the Office of the War Crimes Prosecutor, this thesis is fully supported by academicians like Dobrica Ćosić,<sup>923</sup> the SPC, various veterans' associations and, particularly, RS representatives. The intention is to

920 *Politika*, 29 January 2011; *Politika*, 26 May 2011; *Politika*, 4 November 2011.

921 *Politika*, 26 May 2011; *Politika*, 3 July 2011.

922 Marina Raguš, activist of the anti-globalist movement 'Povratak na mesto zločina', *NIN*, 26 January 2012.

923 In his book *The Bosnian War*, Ćosić writes that at least 300 soldiers were massacred in the streets of Tuzla. In the book he leaves out Srebrenica and the crime of genocide committed there.



use these cases to prove that the BiH Prosecutor's Office is biased and that Serbs are indicted in the majority of cases.

Academic circles in Sarajevo for their part interpret the war in Bosnia as an aggression and genocide against Bosniaks. Speaking at a conference entitled 'Crime of Genocide Against Bosniaks', the director of the Institute for Research of Crimes Against Humanity and International Law in Sarajevo, Smail Čekić, said that the crime of genocide was conceived and worked out by Academician Dobrica Ćosić. He said that Serb fascism, which is pathologically obsessed with Orthodoxy and Serbdom, has always been backed by the state and that the project-bearers are distinguished and respected Serb intellectuals and the leaders of the Serbian Orthodox Church.

The president of the Academy of Sciences and Arts of RS, Rajko Kuzmanović, dismissed this as historical lies and wondered whether such historians wanted reconciliation or further conflict in BiH. The special envoy of the World Jewish Congress, Arie Livne, agreed with Kuzmanović.<sup>924</sup>

Jovan Divjak was arrested in Austria pursuant to an international wanted notice issued by Serbia. The wanted notice was identical to the one on the basis of which Ejup Ganić was first arrested and then acquitted in London. The BiH Federation set aside from its budget €500,000 in bail for Divjak. RS, which regards Divjak as a war criminal, condemned the Federation's gesture as an appalling and cynical act. The president of the RS veterans' organization, Pantelija Ćurguz, said that the Bosniak political leaders had gone beyond the bounds and that their attitude was leading BiH into a new crisis and new conflicts. The SDS said that it would ask RS National Assembly at its first session to adopt decisions ensuring to accused Serbs the same rights that BiH institutions give to Bosniaks who committed crimes against the Serb population.

Bakir Izetbegović criticized the stormy reaction in RS and said that Divjak was not the person to keep in jail over the Dobrovoljačka street incident and that it was up to the court to determine whether a crime had been committed. Neither the Hague tribunal nor the Court in Sarajevo has obtained evidence about the crime in Dobrovoljačka street.<sup>925</sup>

<sup>924</sup> *Politika*, 19 February 2011.

<sup>925</sup> *Politika*, 10 March 2011; *Politika*, 11 March 2011.

A few months later Divjak was released on the same grounds as Ganić. The Austrian judiciary rejected Serbia's request to extradite Divjak. Serbian Prosecutor Vladimir Vukčević insisted on BiH's responsibility for the crime, refrained from commenting on the decision of the Austrian court and maintained that someone should be made to account for the crime. He said that the dismissal of the BiH prosecutor, Milorad Barašanin, was an attempt to prevent the processing of the Dobrovoljačka street and Tuzla column cases.

The president of the Association of Families of Imprisoned and Killed Soldiers and Missing Civilians, saw Divjak's release as proof that Serb victims of war were being discriminated against and that the BiH institutions were supported in their partial attitude by the international factor. Staša Kozarac, who is in charge of the RS team coordinating investigation of war crimes and search for missing persons said that the Austrian decision had been expected and was a blow to good people in BiH who want all people guilty of crimes to be called to account. He said that Serb officials must remain seized of the Dobrovoljačka and Tuzla cases because Divjak had not been acquitted of the charges. The Presidency chair, Željko Komšić, said that the Austrian decision was the only correct solution and that Divjak would bring back hope that BiH citizens who honourably defended their country would no longer be harassed. Ejup Ganić regarded the attempts to arrest BiH citizens on the basis of wanted notices from Serbia as terrorism and a drive to destabilize BiH.<sup>926</sup>

The arrest of Ratko Mladić and his transfer to The Hague provoked great discontent and a storm of protests. The RS prime minister said that money would be provided for Mladić's defence because he was regarded in RS as a hero who had made the creation of RS possible. Dodik said that he did not expect negative consequences for RS because, he stressed, this was a matter of individual rather than collective responsibility.<sup>927</sup>

From all the foregoing it follows clearly that Belgrade and RS are trying hard to present the war in Bosnia in a different light and are expend-

926 *Politika*, 30 July 2011; *Danas* 30-31 July 2011.

927 *Politika*, 2 June 2011.

ing considerable energy on falsifying history in the face of increasingly plain facts.

## **Revision of the Genocide and Aggression Lawsuit against Serbia**

Although a revision of the BiH aggression and genocide lawsuit against Serbia has not been initiated, Bosniak officials say that it certainly will be. Instead of his wish to improve the relations with Serbia and sympathies for Boris Tadić, Bakir Izetbegović announced that BiH would renew its lawsuit against Serbia for genocide committed during the last war. He said that such things cannot be swept under the carpet and that the matter had not been set aside. If BiH collects sufficient evidence to accuse Serbia of genocide again, he said, it will certainly do that. Miroslav Mikeš, a legal expert from Banjaluka, said that there would be no revision before the International Court of Justice in The Hague because there were no new facts and no new evidence. BiH's legal representative at the International Court of Justice, Sakib Softić, considers that a revision of the BiH lawsuit against Serbia was prevented by the Hague tribunal because its sentence against Momčilo Perišić (the then chief of the General Staff of the Army of the Federal Republic of Yugoslavia-FRY) did not establish a link between Perišić and Mladić, i.e. between Belgrade and RS. In doing so, the tribunal practically exculpated Serbia from an attempt to exterminate Bosniaks in eastern Bosnia.

The Institute for Research of Crimes Against Humanity and International Law agrees that it is not easy to revise the lawsuit because the Hague tribunal did not establish Perišić's effective control over Mladić and thus directly link Belgrade to the crimes. The Association of Independent Intellectuals Circle 99 considers that BiH has a moral obligation and right to renew its genocide lawsuit against the FRY. The president of the Bosniak Community of Culture Preporod that a renewal of the lawsuit would not

be against any people but against a regime that caused enormous problems and caused that which was characterized as genocide.<sup>928</sup>

## **RS and the Islamic Community**

The Riyasat of the Islamic community in BiH and Mustafa Cerić responded a number of times to Dodik's public criticism of Muslims. They were especially critical of Dodik's statement: "We do not believe in Muslims' good faith because our experience is totally negative." The Riyasat condemned the statement as chauvinistic, anti-Islam and Islamophobic. It said that it incites hatred of a religious group from the highest level of institutions of power and system of government and asked Dodik to apologize to all Muslims in the world.

The verbal conflict culminated when the Riyasat said that it would recommend Muslim countries to declare RS President Milorad Dodik and his supporters in Belgrade *personae non gratae*. The Riyasat accused Dodik of publicly referring to Islam as a factor of disruption and of inciting hatred and animosity in society towards a global religion. Dodik's incitement of religious intolerance of Bosniaks on account of their religion, says Cerić, can result in a new genocide. Dodik replied that while he had nothing against the Bosniaks and Islam and that he respected the freedom of religion, he found it utterly unacceptable that the Islamic community in BiH should want to control the political processes in the country and to target RS and him personally. The Islamic community statement was dismissed as a political pamphlet and Cerić criticized as a political figure bent on creating a Sharia state.<sup>929</sup>

928 *Politika*, 8 September 2011; *Politika*, 4 October, 2011; *Politika*, 20 October 2011.

929 *Politika*, 14 July 2011.

## Conclusions and Recommendations

Serbia does not accept the new reality in the region, which is a direct outcome of not accepting the facts from the recent past. In this regard, its relationship with BiH is burdened with various interpretations of the 1990s. Serbia is not prepared to support amendments to the Dayton Agreement in order to create the conditions for a functional state of Bosnia. All its efforts are directed at the substantial economic and cultural integration of RS into Serbia. The prevailing view is that RS is Serbia's greatest victory in the second half of the 19th century and that therefore it should be preserved at all costs. This strategy is determining the relations between Serbia and BiH.

In order to stabilize the situation in BiH, Serbia should:

- support amendment of the Dayton Agreement and thus affirm its constructive role in the region;
- help stabilize the situation in Bosnia jointly with Croatia in order to accelerate the process of European integration in the whole region;
- begin to punish war criminals sincerely and distance itself from Milošević's policy;
- publicly denounce and distance itself from the theses of Dobrica Ćosić and his circle who still insist on a division of Bosnia;
- strengthen relations with Sarajevo as the capital of BiH and thereby manifest a sincere desire to normalize the situation in Bosnia;
- take responsibility for Srebrenica and other crimes in BiH in order to facilitate reconciliation of Bosniaks and Serbs in BiH;
- the international community must not speculate about possible partition scenarios because that would play into the hands of Serb nationalists who are bent on dividing Bosnia in spite of Belgrade's declaratory support for a single Bosnia;
- a division of Bosnia would be a defeat for European values and would return all the countries in the region to a kind of ethnic autism and intolerance;

- a new approach to Bosnia through mobilizing young people for joint projects is necessary; it is also necessary to activate the economy because of its indubitable potential;
- it is necessary to watch the moves of the Serbian Government and informal centres in Belgrade more closely in order to forestall their efforts to prevent the creation of a single Bosnia.

## Croatia: A Perennial Rival

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>930</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>931</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 farm in November 2010. The meetings have shown that the two presidents wish to distance themselves with the mutual lawsuits and to develop the

930 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 Pristina on 11 January 2010.

931 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.

two countries' relations above all in the context of economic and regional cooperation. Their meetings, in particular Tadić's visit to Ovčara,<sup>932</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 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>933</sup> On the other hand, Ser-

932 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'.

933 *Politika*, 15 April 2010.



bia, 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 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>934</sup> living standards<sup>935</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 European 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

934 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.

935 In December 2009, the average wage in Croatia was EUR 737, compared with less than EUR 370 in Serbia.

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>936</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. The arrest and extradition of Sretko Kalinić,<sup>937</sup> the Zemun gang member,

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<http://www.h-alter.org/vijesti/europa-regija/izbjegli-srbi-zele-stopirati-pregovore>

937 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

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>938</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 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

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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.

<sup>938</sup> *Kurir*, 26 November 2010.

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>939</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 latest information, more than half a million people took an active part in defending Croatia against the greater Serbia aggression.'<sup>940</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.

939 Ibid.

940 [http://www.slobodnaevropa.org/content/purda\\_izmedju\\_istine\\_i\\_manipulacije/2316321.html](http://www.slobodnaevropa.org/content/purda_izmedju_istine_i_manipulacije/2316321.html)

## Montenegro: A Constant Target

In the attempt to maintain paternalism Serbia exerts constant pressure on Montenegro. Its growing pretensions to Montenegro are evident in official Belgrade's persistent support to "Serb" opposition parties, Serb Orthodox Church and some opposition media in this country. The Strategy for Maintenance and Safeguard of Relations between Mother State and Serbs in the Region the Serbian government adopted in January 2011 actually uses Serbs throughout the region to blackmail all the countries emerging from ex-Yugoslavia. According to the Strategy, Serbs in Montenegro should be given the status of a constitutive nation. In response the Montenegrin government issued a diplomatic demarche to Serbia, saying that the Strategy interfered in domestic affairs of sovereign Montenegro, aimed at "changing its constitutional order" and was "contrary to basic principles of neighborly relations."<sup>941</sup> Montenegro's ruling Democratic Party of Socialists /DPS/ released that the Strategy was redesigning the old and fatal models for settlement of the so-called Serb question in the region.<sup>942</sup> After this demarche, the Serbian government deleted the disputable provision from the Strategy.

The governmental council for Serbs in the region is yet another channel of influence on pro-Serb opposition parties in Montenegro. Along with representatives of these parties two Montenegrin ministers were invited to the council's meeting in Belgrade. The ministers turned down the invitation – they called it "overt interference in Montenegro's internal affairs."

It was with great care that official Belgrade observed the census in Montenegro. The media staged a campaign aimed at proving that more citizens of Montenegro were declaring themselves as Serbs than Montenegrins. The campaign was strongly supported by Montenegro's pro-Serb parties and Serb Orthodox Church. They specifically argued the Serb language was a mother tongue of one-third of citizens of Montenegro. On

<sup>941</sup> Pobjeda, March 11, 2011.

<sup>942</sup> Pobjeda, March 4, 2011.

the eve of the census Serb Patriarch Irinej called on Serbs to freely declare themselves as such. Some two weeks before the census President of Serbia Boris Tadic paid a visit to Montenegro and opened Serbia's consulate in Herceg Novi. Montenegro interpreted his act as another attempt at influencing the outcome of the census.

Serb Orthodox Church overtly interferes in Montenegro's government policy and tries to arbitrate many issues. It is deeply involved in actions by the pro-Serb opposition parties and associations. It propagandized for the "Serb cause" before and during the census. Church dignitaries in Montenegro were claiming that the census was more important to SCP than the referendum on independence was. Representatives of the pro-Serb opposition were speaking the same. SPC constantly argues that Serbs' rights in Montenegro are violated. To justify its claim SCP says, among other things, that 60 percent of its officials have been denied green cards and that the present Montenegrin regime wants to usurp its property. It recognizes neither the Montenegrin nation, language nor Montenegrin Orthodox Church /CPC/ with growing number of believers and supporters. SPC strongly reacted at the ruling DPS's stance that there should be only one Eastern Orthodox church in Montenegro. Moscow Patriarchate reacted as well saying that Montenegrin Orthodox Church had not been canonically recognized and that Montenegrin authorities' stance about it being the only church in the country was surprising. Belgrade's media took sides with SPC while elaborating the issue.

With strong support from the media SPC managed to present itself as a church so much endangered in Montenegro that Belgrade officials have placed the issue on their priority agenda. The "endangerment" thesis is used to prove that Montenegro is actually a Serb state. Tensions grew notably after Montenegrin was proclaimed official language in Montenegro. The great majority of Serbian media keep raising a hue and cry about "elimination" of the Serb language.

The Law on the Petrovic Dynasty adopted by the Montenegrin parliament caused strong feelings in Belgrade. The Law defines Montenegro's unification with Serbia in 1918 (declared by the so-called Great Podgorica Assembly) as a forceful annexation.



## Serbia's Pretension

Serbia would not recognize that Montenegro is irrevocably independent. So it tries to destabilize it in every possible way, especially through the pro-Serb opposition, SPC and demands for a special status for Serbs in the sphere of culture and education.

Serbia's Council for Serb in the Region is used to destabilize the Montenegrin government. The two above mentioned ministers – who declined the invitation to the council meeting – had been probably invited for declaring themselves as Serbs. This refers to ministers of healthcare and agriculture, Miodrag Radunovic and Tarzan Milosevic. Gordana Djurovic, ex-minister for European integrations, had also been invited but did not show up.

Minister Radunovic called the invitation improper, saying "I would not go to someone else's house for my own opinion."<sup>943</sup> "What actually Boris Tadic want to achieve with all this? Does he plan to order /Montenegrin/ ministers to pursue Serbia's policy in Montenegro or to instruct Serbs in Montenegro how to treat Montenegro? This is an improper policy for states and societies aspiring to be civic on the one hand and trying to spread their influence on neighboring countries on the other. I think this is a dying breath of a failed policy," commented Borislav Banovic, official of the Social Democratic Party /SDP/.<sup>944</sup>

The meeting itself largely attracted the attention of Belgrade media. The *Pravda* daily run a story saying that President Tadic would meet with representatives of Serb parties in Montenegro to agree on the strategy for Serbs' declaring themselves as Serbs in the upcoming census.<sup>945</sup>

943 Radio Free Europe, December 21, 2011.

944 Ibid.

945 Pravda, February 8, 2011.

## The Census

44.9 percent of citizens declared themselves as Montenegrins and 28.77 as Serbs in the census of April 1-15, 2011. When compared with the 2003 census the number of Montenegrins grew by some 2 percent, while the number of Serbs fell by more than 3 percent. This indicates that Montenegro's identity is being affirmed – a trend that is most likely to grow in the years to come.

Wholeheartedly backed by SPC and Serb National Council, pro-Serb parties and non-governmental organizations were campaigning for the same percentage of Serbs as in the previous census (32 percent) or a bigger one. Hand in hand they were trying to influence citizens to declare themselves as Serbs, which was, they emphasized, more important than the referendum on independence. Their activism was peppered with claims that Montenegrin authorities were after eliminating Serbs.

Bishop Amfilohije Radovic openly agitated for citizens to declare themselves as Serbs. According to Podgorica media, he met in secret with Serbian Ambassador Zoran Lutovac and representatives of pro-Serb parties to develop a strategy for the census. On the eve of the census, SCP Patriarch Irinej appealed to citizens "to flock together under the banner of their religion, nation and language."<sup>946</sup>

On the eve of the census Belgrade media and their counterparts in Montenegro launched a campaign meant to prove that Serbs are in the majority in Montenegro and to accuse Montenegrin authorities of exerting pressure on Serbs. The *Vijesti* daily claimed that citizens who did not declare themselves as Montenegrins were under strong pressure from the Podgorica and quoted Bishop Amfilohije's appeal to citizens to "free themselves from fear."<sup>947</sup> The Belgrade-based *Danas* daily published a text headlined "Pressure on Serbs" by Vladimir Bozovic, president of the Committee of Serb Assembly in Montenegro. According to it, the Montenegrin regime will try to engineer the number of Serbs.<sup>948</sup> Under a front-page banner

<sup>946</sup> Blic, March 29, 2011.

<sup>947</sup> *Vijesti*, February 11, 2011.

<sup>948</sup> *Danas*, February 18, 2011.

“How Many Are Serbs in Montenegro?”<sup>949</sup> the pro-governmental *Politika* daily argued that the Cyrillic alphabet had been expelled from census forms.<sup>950</sup> Hardly any paper mentioned the Montenegrin ruling coalition’s release that all citizens were free to declare themselves as they wish.

## Serb Orthodox Church

Serb Orthodox Church /SPC/ would not recognize the Montenegrin nation, language or Orthodox Church. Ever since the referendum on independence, it has been involved with all pro-Serb parties, non-governmental organizations and associations. He openly campaigned for more Serbs to declare themselves as such in the census. SPC keeps claiming that it is being harassed by Montenegrin authorities. The regime, says Bishop Amfilohije, persecutes SPC. It prevents it from building new places of worship and favors the Montenegrin Orthodox Church, he explains.

SPC strongly reacted at Montenegro’s denial to issue green cards to 60 church officials as well as to the ruling party’s stance that there should be only one Eastern Orthodox church in Montenegro. “Montenegro is still a target of the Greater Serbia project. Therefore, state bodies should be more devoted to spiritual identity of Montenegro that needs only on Eastern Orthodox church,” said Milo Djukanovic, leader of the ruling Democratic Party of Socialists /DPS/.<sup>951</sup>

Russian church interfered in the dispute between SPC and CPC. Its high dignitary, Metropolitan Ilarion, visited Belgrade in July 2011: he reiterated that CPC had not been canonically recognized and was unacceptable as such. He also announced that he would see for himself Montenegrin authorities’ attitude towards SPC.

Montenegrin officials have warned SPC that its political activism was improper. Commenting Serb Patriarch’s statement about only one nation living in Montenegro, President Filip Vujanovic said, “Serb Patriarch Ir-

949 *Politika*, April 12, 2011.

950 *Politika*, March 8, 2011.

951 *Press*, May 18, 2011.

inej's stance about the Montenegrin nation causes worry and insults Montenegrins."<sup>952</sup>

Belgrade-seated media actively promote Serbia's mainstream stands. In an article headlined "Montenegrin Authorities Want To Expropriate the Property of Serb Orthodox Church" the Blic daily says that SPC owns 571 churches and 60 monasteries, and quotes Velibor Dzomic's claim that authorities are after expropriating them.<sup>953</sup> Under the headline "Podgorica Cares More for Vatican than for Serb Orthodox Church" the same daily publishes that in Vatican Montenegrin Premier Igor Luksic signed an agreement between Montenegro and Holy Seat that regulates relations between Montenegro and Catholic Church. "Similar agreements will be signed with other religious organizations as well," add the paper.<sup>954</sup>

Serbia has placed the position of SPC in Montenegro on governmental agenda – an action that considerably fuels tensions between the two countries. According to Belgrade, the position of SPC is worse than that of other religious organizations. Slavica Djukic-Dejanovic, Serbia's parliamentary speaker, confirms that problems facing SPC affect bilateral relations.<sup>955</sup>

Ranko Krivokapic, Montenegrin parliamentary speaker, on several occasions condemned the erection of a tin church at the Mt. Rumija that symbolizes religious harmony in Montenegro (Eastern Orthodox believers, Catholics and Muslims). He cursed Bishop Amfilohije for having built it. Jelko Kacin, vice-president of the European Parliament's delegation to South Eastern Europe, asked Charles Tannock, EU rapporteur for Montenegro, to condemn Amfilohije's behavior in the resolution on Montenegro.<sup>956</sup>

952 Blic, June 12, 2011.

953 Blic, June 10, 2011.

954 Blic, 25. jun 2011.

955 Press, 25. jun 2011.

956 Pobjeda, February 2, 2011.

## Serbs and Serb Language

Serb nationalists persistently deny Montenegro's national, cultural and religious identity. Endangered and prosecuted Serbs and Serb language in Montenegro have been topical ever since Montenegrin was declared official language. Some Belgrade officials also try to instrumentalize Montenegro's Serbs and Serb language. They claim that Serb could possibly be a minority in Montenegro and the country's official language Montenegrin. For them, Montenegrin is an "artificial creation or "a shameful language," as Bishop Amfilohije calls it. SPC would not recognize Montenegrin language, while the pro-Serb opposition negates Montenegro's flag, emblem and anthem. They keep arguing that Serb language has been expelled from schools despite the fact that all minority communities in Montenegro are guaranteed equality for their mother tongues.

Serbia's claim to Montenegro is also evident in its educational system. Secondary school history textbooks say that Montenegrins make a part of the Serb nation and are of Serb ethnic origin. "Montenegrins managed to establish yet another Serb state by fighting Turks in the 19th century. That fact, the won statehood, was crucial for them to decide to proclaim themselves a nation in the 20th century and thus divide the Serb national being into two unequal parts," quote the textbook for students of the 3rd grade.<sup>957</sup>

The Encyclopedia of Serbia also argues that Montenegrins are actually Serbs and that population of Montenegro declare themselves as such. Rados Ljusic, its editor-in-chief, has quoted this on several occasions. In response, Ranko Krivokapic, Montenegrin parliamentary speaker, said, "Permanent aggression and attempt at ethnic cleansing of Montenegrins, annulling them as a nation, are in play."<sup>958</sup>

Belgrade-seated media are also preoccupied with ethnic structure of public servants in Montenegro. By pointing to the fact that only 8.5 percent of public servants are Serbs they conclude that this is about a long-standing discrimination. Adoption of the Law on the Petrovic Dynasty

957 Pobjeda, March 2, 2011.

958 Politika, 27. april 2011.

made a breaking news story. This law is a continuation of the policy of forceful separation between Serbia and Montenegro and of spreading Serb-phobia, said most stories criticizing the provision that in 1918 Serbia had forcefully annexed Montenegro.

## **Conclusion**

Though it recognized Montenegro five years ago, Serbia has never reconciled itself to its independence. Serbia paternalistic attitude towards Montenegro adversely affects bilateral relations. The fact that a delegation of Boris Tadic's Democratic Party did not attend the Congress of Democratic Party of Socialist of Montenegro only testifies to such state of affairs.

Serbia would not "forgive" Montenegro for having recognized Kosovo. As of lately the issue of Serb Orthodox Church in Montenegro has been place high on the governmental agenda.

## Kosovo: Attempts at Partition Fail

The deployment of Kosovo customs officers at the Jarinje and Brnjak border crossings and the resolute action of the international community to that end opened up possibilities for the long-awaited start of a new regional policy requiring Belgrade to change its attitude to the region and parts of neighbouring states populated by Serbs. The Belgrade Government was namely presented with a *fait accompli* in the sense that maintaining the 'status quo' in the north of Kosovo was untenable from the point of view of human security and/or the rule of law and the free flow of people and goods.

The escalation of the crisis in Kosovo and the armed incidents at the Brnjak and Jarinje border crossings (July-August 2011) suddenly illuminated the essential problem between Belgrade and Pristina – the north of Kosovo – and placed it on the agenda. By maintaining a status quo in the north of Kosovo, Belgrade has been trying, since the NATO intervention in 1999, to bring about a partition of Kosovo. The constant tensions between Serbs and Albanians in Kosovo had assumed the form of a frozen conflict. It became evident that such a state of affairs was fraught with great danger in the long term.

The attempt to bring about a partition (by raising barricades) during the summer and autumn of 2011 failed. It also compromised the ruling coalition in the eyes of the international community just as Serbia was expected to make an additional effort to present itself in as positive a light as possible to the EU on the eve of being granted candidate status for membership in the EU. However, regardless of the internal tensions produced over Kosovo, the ruling coalition estimated that candidacy for EU membership would be of more importance in the election campaign. For this reason it activated another option – autonomy for the north of Kosovo.

Several months before the escalation of the crisis, several Belgrade officials (notably Deputy Prime Minister and Minister of Internal Affairs

Ivica Dačić) went public for the first time with proposals on a partition. The proposals were given appropriate media coverage.

Belgrade had been expecting all along that the international community would accept the reality that the north of Kosovo is controlled by Serbs and that that would help formalize a partition of Kosovo. On the contrary, the Kosovo Government's decision to take over the border crossings at Jarinje and Brnjak and thereby consolidate Kosovo's statehood was tacitly supported by the international community. Although the situation had become considerably calmer by the end of 2011, the north of Kosovo is a territory where the rule of law is yet to be established.

The worst consequences of the situation in the north of Kosovo are suffered by its residents, who are held hostage by radical Serb leaders. In this part of Kosovo there is no rule of law and the police and international forces do not dare take responsibility and give more protection to the citizens and their basic human rights.<sup>959</sup> Moderate political representatives and civil society organizations have no possibility to work in the north of Kosovo. The Helsinki Committee has received complaints from members of the public about frequent physical attacks (including the planting of explosive devices) on people who oppose the policy of the radical Serb leaders or have contacts with representatives of the international community or Kosovo institutions.

The crisis was brought about by Belgrade's refusal to recognize the customs seal of the Republic of Kosovo. Official Belgrade thus missed an opportunity to find a solution with the EU and Kosovo authorities making it possible to collect customs duties<sup>960</sup> not only for the Kosovo but for the Serbian budget as well and, more importantly, to collect VAT.

As it turned out, this was not only a matter of sovereignty but also of financial gain drawn by groups in Serbia and so-called controversial busi-

959 The Helsinki Committee held several meetings with people in the north of Kosovo, moderate Serb representatives and representatives of Kosovo institutions and the international community.

960 In response to the slow progress in the talks on the customs seal, the Kosovo Government imposed an embargo on imports of goods from Serbia. In practice, this provoked a Serbian embargo on imports of Kosovo goods.



ness persons.<sup>961</sup> While Serbia has long prevented the entry of goods from Kosovo, Serbian goods have been entering Kosovo without obstruction. There are also Albanians who would like to return to their homes north of the Ibar but still cannot do that.

The crisis in the north of Kosovo has shown that the links between Belgrade (above all the Democratic Party) and the Serb leaders in the north of Kosovo are weakening under strong international pressure. For instance, the Serbian Government did not support the Serb leaders in the north of Kosovo in organizing and holding the referendum (15-16 February 2012) on whether or not to recognize the Kosovo institutions. Officials in Belgrade said that that was the first time that the Kosovo Serbs did not heed Belgrade's advice. Further, the Serbian Government estimated that it would considerably hurt its European integration if it were to insist on the holding of local elections in Kosovo in May 2012 and to help organize them (by, for example, printing and dispatching ballot papers for local elections). Nevertheless, this does not mean that the Serbian Government has completely given up maintaining the parallel institutions in the north of Kosovo, given that it has announced its new-old strategy of forming provisional municipal councils without elections.<sup>962</sup>

961 The value added tax (VAT) charged on goods entering Kosovo from Serbia was abolished by the Vojislav Koštunica government in 2005. (The Regulation abolishing the tax was signed by the deputy prime minister and G17 party official, Miroljub Labus.) The government of Mirko Cvetković reimposed the VAT only in September 2011, towards the end of its mandate. According to official figures disclosed in the announcement of the B92 Insajder serial entitled 'Patriotska pljačka' (Patriotic Plunder), goods to the value of over EUR 2 billion were exported to Kosovo in only six and a half years. This works out at over EUR 840,000 a day. According to Insajder, the bulk of the goods were returned to Serbia by alternative routes or smuggled into the southern part of Kosovo. Insajder says that this practice cost the Serbian public about EUR 500,000 a day over a 10-year period. Vladimir Jovičić, deputy head of the Serbian delegation at the dialogue with Pristina, told Politika ([www.B92.net](http://www.B92.net)) that non-payment of VAT in the north of Kosovo in the last three years had been the main source of enrichment of individuals.

962 The state secretary for Kosovo, Oliver Ivanović, said that the provisional councils would most probably be established under the Serbian legislation on local self-governments. This arrangement was also applied in 1999-2008, when 'coordinators' performed the functions of municipality mayors. Ivanović said that the mandates of the provisional councils would not be limited: 'They will last until a political arrangement is made with

An alternative to the parallel institutions in the north of Kosovo would be the formation of municipalities according to the Ahtisaari Plan. A Preparatory Team set up in 2010 on the basis of the Ahtisaari Plan already exists in the northern part of Kosovska Mitrovica. At present, the team is concerned solely with infrastructure projects and has carried out a large number of them.

The Serbs in the north of Kosovo enjoyed continuous considerable support from the president of Republika Srpska (RS), Milorad Dodik.<sup>963</sup> Dodik held several meetings with the mayors of the rebel municipalities. Dodik was probably also kept very well informed about official Belgrade's meetings with EU leaders, particularly about those with German Chancellor Angela Merkel.<sup>964</sup> Dodik's presence during the crisis suggests that, as a contingency plan, Serbia had in mind the creation of an entity in the north of Kosovo on the model of RS.

The crisis in the north of Kosovo has entrenched the united position of the EU and the US that there are going to be no new borders in the Balkans.<sup>965</sup>

As regards the Serbs living south of the Ibar, there has been serious progress in infrastructure works and the improvement of everyday life, a result above all of their integration into Kosovo society and acceptance of the Ahtisaari Plan. It is also considerably easier for them to move about Kosovo. However, there has been no significant progress in their cultural

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international missions, as well as with Kosovo institutions, for holding local elections.'

963 Milorad Dodik said that Kosovo was the key issue in the region at the moment and that in that context RS would follow Serbia's position. He said that RS would not give consent for BiH to recognize Kosovo's independence. (*www.b92.net*, 25 August 2011)

964 Immediately after Angela Merkel's departure, Foreign Minister Vuk Jeremić visited Banjaluka to inform Dodik about Merkel's views. Jeremić said that these were important signals with strategic consequences for the situation in the Western Balkans. ( *www.b92.net*, 25 August 2011)

965 This was made clear to President Tadić not only by Angela Merkel but, by all accounts, also by US Secretary of State Hillary Clinton during the UN General Assembly meeting. Clinton said that her meeting with Tadić was empty and that that she was told nothing new that would change her belief that Belgrade continued to play the Kosovo partition card. (*Danas*, 30 September 2011.)

and social integration and in cooperation between the two communities. Nearly all connections between young people belonging to the two communities have been severed. Programmes designed to enhance the social interaction of members of different communities will require much greater efforts, indicating that this will be a lengthy process. In this regard, help by civil society organizations from Kosovo and Serbia would be very important.

### **The 'Log Revolution' in North Kosovo**

The immediate cause for the incidents in the north of Kosovo was the attempt on 25 July by the Kosovo police special units ROSU to establish border control at the Brnjak and Jarinje checkpoints, hitherto manned by Serb policemen belonging to the Kosovo Police Force (KPF). ROSU was prevented from taking over the points by large numbers of 'self-organized' Serbs who put up barricades. A Kosovo policeman, Enver Zumberi, was killed in the incident.

The Serbian Government representative and head of the team negotiating with Pristina, Borislav Stefanović, Minister for Kosovo and Metohija Goran Bogdanović and KFOR commander Erhard Buhler opened talks in a tense but peaceful atmosphere. In spite of this, violence at the Jarinje border crossing, involving burning and demolition of containers, almost led to an armed conflict. The attack was carried out by a group of hooded young men wearing masks on their faces. Belgrade immediately branded them as a 'group of hooligans'.

A number of details in connection with the attack remained unclarified. For one thing, it is unclear how the Serbs manning the barricades succeeded in preventing ROSU from taking over the border crossings while failing to stop a group of 'hooligans' from doing that very thing. (The Serbs allegedly appealed to the group not to resort to violence.)

It is also unclear who organized the hooligans and where they had come from. According to some sources, the bullies were organized by the businessman from Mitrovica, Zvonko Veselinović, a smuggler of excisable goods who is known to the police. Quoting a resident of Mitrovica who

spoke on condition of anonymity, the weekly *NIN* wrote that the 'hooligans' had been 'imported' from Serbia. Nevertheless, the director of Serbian police, Milorad Veljović, claimed that the 'hooligans' could not have arrived from Serbia.

As far as Belgrade was concerned, the whole operation turned out counter-productive. The international community, which had officially expressed reserve about Pristina's plans to seize the border crossings with special police, did not side with Belgrade, thus dashing Belgrade's hopes of being on its side during the conflict.

The dispatch of an extra NATO contingent to support KFOR was the clearest signal of the international community that such incidents would not be tolerated. It turned out that the Serbian negotiators (who urged the locals to remain at the barricades) could not bring about a 'return to the state of affairs before 25 July'. The first to realize this were the head of the Belgrade negotiating team, Borko Stefanović, and Minister for Kosovo and Metohija Goran Bogdanović when they were stopped by KFOR from entering Kosovo at the Jarinje border crossing on 31 July.

Belgrade's request for an emergency session of the UN Security Council on the occasion of the 'unilateral attempt by Pristina to seize the border crossings' was not granted. All that was held in New York was a consultative meeting behind closed doors. Serbian Minister of Foreign Affairs Vuk Jeremić was not present because he was not permitted to attend.

On 27 September, while the Serbs from the north of Kosovo were manning their log barricades, shooting broke out leaving several Serbs and KFOR members wounded. With unqualified media support, the Belgrade authorities claimed that the clash at the Jarinje border crossing that day was provoked by KFOR by firing live ammunition at 'unarmed people'. The scheduled round of talks between Belgrade and Pristina in Brussels was called off, with Belgrade insisting on first 'carrying out an investigation' and 'determining the responsibility of KFOR'.

On 30 September, the Serbian Assembly's Security Committee discussed the incidents behind closed doors. Although the meeting was convened at the insistence of the Serbian Radical Party (SRS), its representatives walked out, with head of the SRS parliamentary group Dragan

Todorović telling journalists that the information presented by the intelligence services was 'closer to that provided by NATO'. That was the first hint that something was wrong with the official version being blazoned by almost all media outlets. The first to speak out was Vuk Drašković, first on Radio Free Europe and then the next day on TV B92. He said that at the Security Committee meeting the representatives of the intelligence services blamed the incident on the Serbs (i.e. on the group brought in by the 'controversial businessman' from Mitrovica, Zvonko Veselinović) and that both sides used firearms.<sup>966</sup>

The scandal surrounding the Security Committee meeting laid bare the duplicity of the ruling elite who 'know but do not want to say' what will happen with Kosovo. An angry Zoran Živković, who succeeded prime minister Zoran Đinđić following his assassination, blamed the incident on the 'perfidious petty-politicking demagogues who lie to the West, lie to the Russians, lie to the Kosovo Serbs, lie to all the citizens of Serbia.'<sup>967</sup>

The media also reported on the presence of members of right-wing organizations at the barricades. *Politika* quoted an anonymous participant in the Jarinje incident on 27 September as saying that he saw a Serb wrestling a rubber bullet gun from a Germany soldier.<sup>968</sup> The daily also reported that an hour after the Jarinje incident, the right-wing movement Naši 1389 announced on its website that the men guarding the barricades had seized three German rifles. The movement's spokesman, Miša Vacić, told *Politika* that the rifles were not seized by members of the movement but by the 'attacked people, in self-defence'.

The barricades were partly removed on 27 October, guaranteeing freedom of movement to KFOR but not to EULEX. The turning point in defusing the crisis occurred on 29 November,<sup>969</sup> when President Tadić suddenly

966 [http://www.slobodnaevropa.org/content/draskovic\\_vlast\\_laze\\_gradjane\\_o\\_dogadjajima\\_na\\_jarinju\\_/24347183.html](http://www.slobodnaevropa.org/content/draskovic_vlast_laze_gradjane_o_dogadjajima_na_jarinju_/24347183.html).

967 *Danas*, 4 October 2011.

968 *Politika*, 11 October 2011.

969 'I invite the representatives of KFOR to halt the action of removing the barricades, because these actions call into question citizens' lives and produce serious risks. I want them to show maximum restraint in the future and to enter into

backed down in relation to Kosovo and for the first time since the outbreak of the crisis called on the Serbs from the north of Kosovo to withdraw from the barricades. The appeal was preceded by two dramatic days at the barricades at Jarinje and Jagnjenica. In trying to remove the barricades at Jarinje KFOR troops clashed with the local 'defenders', and several soldiers suffered wounds from live ammunition at Jagnjenica the following day, 28 November. Several Belgrade media reported that KFOR members had been shot at from 'light weapons' by Zvonko Veselinović, whose name had often been mentioned during the four-month stand-off. The arrest of Veselinović,<sup>970</sup> on charges of provoking the attacks on KFOR, also contributed to the calming of tensions.

According to available (unofficial) information, KFOR had decided to remove the barricades by all necessary means including the use of fire-arms. By all accounts, the threat led Tadić to appeal to KFOR for restraint and to the Serbs to withdraw from the barricades when he addressed a news conference in connection with something quite different.

Because the wounded soldiers were mostly from the German and Austrian contingents of KFOR, their governments adopted a tougher stance

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discussions with political representatives of Serbs,' Tadić told a press conference at the Palace of Serbia in Belgrade. 'I invite the Serbs' political representatives to do everything to have the barricades removed because they endanger citizens' lives and do not defend any national interest. On the contrary, [the barricades] lead us in a position to lose any opportunity to defend our fundamental national interests both in the north of Kosovo and in the international arena,' he said. (as reported by Beta and Tanjug new agencies, 29 November 2011.)

970 Brothers Zvonko and Žarko Veselinović were arrested on Mount Kopaonik on 20 December. The police said that Zvonko was arrested on suspicion of illegal production of and trafficking in weapons and explosive materials and Žarko on suspicion of abuse of office. ([www.blic.rs](http://www.blic.rs)) In Kosovo, nine criminal complaints were filed against the brothers including for killing a police officer and attacking UN and NATO personnel. The KFOR commander, Erhart Drews identified the brothers as the chief perpetrators of the riots at Jarinje and Jagnjenica and said there was video footage to prove this. Because of his alleged involvement in the illegal economy (above all oil smuggling), organizing violence and disturbances and connections with extremist political circles in the north of Kosovo, Zvonko Veselinović has been dubbed by the media as another Arkan (Željko Ražnatović). (Radio Free Europe, 21 December 2011.)

on Serbia's candidate status application.<sup>971</sup> In their attitude to Serbia's candidate status, Germany and Austria were joined by Britain.

A major controversy revolves around who financed the construction of the alternative roads and provided the material used to build the barricades (concrete, logs, gravel, etc). The roads are said to have been built by the citizens themselves (through voluntary labour and contributions in materials), companies owned by controversial businessmen and state-owned companies from Serbia.<sup>972</sup>

971 In her address to the Bundestag on 2 December, Merkel said the 'conditions for [Serbia] being awarded the status of a candidate [for membership in the European Union] are not yet in place.' Merkel also stressed that the 'path of Serbia into the EU can only lead through the normalization of its relations with Kosovo', adding that the EU and the German Government had formulated on time their expectations of Serbia in the shape of concrete steps.

972 On 11 October 2011 *Politika* reported that 'heavy earth-moving equipment is being used day and night to build new roads in the north of KiM [Kosovo and Metohija]. Representatives of the north Kosovo Serbs say that the roads are being built by everyone, including employees of public utility services, private entrepreneurs, ordinary citizens... ...the mayor of Kosovska Mitrovica, Krstimir Pantić, told *Politika* that new roads were being built and old ones repaired. (private owners of petrol stations are issuing fuel free of charge, members of the public are clearing forests, residents of villages through which roads are passing are cooking food for the workers) In the municipality of Zubin Potok too village roads and mountain roads passing through Mokra gora are being repaired to enable traffic from Ibarski Kolašin to Novi Pazar or to Ribariće and further to Montenegro. The mayor of Zubin Potok municipality, Slaviša Ristić, said that while those roads existed before, it will take time, money and labour to make them usable. 'Everybody is taking part in building the roads. ...we are using municipal machinery to build the roads.' Branko Ninić, the mayor of Leposavić municipality, said, 'In the event, all who work in central Serbia are now using goat tracks...we are trying to macadamize them so they can be used by all types of cars.' However, the high-ranking official of the Serbian Progressive Party, Aleksandar Vučić, claims that the 'state (first) hired the criminal Branko Miljković, but after he withdrew his machines, it hired Veselinović's machinery'. Vučić claimed that Miljković 'cooperates with the regime in Serbia'. It was also alleged that Srbija šume [public forestry company] was taking part in the construction of the roads. Zoran Drobniak, director of Putevi Srbije [Roads of Serbia] company, said that Kosmet put company was maintaining about 115 km of roads in Kosovo. This joint stock company is hired to carry out work financed by Putevi Srbije; at the moment, it is building, jointly with MBA company, the section between Vračevo and Batnik on the alternative route from Raška to Novi Pazar. Drobniak said

In spite of the snags and delays, the Pristina-Belgrade dialogue proceeded at the same time. (please refer to the section on the talks) On 3 December, Borislav Stefanović and Edita Tahiri agreed to set up at Brnjak and Jarinje a single border crossing with integrated management by both sides, with international actors (EULEX and KFOR) being present.

The unconvincing removal of the barricades (at Jagnjenica and Jarinje), which were rebuilt by members of the opposition on the eve of 9 December, was not enough to secure candidate status to Serbia. The candidate status decision was postponed until March 2012 on condition of achieving progress in the dialogue with Pristina, beginning to implement what has been agreed and give EULEX freedom of movement and enable it to exercise its functions throughout Kosovo.

### **Official Belgrade and “Log Revolution”**

For all the noise and big talk with which the Belgrade authorities supported and encouraged the (Serb) blockade of the roads leading from the Brnjak and Jarinje border crossing to the interior of Kosovo, they never resorted to ‘sabre rattling’. In all their statements they appealed for peace, restraint, dialogue and compromise, and even the parliament’s declaration on the occasion of the Kosovo crisis was almost a routine affair. Finally, the severity of the conservative bloc’s criticism of the authorities over their ‘contemptible reaction’ to the ‘most important issue of the state’<sup>973</sup> indicates that there might be some truth in it after all.

The current situation in the north of Kosovo showed that official Belgrade was hostage to the parallel governance structures there it had set up itself and maintained for over a decade. The dissolution of these structures will not be simple given their close connection with the criminals who practically rule over the area. These criminals will not willingly forgo the benefits they are reaping thanks to the lawlessness, smuggling and corruption.

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that Putevi Srbije had set aside about EUR 5 million for road maintenance and the construction of the 12-km alternative route. (*Politika*, 11 October 2011).

973 *Pečat*, 5 August 2011.



Belgrade's room for manoeuvre was considerably limited by acceptance of the forced denouement: Brnjak and Jarinje will remain under KFOR control until further notice and only humanitarian aid from Serbia will be allowed to pass through.

Torn between the EU and Kosovo, and under pressure from economic and social crisis, the Government and President Boris Tadić used their authority to persuade the political representatives of the Serbs in the north of Kosovo to accept an agreement reached by KFOR commander Erhard Buhler, the Belgrade Government's negotiators (Borislav Stefanović and Goran Bogdanović) and the Kosovo Government (Hashim Thaqi).

On 30 July the Serbian parliament held a special session on the developments in Kosovo with the debate lasting 11 hours. The debate ended in a 'lukewarm' declaration condemning the 'provisional institutions in Pristina' for their 'violent effort to change the real situation on the ground' and 'all violence' in Kosovo. The declaration calls for 'solving the crisis by peaceful means'.<sup>974</sup>

The declaration was adopted by a relatively large number of votes (181), having been supported not only by the MPs of the ruling coalition but also by the Serbian Progressive Party, the Serbian Radical Party and New Serbia. (The declaration was opposed by the Liberal Democratic Party, the Democratic Party of Serbia and the only MP representing the Albanian minority from the south of Serbia, Riza Halimi).

In an exceptionally conciliatory address, President Tadić outlined the course his administration intended to follow or was rather forced to follow by the actual economic-social situation. Tadić said, 'Serbia is a country of peace. It will not make war. This is our strongest argument and the central point of our policy. The parliament, Government and president are with the Serbs in KiM [Kosovo and Metohija] who face serious trials. Only through dialogue can the Serbs have a future and only in the European Union can we solve our essential problems.'<sup>975</sup>

Although the EU envoy and mediator in the Belgrade-Pristina dialogue, Robert Cooper, appeared as mediator in the negotiations within

974 According to *Danas*, 1 August 2011.

975 *Večernje novosti*, 31 July 2011.

days of the escalation of the crisis in the north of Kosovo, the substantive negotiations on solving the crisis were conducted by KFOR commander Erhard Buhler. An 11-point agreement was reached on 5 August. Under the agreement, the border crossings of Brnjak and Jarinje are partial military zones controlled by KFOR. Only passenger traffic and humanitarian aid (including food) will be let through. Also under the agreement, the Serbs were to remove the barricades from the roads leading to Mitrovica from the Brnjak and Jarinje border crossings.

The political representatives of the Kosovo Serbs, taken aback by the failure to fulfil the promise that the 'situation will revert to the state before 25 July', at first refused to order the removal of the barricades. But after a meeting with President Tadić on Sunday, 7 August, the mayors of the four Serb municipalities in the north of Kosovo (Mitrovica, Leposavić, Zubin Potok and Zvečan) said they were willing to dismantle the barricades. In spite of the announcement, partial removal of the barricades did not start until the end of October.

## **Results of the Belgrade-Priština Dialogue**

The Belgrade-Pristina dialogue started in March 2011. By March 2012, the two sides had reached agreements on regional cooperation, integrated border management, freedom of movement, recognition of university diplomas, car number plates, cadastre and customs seals. In spite of some progress in the field of telecommunications, some issues concerning telecommunications and electrical energy remained open at the very beginning of the dialogue. Implementation of the agreements by the Serbian side was slow and in the case of diploma recognition it did not even start. However, most of the agreements do not specify when their implementation should start and merely state that it should be at the earliest date possible.

Although Serbia implicitly strove during the dialogue on technical issues to force the question of the north of Kosovo, it failed because the international community (the EU and US) had agreed that that could not

figure on the dialogue agenda. Belgrade broke off the talks in July and resumed them in September when new agreements were concluded.

The talks were resumed for a short time at the beginning of September. However, the next (seventh) round scheduled for 27 September was not held. The reason was that Belgrade tried to force the topic of the north of Kosovo, i.e. the border crossings at Brnjak and Jarinje. 'Until we solve that problem it won't be possible for us to enter into talks to define other topics,' said Stefanović, adding that it would be impossible to discuss telecommunications and electrical energy while 'somebody is committing violence against unarmed citizens.'<sup>976</sup>

The talks were stepped up only during December 2011-March 2012, at a time when Serbia was hard pressed to manifest its readiness for EU candidate status. (It was during this period that more substantial results were achieved.) The dialogue was thus resumed under pressure from the international community, given that the Democratic Party (DS) wanted to secure candidate status before the May 2012 elections. The key agreement with Pristina, concerning regional representation (regional cooperation), was concluded during the eighth round<sup>977</sup>, on the eve of the candidate status decision. (It was concluded on 24 February and Serbia got the candidate status on 1 March.) However, Belgrade began violating the agreement very soon, with either Pristina's or Belgrade's delegations walking out of several regional gatherings: the former did that because it was not correctly represented and the latter because Kosovo was represented in accordance with the agreement. The agreement itself is partly to blame because it is not specific about its implementation. For instance, the agreement does not specify how Kosovo should be represented on the name plates in front of the speakers, which was mostly the reason why one or the other delegation walked out.<sup>978</sup>

976 RTS, 28 September 2011.

977 Under the agreement, the denomination to be used within the framework of regional cooperation is 'Kosovo\*'. The footnote marked with \* reads as follows: 'This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.'

978 The dispute arose mainly as a result of Serbia's insistence that the

The agreement on the freedom of movement began to be implemented at the end of December 2011, allowing Kosovo citizens to enter Serbia on the basis of their personal documents (Kosovo identity cards).<sup>979</sup> The owners of cars with number plates displaying 'RKS' must replace them before entering Serbia. At the border crossings, for a sum of RSD 3,000 (about EUR 30) they can obtain temporary number plates which Minister of Internal Affairs Ivica Dačić says express the status neutrality of Kosovo. Car insurance which goes with these number plates is RSD 400 a day.

Because the agreement on the freedom of movement is not backed by an agreement between insurance companies, people crossing the border between Serbia and Kosovo must pay high premiums for car insurance: it ranges from EUR 60 for those entering Kosovo to EUR 100 for those entering Serbia. Kosovo Minister of Internal Affairs Bajram Rexepi said that the arrangement was made at Serbia's insistence. These financial arrangements are especially problematic for Serbs living in Kosovo because they transact the bulk of their business in Serbia and must cross the border frequently. (The arrangements are also problematic for Albanians living in the south of Serbia and working in Kosovo; see 'Albanians in the south of Serbia')

The implementation of the freedom of movement agreement was seriously overshadowed by the arrests of Kosovo citizens of Albanian nationality on the basis of wanted notices issued during the 1990s. Those arrested in March 2012 included the president of the Kosovo Independent Metalworkers' Trade Union, Hasan Abazi, charged in 1999 with espionage. The wanted notices issued in the 1990s are problematic to say the least because they were issued by Slobodan Milošević's police entirely on political grounds. In the wake of the 5 October 2000 changes, about 2,000 Albanian political prisoners kept in Serbian prisons were amnestied.

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footnote text should follow immediately below or after 'Kosovo\*'.

979 On 22 December, the Serbian Government adopted the regulation implementing the agreement on the freedom of movement. Under the agreement, persons from Kosovo and Metohija with documents issued by the provisional government will be allowed to move throughout the territory of central Serbia with their ID cards. They will be issued at the administrative crossings with a document to prove their entry into and exit from Serbia. (Radio Free Europe, 23 December 2011.)

It was agreed in Brussels that Serbia should give Kosovo copies of main registers in order to considerably simplify the procedure for obtaining personal documents for Kosovo citizens. However, in some towns the processing of main registers removed from Kosovo municipalities has not begun. An official at the City of Kragujevac General Administrative Services Department, where the main registers from Peć, Istok and Klina have been kept since 2000, told Radio Free Europe that they were waiting for instructions from the Ministry of Local Self-Government concerning commencement and mode of processing of data contained in the registers.<sup>980</sup> The Serbian Government says that the instructions cannot be issued to all the towns at the same time and would therefore be forwarded successively. The Government's spokesman, Milivoje Mihajlović, denied that the Ministry for Public Administration and Local Self-Government was opposed to the regulation and said that it would be carried out.<sup>981</sup>

Although the two sides reached agreement on mutual recognition of university diplomas, implementation of the agreement had not started in Serbia by the beginning of 2012. The Serbian Government was expected to pass a regulation on the recognition of Kosovo diplomas. Under the agreement, diplomas issued in Serbia and Kosovo will be verified by the European University Association. The head of the Kosovo delegation at the Kosovo-Serbia technical dialogue, Edita Tahiri, said in January 2012 that verification of diplomas issued in Kosovo would begin that month. She said that the agreement enables recognition of diplomas of students who have finished their studies at any university on the territory of Kosovo including the University in northern Mitrovica.<sup>982</sup> Non-implementation of the agreement is affecting mostly people in the south of Serbia who finished their university courses in Kosovo.

One of the agreements relates to integrated border management. Under the agreement, EULEX will maintain a presence in accordance with its mandate. The concept of integrated border crossings will be implemented

980 Radio Free Europe, 23 December 2011.

981 Radio Free Europe, 23 December 2011.

982 [www.danas.rs/danasrs/drustvo/konacnu\\_rec\\_daje\\_evropska\\_asocijacija\\_univerziteta\\_.55.html?news\\_id=231698](http://www.danas.rs/danasrs/drustvo/konacnu_rec_daje_evropska_asocijacija_univerziteta_.55.html?news_id=231698)

gradually, as soon as possible in practice. The joint, integrated, single and secure points will be located within a 'common area of IBM crossing points, jointly delineated, where officials of each party carry out relevant controls. Exceptionally, and limited to the common IBM areas, the parties will not display symbols of their respective jurisdictions. However, the arrangements will include a balanced presence from both parties of all related services such as customs, police, as well as of EULEX. Tahiri said that both states would have their customs and border services at the crossing points under their respective jurisdictions.<sup>983</sup>

The agreement on the delivery to the Kosovo Government of photocopies of cadastral books removed by the Serbian authorities from Kosovo to Serbia in 1999 was reached in September 2011. However, the scanning of the books began only in January 2012. The office of the head of the Serbian delegation, Borko Stefanović, told *SETimes* news and information website that implementation of the agreement would enable Belgrade for the first time since 1999 to take part and have the floor in judicial proceedings in Kosovo involving property matters. 'This agreement will enable Serbia to play an active role in the process of dealing with cases involving property rights and will give our citizens much greater chances of having their property restored to them,' the office said.<sup>984</sup> In the last 10 years citizens living in Kosovo have found it necessary to go to Serbia and pay considerable sums of money in exchange for original documents, without being given any guarantee that the documents in question are authentic. The director of the Cadastral Agency of Kosovo, Murat Meha, says that another problem concerns plots of land being sold unofficially or registered in written form only. The return of the cadastral books will enable the citizens to settle their claims, something they have not been able to do so far owing to the unavailability of original documents, he said.<sup>985</sup>

The agreement on the customs seal was concluded in September, when the two sides agreed that it should only bear the words 'Customs Kosovo' without any other symbols and that customs and controls should be

983 Radio Free Europe, 3 December 2011.

984 <http://www.naslovi.net/2011-09-28/rts/prelazi-van-dnevnog-reda/2839592>

985 <http://www.naslovi.net/2011-09-28/rts/prelazi-van-dnevnog-reda/2839592>

carried out by Kosovo authorities.<sup>986</sup> The acceptance of the customs seals resulted in the mutual lifting of the trade embargo. (Kosovo imposed an embargo on imports of goods from Serbia in June. Serbia's embargo on imports of Kosovo goods was in force for a long time).

## Partition Scenario: Belgrade's Old Option

The 'log revolution' in the north of Kosovo was preceded by a campaign during which Belgrade for the first time put forward its proposal for a partition of Kosovo.<sup>987</sup> The idea was made official in the first half of 2011 by the deputy prime minister and president of the Socialist Party of Serbia (SPS), Ivica Dačić.<sup>988</sup> This was preceded by Dobrica Ćosić's interview with the daily *Politika*, which published it for three days in a row. Ćosić alleged that Serbia's state policy on Kosovo had been wrong 'from (Nikola) Pašić to (Boris) Tadić' and recalled that the matter had been talked and written about (to no avail) for four decades past. He proposed a 'democratic, just, compromise and permanent delimitation' as the only way to 'transcend the centuries-old antagonisms between Albanians and Serbs'.<sup>989</sup>

Ćosić did not miss this opportunity also to mention that he had discussed a partition with Slobodan Milošević on several occasions. He added that although, in 1991, he had conveyed to Milošević even a 'us proposal to divide Kosovo, according to which Serbia would have a third of Kos-

986 The dialogue between Belgrade and Pristina was broken off in July or, more accurately, the scheduled talks were called off owing to the failure to reach agreement on the stamps. After that Pristina sent its special units to the Jarinje and Brnjak administrative crossings and the local Serbs prevented their capture by blocking the roads leading to them.

987 A 'delimitation with the Albanians', a 'historic agreement between Serbs and Albanians', a 'correction of the frontiers' – all these are mere euphemisms for the secession of the north of Kosovo and its incorporation into Serbia. This has practically been Belgrade's only strategy for almost half a century. The plan was never presented as Belgrade's official policy. It was publicly discussed by its author, academician Dobrica Ćosić, by members of the circle close to him (Aleksandar Despić, in 1997) and a number of domestic and foreign analysts and commentators.

988 Helsinki Committee bulletin No. 80.

989 *Politika*, 29 May 2011.

ovo and Metohija',<sup>990</sup> Milošević did not give up the 'Serb illusions' even then. The reference to the United States in connection with the Kosovo partition idea was probably calculated at attaching some weight to the matter. The fact is, the opinions of certain US experts and analysts, mostly coalesced around the US conservative Cato Institute,<sup>991</sup> are frequently published in Serbian media. For instance, the Institute's analyst, Ted Carpenter, published an article in *The National Interest* entitled 'The Dangers of Rejecting Balkan Partitions', in which he refers to a 'marvellous selectivity' regarding the acceptance of secessions and partitions. He alleges that relatively few of the European and US elite reacted when the 'NATO powers helped break up Yugoslavia in the early 1990s. Even fewer expressed qualms about forcibly detaching Kosovo from Serbia.'<sup>992</sup> Carpenter wonders at the squeamishness of some people when it comes to 'considering a new Balkan strategy that involves a modest territorial adjustment in Kosovo and a decision to abandon the clearly failed nation-building project in Bosnia.'<sup>993</sup>

Appearing in the Happy TV channel's show *Ćirilica*, Steven Meyer, who is often invited by Belgrade media to present his views, recently spoke in much the same vein in relation to the regional crisis.<sup>994</sup>

A feuilleton on the Russian foreign policy strategy of former Prime Minister and Foreign Minister Yevgeny Primakov, published in instalments by *Politika* during September, touches upon Kosovo (without mentioning the role of Viktor Chernomyrdin in creating the Kumanovo Agreement of 1999). Primakov insists that the independence of Kosovo is 'a foreign-policy problem having negative implications for the relations between Russia and the US'.<sup>995</sup> According to Primakov, the problem could be mitigated once

990 Ibid.

991 Their views are most frequently aired in *The Washington Times* and other media outlets.

992 *Politika*, 5 October 2011.

993 Ibid.

994 The programme *Ćirilica*, hosted by Milomir Marić, 3 October 2011.

995 *Politika*, 24 September 2011.



the quest for a solution reaches a dead end and once it is realized that a 'territorial demarcation is the only way out'.<sup>996</sup>

The daily *Blic* is one of those influential Belgrade media outlets which still believe that a partition of Kosovo is an option and which try to find interviewees who will support this thesis. The daily (including some others) interviewed the London School of Economics professor, James-Kerr Lindsay, during his visit to Belgrade and published the interview under the title of 'There Is Still Chance of Partitioning Kosovo Providing there Is a Good Plan'. If Serbia is made to acknowledge the independence of Kosovo, Lindsay argues, then Pristina must accept that the north of Kosovo is a part of Serbia.<sup>997</sup>

This line is supported by the co-founder of the New Policy Centre and editor of the periodical *Izazovi evropskih integracija*, Nikola Jovanović. One of the younger analysts, he is often invited by Belgrade media to present his views. He is also among those who had been hoping that the international community would change its mind and accept the 'state of partition on the ground'.

At the time of the 'log revolution', Jovanović wrote in the conservative right-wing portal Standard that it would be 'unrealistic for the situation to revert to the previous state. One should be patient and persistent, and it is very important not to yield to the temptation to come into conflict with KFOR. It appears that at the moment KFOR is largely on the side of the Albanians, but that will be so as long as the winds of politics are propitious for them. If we succeed in establishing an equilibrium on the ground, their main objective will be, as it was before, separating the two communities and pulling back following a definitive political epilogue.'<sup>998</sup> 'Our political position from the start has been to suspend the dialogue should Pristina make an aggressive move against the north during the dialogue,' he said. 'In fighting for that principle we are actually fighting for dialogue, which

996 Ibid.

997 *Blic*, 3 October 2011.

998 The text has been available since 3 September 2011 on <http://www.standard.rs/~cvijanovi-vam-preporuuje/8025-nikola-jovanovi-jedino-to-srbija-moe-koliko-toliko-da-kontrolie-je-dijalog-sa-posredstvom-eu.html>

is something the international community should realize,' he said. At the time of the barricades, Jovanović said that the only 'key consideration and the only variable factor in this game of chess is the situation on the ground. Although Belgrade cannot help the north of Kosovo too much, it can do that sufficiently. The role of the representatives of the Serbian executive is positive precisely because they were the first on the ground to realize and articulate Serbia's next move: a demand for a return to the factual state of affairs prior to the intervention of the Albanian special forces.'<sup>999</sup>

### Contingency Plan for Kosovo

Towards the end of the year, after several trial balloons were floated and the international community made it clear that there would be no yielding on a partition of Kosovo, it was proposed with increasing frequency that the reality should be accepted and a solution for the north of Kosovo found. This was most often suggested in the form of an 'Ahtisaari Plan plus', which implies ensuring territorial autonomy to the municipalities in parts of Kosovo bordering Serbia near Raška and Novi Pazar. The possibility of an international conference on Kosovo was also mentioned in this context. The first (semi-)official initiative in this regard was made by the president of the DS Political Council, Dragoljub Mićunović.<sup>1000</sup>

Other than insisting on a 'peaceful solution' through 'dialogue', the position of the ruling DS is not clear. Unofficially, there is disagreement within the Government itself as to what should be done, indicating that

<sup>999</sup> The text has been available since 3 September 2011 on <http://www.standard.rs/-cvijanovi-vam-preporuuje/8025-nikola-jovanovi-jedino-to-srbija-moe-koliko-toliko-da-kontrolie-je-dijalog-sa-posredstvom-eu.html>

<sup>1000</sup> The new international conference modelled on the Dayton talks on BiH was discussed also by Ivica Dačić and Rasim Ljajić. Mićunović said that the conference would be attended by Belgrade, Pristina, Brussels and EULEX under the auspices of the UN Security Council. He suggested a revision of the Ahtisaari Plan and a new solution to the north of Kosovo, autonomy for the Serb enclaves and possibly talks on the nature of the sovereignty and the minorities' rights to special relations with the mother country. 'That solution is still possible and will eventually come about,' said Mićunović during a debate on the EU in Belgrade in the wake of 9 December and the European Council summit. ([www.novimagazin.rs](http://www.novimagazin.rs))

some members of the ruling coalition do not see eye to eye (with the deputy prime minister and SPS leader, Ivica Dačić, advocating a particularly radical line on Kosovo). It is indicative that the parliament speaker and Dačić's party colleague, Slavica Đukić-Dejanović, found it necessary to explain Dačić's position on partition, saying 'he is not for a partition but for drawing a line of demarcation'. She stressed that a 'line of demarcation implies the presence of Serbian institutions where the Serb population predominates'.<sup>1001</sup>

The DS deputy president, Dragan Đilas, went furthest in distancing himself from the policy pursued so far. Appearing in the TV B92 programme *Utisak nedelje*, he said that Serbia had expended much endeavour, effort and time on territories in the past and that it was time it took care of the people.<sup>1002</sup>

Vladimir Todorić, director of the New Policy Centre, a non-governmental organization close to the DS, says one should not rule out the possibility of government changing both its rhetoric and behaviour. He says that Belgrade was overly optimistic for too long about the US changing its mind concerning partition, which explains why 'we did not raise the issue of a special status for the north at the most favourable time'. He says that the 'little time that remains' should be used to 'formulate a proposal within the realm of the possible to ensure the broadest autonomy for the Serbs in the north while preserving the present degree of decentralization in the south'.<sup>1003</sup>

The New Policy Centre also announced a Platform for Serbia-Kosovo talks incorporating elements of an agreement.<sup>1004</sup> According to the proposal, Kosovo's functioning autonomy would not be based on the Kosovo Constitution but on an agreement reached by Serbia, Kosovo and the EU as guarantor (with UN approval, based on a new resolution).<sup>1005</sup> Also, the Serb

1001 *Danas*, 10 October 2011.

1002 *Utisak nedelje* programme, TV B92, 2 October 2011.

1003 *Politika*, 30 September 2011.

1004 <http://www.cnp.rs/articles/view/22>.

1005 'Serbia's sovereignty will be recognized declaratively by the Agreement which will provide for the "delegation" of Serbian sovereign authority to Kosovo,

municipalities would be given a joint institution which would coordinate their activities and would serve as a focal point for their communication with Belgrade. The assembly of the Serb municipalities would not legislate but could adopt decisions within the 'jointly transferred competences'.

The Serb municipalities would be demilitarized, 'except for the Kosovo police who should remain under the jurisdiction of EULEX'. Implementation of the agreement would be monitored by a body comprising Serbian, Kosovo and EU representatives. The Kosovo Serbs would be protected by Serbia through the international community to the greatest extent possible, and this protection should not be called into question. They should be entitled to dual citizenship without any discrimination regarding visas. According to the proposal, it would be possible for some countries to have consulates at the administrative centre of the Serb community.

The Serbian side still believes that it could obtain an ethnic territorial autonomy for the north of Kosovo on the model of RS and as the spoils of war. During the crisis, RS President Milorad Dodik gave an all-out support to the Serbs manning the barricades.

His tactics are summed up in the allegation that the Serbs want to clearly 'establish their rights' in order to be able to behave like the Albanians at some future date. 'We must be patient and pay the price of the time in which we are now living. Accordingly, at present we must live for (Republika) Srpska and go on building it up. So, RS is the bottom line. We're not going to give any part of it to anybody any more.'<sup>1006</sup> When the last Kosovo crisis broke out, Dodik put forward the proposal that Serbia and RS should establish a union on the model of the State Union of Serbia and Montenegro. However, in connection with the crisis, Dodik said that the people in Kosovo should be told clearly that the state would earmark substantial sums for the Serb community which remained there and would give away land in Serbia or Republika Srpska to those who wanted to emi-

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which would legally mean that the Serbian Constitution remains a source of sovereignty which may be very important in the event of a breach of the Agreement by Kosovo towards Serbian community,' the Platform reads.

1006 Helsinki Committee Report, p. 556, *Večernje novosti*, 28 July 2010.

grate.<sup>1007</sup> In connection with Dodik's proposal that Belgrade and Banjaluka should invite to Serbia and RS respectively Serbs who do not wish to stay in KiM, Čedomir Antić said that the Serbian authorities ought to know that 'in years past RS has with its official views been of more use to the Serbs in KiM than official Belgrade. I believe that it is not too late for Dodik's old proposal for a historic agreement between the Serbs and Albanians and a division of Kosovo.'<sup>1008</sup>

## Political Alternative in Serbia

Demands for 'accepting the reality' concerning Kosovo are increasingly heard in public, though they are still in the minority. Among political parties, the Liberal Democratic Party (LDP) has the clearest position on the matter, advocating acceptance of the Ahtisaari Plan which Serbia rejected in its entirety at the talks in Vienna in 2006. The Serbian Renewal Movement (SPO) and its leader Vuk Drašković are of like mind. Drašković argues for accepting the non-status part of the Ahtisaari Plan, which would enable Serb municipalities to establish links between themselves and with Serbia on the basis of their interests, with 'additional regional autonomy envisaged for the Serb municipalities to the north of the Ibar'.<sup>1009</sup>

The pro-European movement Preokret was established at the beginning of November at the initiative of several parties and non-governmental organizations (including the Helsinki Committee) and civil sector activists. The movement has so far been joined by several thousand people including notables from the fields of art, culture and media. The movement's political umbrella is made up of the LDP, Social Democratic Union

1007 'This is the only solution at the moment. That way they will give those people a choice. It is the only one that remains. One should stop giving the Albanians the opportunity to tell tales about a multiethnic society,' he said. (www.b92.net)

1008 *Danas*, 28 October 2011.

1009 'The Ahtisaari Plan,' says Drašković, 'is largely a replica of the former Z-4 plan for the Serbs in Croatia and a combination of good solutions applied to similar inter-state and inter-communal conflicts in Europe.' He says that the Serb municipalities north of the Ibar would enjoy the kind of autonomy granted to the South Tyrol. *Politika*, 27 September 2011.

and SPO. The initiative stems from a segment of society which demands a change of policy and warns against the pernicious consequences of the authorities' calculating and indecisive behaviour.<sup>1010</sup>

Soon after the inauguration of the movement, the three political leaders asked President Boris Tadić, on behalf of the signatories, to comply with the initiative coming from the base of society and, consequently, to call on the Serbs from the north of Kosovo to withdraw from the barricades. Tadić rejected the appeal on the same day, 6 November. However, when he did that on 29 November under a different excuse (security reasons), it was too late.

The initiative was highly marginalized by the media and the criticism levelled against it from the left and right (*Pečat*, New Serbian Political Thought, *Peščanik*, e-novine) boiled down to a boycott.

Some former senior public servants (ambassadors) and now independent analysts (Ognjen Pribićević and Predrag Simić) are also advocating a more rational approach as a permanent solution to the months-long crisis in northern Kosovo. The *Politika* journalist and influential media commentator, Boško Jakšić, also belongs to this circle.

1010 In its manifesto 'Serbia in Europe, Europe in Serbia', Preokret says, inter alia: 'The responsibility for the confusion in which we have found ourselves is chiefly to blame on the authorities, whose calculating ways and vacillation have seriously endangered society's European orientation and the vital interests which depend on it. For this reason, let no one expect us any more to play the part of silent walk-ons in the settling of scores with European Serbia... Those leading Serbia must take responsibility for its European future.' The leaders of the three political parties, Čedomir Jovanović, Žarko Korać and Vuk Drašković, want a turnaround in the policy on Kosovo and acceptance of the new reality in Kosovo (or, as the manifesto states, 'non-recognition of the Kosovo truth and Kosovo reality does not change either that truth or that reality').

## Serbia's Anti-European Bloc and Kosovo

The opponents of Serbia's accession to the European Union sought to capitalize on the 'log revolution' in the north of Kosovo, thus causing tensions in Serbia itself. The Serbs manning the barricades were supported by many academicians and influential intellectual circles, especially those coalesced around *Pečat* and the New Serbian Political Thought.

Traditionally, Euro sceptics in Serbia accuse the EU of blackmail, setting ever 'new conditions', humiliation, 'siding' with the Albanians in Kosovo and high arrogance and high-handedness<sup>1011</sup>.

Patriarch Irinej said in Kosovska Mitrovica that Kosovo would 'have to be defended with blood' if need be, and the SPC Synod spoke out following the Stefanović-Tahiri agreement (on integrated management of the Brnjak and Jarinje crossings). The Synod asked the president of the state and the prime minister 'not to abandon the people of Old Serbia (the archaic name for Kosovo and Metohija) for a chimera called candidate status for membership in the EU. Because, for a responsible state power and for the political elite of Serbia, there is no alternative to Serbia and the Serb people, whereas there is an alternative to everything else, including the ideologized and mythicized European Union.'<sup>1012</sup> Other church dignitaries said that since the EU was already in the grips of the deepest crisis and threatened by disintegration, there was all the more reason not give up Kosovo and Metohija as the price for EU membership. This certainly is the gist of the message, although there is nevertheless a paragraph in which the

1011 The editor of the New Serbian Political Thought, Đorđe Vukadinović, says that 'for a long time the attitude to Serbia of the Brussels [administration] and the administrations of some of the most powerful EU members has been very high-handed and blackmailing'. The academician and ideologue of the Bosnian war, Milorad Ekmečić, said that 'one should not rush into such a Europe'. The only ones who cry for Europe in Serbia are our 'virtuous' politicians who believe that Europe will rebuild for them that which they themselves have destroyed at home, he said. (*Večernje novosti*, 4 December 2011)

1012 Vreme, 8 December 2011.

Serbs in the north of Kosovo are urged to 'have regard for the legal and democratically elected central authorities in Belgrade'.<sup>1013</sup>

The Democratic Party of Serbia (DSS) of Vojislav Koštunica is the political mainstay of the anti-European bloc. Some time ago, the party insisted on denying further hospitality in Kosovo to EULEX and returning the issue of Kosovo to the UN Security Council (where Serbia has the backing of Russia and China). Koštunica first called for a 'grand public debate' on whether 'membership of the EU is in our state interests'. In his opinion, it is not; he says that 'we could have more economic harm from membership in the EU than good' and 'we would have to pay for the admission ticket by relinquishing Kosovo and Metohija'.<sup>1014</sup> One of his latest proposals was to freeze the Kosovo conflict.

In addition to opposing Serbia's candidacy for membership in the EU, the SRS backed the 'log revolution' for all it was worth. Disappointed by President Tadić's call to the Serbs in the north of Kosovo to dismantle the barricades, the 'guardian' of the post of SRS president, Dragan Todorović, urged them to hold out (at the barricades) because they 'have only themselves, God and Russia to rely on'.<sup>1015</sup>

## Media Coverage of the Crisis

The majority of print and electronic media covered the developments 'from the barricades', reporting on the Serbs' determination to hold out, the increasingly frequent incidents targeting enclave Serbs, the efforts of the Serbian negotiators to 'return the situation to the state of affairs prior to 25 July'. The alleged shortage of food and medicines owing to the blockade of imports from Serbia was covered in particularly dramatic fashion. As has always been the case so far, the media practically manipulated (in concert with the authorities) the people in Kosovo. This especially holds true for raising false hopes that everything would be 'as before', i.e. that

1013 *Vreme*, 8 December 2011.

1014 *Večernje novosti*, 24 November 2011.

1015 *Između dve vatre* programme, TV B92, 9 December 2011.



Belgrade, as the sole guarantor of their security of existence, would see to it that their problems would be solved.

Some developments were passed over in silence to create the impression that Belgrade had the upper hand. For instance, the Public Broadcasting Service, RTS, did not inform the audience that Stefanović and Bogdanović were not permitted by KFOR to pass through Jarinje. Media outlets close to the nationalist-conservative bloc, such as the weekly *Pečat*, rooted for the rioters, saying that their action had 'caught [the regime leaders] in the act of definitive surrender and betrayal of the Southern Serbian Province'.<sup>1016</sup>

*Pečat* did not hide its disappointment at the behaviour of the MPs, who 'countered weapons with a declaration'. The weekly was mostly critical of President Tadić over his pacifist address to the MPs.<sup>1017</sup>

The Belgrade media tried to manipulate people's emotions and rally people together by speculating that a takeover of the north of Kosovo by the Kosovo authorities would trigger a new wave of refugees. (This thesis was floated by a number of Belgrade officials particularly during their meetings with representatives of the international community.) At the same time, the media sought to deepen people's distrust in the Kosovo state and its institutions. For instance, the director of the New Policy Centre and advocate of European integration, Vladimir Todorčić, wrote in a signed article in *Politika*:<sup>1018</sup> 'In view of the intentions of official Pristina, we shouldn't rule out the possibility that we may soon again see the sight of tractors with trailers full of refugees, something we hope never to see

<sup>1016</sup> *Pečat*, 4 August 2011.

<sup>1017</sup> 'The word "peace" (and its variations like "peaceful policy") was uttered in the speech of the Serbian president 27 times, and that at a time when in Kosovo the special forces of Hashim Thaqi were increasing their combat readiness and KFOR was being given permission to open fire at the Serbs should it deem it necessary. Anyone who listened to Tadić in the Assembly but did not know that Boris Tadić is the president of Serbia, would have found it difficult to realize that on the basis of his speech, for while his country, which he vowed to defend, was burning, he paid much more attention to the region of the Western Balkans; "this region", the former Yugoslavia and the Western Balkans were mentioned 18 times, compared with only five mentions of Serb national interests....' *Pečat*, 4 August 2011.

<sup>1018</sup> *Politika*, 29 July 2011.

again. The Serbs in the north are full of fear, let alone those in the south.' He said that there had been created a security vacuum 'which cannot be filled by the Serbian state, and KFOR and EULEX do not wish to or cannot do that'. 'While it is not so important to explain why the Kosovo police corps is unacceptable to the Serbs in Kosovo, the undeniable fact is that the people fear for their existence,' he said. In a situation like that, says Todorić, 'it is conceivable that the burning of administrative crossings by "youthful patriots" may occur, and that the chances of that taking place again will be greater if there is no clear strategy about who is supposed to ensure peace there'.

The developments on the ground and their media coverage raised the dilemma whether Belgrade had not radicalized its national policy again. The statement by the deputy prime minister, Ivica Dačić, that 'it is also possible to part ways with the European Union'<sup>1019</sup> can hardly be regarded as part of a rational policy both on the internal and on the regional plane.

## Serbs in North Kosovo

The political leaders of the four Serb majority municipalities in the north of Kosovo received the European Council's decision on postponing Serbia's candidate status on the barricades.

The gap between the political representatives of the north Kosovo Serbs and the Belgrade authorities, including the president of the republic, began to be visible in October. Minister for Kosovo and Metohija Goran Bogdanović accused them of saying one thing during meetings with President Tadić and another thing to the media. At any rate, Belgrade's initial enthusiasm (largely supported by the media) for blocking the roads and border crossings in Kosovo subsided shortly after the European Commission recommended that Serbia be given candidate status (12

<sup>1019</sup> Asked to comment on the possibility of EU membership in return for recognition of Kosovo, the SPS president, Ivica Dačić, who has been making controversial statements about Kosovo in recent months, said, 'If they make [EU membership] conditional on our recognition of Kosovo, then it is better for us to part ways on time'. *Danas*, 6-7 August 2011.

October). One could see that the relations between the Kosovo Serb leaders and Serbia's negotiator with Pristina Borislav Stefanović were seriously affected. Lawyers acting for the Kosovo Serb leaders filed a criminal complaint against Stefanović for violating the Constitution.

They also expressed their distrust of Belgrade when they signed a petition seeking Russian citizenship. The petition (bearing more than 20,000 signatures) was delivered to the Russian ambassador in Belgrade, Alexander Konuzin.<sup>1020</sup> On the Russian side, the idea was supported only by Dmitry Rogozin. He invited the Serbs to leave their 'Kosovo-Albanian prison' and come to Russia where, he said, 'we have so many abandoned villages, towns, so much territory to conquer. Why, can't we afford to play host to 20,000 people, to grant them citizenship and include them not in a programme of immigration but nothing less than repatriation...'<sup>1021</sup> This went on until Russian President Dmitry Medvedev said in person that under Russian legislation on citizenship the Kosovo Serbs could not be granted citizenship but could count on Russia's support and humanitarian aid.<sup>1022</sup>

Another short-lived idea was for the four Serb municipalities to proclaim territorial independence. The advocate of an 'autonomous region', head of the Kosovo Mitrovica district Radenko Nedeljković said that 'it will come to that' 'if the pressure and terror brought to bear on the Serbs for already three months go on'.<sup>1023</sup>

At that time the deputy prime minister and minister of the interior, Ivica Dačić, was still in favour of radical solutions. He said that he absolutely supported the Kosovo Serbs who do not want to live in an independent Kosovo: 'Who can deny them that right. Why did they [the international community] grant that right to the Albanians who did not want to live in the Republic of Serbia?'<sup>1024</sup>

1020 This initiative was launched by the Russian embassy to show that Boris Tadić does not enjoy the confidence of the Kosovo Serbs.

1021 *Politika*, 17 November 2011.

1022 Russia sent humanitarian aid consisting of tents and camping equipment.

1023 *Politika*, 21 November 2011.

1024 *Ibid.*

The instrumentalization of the Kosovo Serbs, in which only the LDP, a few small political parties and a segment of the civil sector are not taking part, resembles the scenario seen before in Croatia and Bosnia and Herzegovina and implemented with the support of the entire Serbian elites. Also, it should be noted that while Russia does not formally oppose Serbia's membership in the EU (its 'red line' being NATO membership), it attaches strategic importance to a presence in the region.

Angela Merkel's signals proved most disconcerting to the government officials 'with jurisdiction for Kosovo' and the Serb leaders in the north of Kosovo. Ministry for Kosovo and Metohija officials said that there was no alternative for the 'parallel' structures in the present circumstances because, they said, they were the only guarantee of the Serbs' survival in Kosovo. The Serb political leaders in the north of Kosovo, Marko Jakšić and Milan Ivanović, said that Merkel's demands were unacceptable both for the Serbs in the north and for those elsewhere in Kosovo. In the event of the Belgrade authorities knuckling under Western pressure, they said they would resort to non-violent resistance and an 'institutional political struggle not only by the Serbs in the north but by the national forces all over Serbia'.<sup>1025</sup>

The referendum on 'Do you accept the institutions of the so-called Republic of Kosovo?' was held in February 2012, without support from the Serbian Government, in all the four municipalities: Northern Mitrovica, Zvečan, Zubin Potok and Leposavić. Although the mayor of Leposavić, a DS member, was the only Serb leader in the north opposing the referendum, voting also took place there. The minister for Kosovo and Metohija, Goran Bogdanović, said that that was the first time the 'Kosovo Serbs did not obey the Serbian Government'.<sup>1026</sup> He said that the referendum was unnecessary 'because it will impede the negotiating process'. Using the terms 'dangerous', 'pernicious' and 'gambling with the people's will', Bogdanović said that the referendum results 'should not carry any political weight either for this or any other future government'. It is known in advance, he

<sup>1025</sup> *Danas*, 24 August 2011.

<sup>1026</sup> *Dnevnik TV*, 13 February 2012.

said, that ‘not 90% or 95% but 100% of Serbs in the north of Kosovo are against the Kosovo institutions’.

The position of the Kosovo deputy prime minister, Slobodan Petrović, was diametrically opposed to that of the Serb leaders in the north; he said that the Serbian state should look after its own interests and that accession to the EU was among the most important. ‘I am sure that the Serbian authorities will realize that abolishing the parallel governance structures in the north is precisely what is important on that road,’ he said.<sup>1027</sup>

## Russia’s Position

Official Moscow did not show an excess of enthusiasm in supporting the ‘Serb cause’ in the north of Kosovo. True, in New York it backed Belgrade’s request for an extraordinary session of the UN Security Council although it was probably aware that the motion would be blocked by the US and other Security Council members. Vuk Jeremić did not attend the Security Council consultative session on Kosovo because Russia did not insist that he should.

An appeal by the political leaders of the north Kosovo Serbs to Russia (and China) to protect their rights and interests failed to draw much of a response. It is indicative that an open letter to Russian Prime Minister Vladimir Putin<sup>1028</sup> from about 20 nationalist public figures did not attract much attention either. On earlier similar occasions, such as the ‘initiative by 200 intellectuals’ against Serbia’s NATO membership, the number of signatories had been much greater. The letter to Putin says that, as a permanent member of the Security Council, Russia was expected to initiate a resolution ‘on the situation in Kosovo and Metohija and the permanent terror against the Serb and non-Albanian population’.

Russia’s ambassador in Belgrade Alexander Konuzin alone played an active role. He attended a debate on Kosovo in the National Assembly

<sup>1027</sup> *Politika*, 24 August 2011.

<sup>1028</sup> The open letter to Vladimir Putin, published by *Pečat* on 5 August 2011, was signed by only about 20 nationalist ‘notables’ including Smilja Avramov, Kosta Čavoški, Dragan Nedeljković, Marko Jakšić, Radomir Smiljanić.

and told the daily *Večernje novosti*, in connection with NATO's decision to dispatch an additional contingent to Kosovo, that a 'large anti-Serb campaign is in progress'.<sup>1029</sup>

The Russian Foreign Ministry issued a statement calling on the EU, NATO and UN to forestall a new attempt by Pristina to 'resume control of the majority Serb territories in Kosovo by force'. The ministry's spokesman, Alexander Lukashevich, said that there was a 'big chance that Pristina would succumb to the temptation to resume control of the Serb population in Kosovo in spite of the 5 August agreement on refraining from military action'.<sup>1030</sup>

During the early stages of the crisis at the Brnjak and Jarinje border crossings last summer, Moscow exercised marked restraint. However, Russian ambassador in Belgrade Alexander Konuzin later began to interfere openly. At the first Belgrade Security Forum, Konuzin angrily reproached those present for not defending their country's interests in Kosovo. At one point, he called out in anger, 'Are there any Serbs in this room?'

Following the scandal, posters bearing the words 'Alexander Konuzin, ambassador of Serbs in Serbia' appeared all over Belgrade. The posters were the work of the Srpski narodni pokret 1389 in support of the Russian ambassador because, the organization said, he had been 'under constant criticism and attacks' following the Belgrade Security Forum.<sup>1031</sup>

## EU, US and Germany

The Kosovo visit by the German foreign minister, Guido Westerwelle, showed that the EU, and Germany and Britain in particular, was interested in stabilizing the situation in Kosovo. After meeting Kosovo Prime Minister Hashim Thaqi, Westerwelle called on EU member countries to recognize Kosovo. He said that the map of the Western Balkans was final and that the borders of Balkan countries would never be called into question.

1029 *Večernje novosti*, 4 August 2011.

1030 *Politika*, 11 August 2011.

1031 *Alo*, 22 September 2011.

He also said that it was important to resume the Kosovo-Serbia dialogue on technical issues as soon as possible.

In a signed text published in the *Frankfurter Allgemeine Zeitung*, the German and British foreign ministers, Guido Westerwelle and William Hague, asked Kosovo and Serbia to find a solution to their problems that would respect the borders of Kosovo.<sup>1032</sup>

The distinguished analyst, Morton Abramowitz said that in all likelihood the problems in Bosnia would not be solved before the problem of northern Kosovo was solved. He sees the main problem in Serbia's policy on Kosovo and Bosnia and does not see any progress unless that policy changes.<sup>1033</sup>

Daniel Serwer, a lecturer at John Hopkins University, believes that a partition of Kosovo would be a powerful factor of destabilization of the region. In view of this, he does not see what benefits Serbia would have from pursuing such a policy. However, if Serbia persists, he says that the EU will simply tell it that it will have to wait quite a bit longer before it becomes its member.<sup>1034</sup>

Other European politicians who have visited Belgrade recently have made it increasingly clear that there will be no partition. For instance, the Austrian state secretary, Wolfgang Waldner, who attended the Economic Summit in Belgrade, said clearly that Kosovo's independence was a reality. He believes that a formula to solve the issue of northern Kosovo must be found as soon as possible.<sup>1035</sup>

He was replied by the first deputy prime minister, foreign minister and SPS president, Ivica Dačić, who said that the 'existence of two Kosovos – Serb and Albanian' was the current reality. He reiterated the well-known

1032 [http://www.slobodnaevropa.org/content/kosovo\\_srbija\\_kriza\\_daniel\\_serwer/24292325.html](http://www.slobodnaevropa.org/content/kosovo_srbija_kriza_daniel_serwer/24292325.html)

1033 *Politika*, 6 August 2011.

1034 [http://www.slobodnaevropa.org/content/kosovo\\_srbija\\_kriza\\_daniel\\_serwer/24292325.html](http://www.slobodnaevropa.org/content/kosovo_srbija_kriza_daniel_serwer/24292325.html)

1035 *Blic*, 4 October 2011.

(Dobrica Ćosić's) thesis on the necessity of a solution to the Serb-Albanian conflict 'which would imply delimitation'.<sup>1036</sup>

## Conclusions and Recommendations

The placing of the customs points under KFOR control and preventing a return to the status quo ante has created the conditions for a gradual placing of the north of Kosovo under the control of the Pristina authorities and for the implementation of the Ahtisaari Plan in the north of Kosovo as well. This will make Belgrade's position easier because the status quo in Kosovo has been a burden for the present government too, which is not prepared itself to make a breakthrough towards solving the problem.

By opting for the EU, Belgrade showed for the first time its readiness to withhold support for the radical Serb leaders in the north of Kosovo. It has become apparent that, thanks above all to the strong pressure of the international community, the ties between Belgrade and the parallel structures in Kosovo are becoming loose.

Organized crime, based above all on illicit trade, which has a strong base in northern Mitrovica, is the main obstacle to the normalization of the situation in the north and its integration into Kosovo's legal system. This became apparent during the 'log revolution'. Local politicians and their partners in Belgrade base their social and political power on this connection with organized crime. Without the partners in Belgrade, as well as in Pristina, this organized crime would not be possible. Official Belgrade must continue to deconstruct these connections as a basic precondition for the normalization of the situation in Kosovo and the whole region.

The situation in the north of Kosovo is a state of lawlessness, with neither side assuming responsibility so far for protecting the citizens. The moderate Serbs who would want to contribute to the normalization of the situation in the north and to the social and political transformation of that part of Kosovo are constantly targeted by radical Serb leaders and organized criminal groups. They are often threatened and their property is

1036 Ibid.



destroyed. There is no freedom of association and speech. Therefore, the international forces in Kosovo and the local Kosovo police must take urgent and resolute steps to protect the basic human rights of the citizens in the north of Kosovo and their property.

If Belgrade again insists on a partition of Kosovo, Serbia could be held responsible for a consequent destabilization of Macedonia, Bosnia and Serbia itself. Other than that, Belgrade must desist from insisting on a model of territorial ethnic autonomy for the north of Kosovo and the creation of a 'state within a state' resulting in a disfunctionality of the Kosovo state. The model of RS has shown that this is not a functional solution.

Belgrade must urgently, and without any conditionality, start to implement all the agreements reached in Brussels because of their inestimable importance for the normalization of the lives of the citizens and their movement in the region regardless of their background. The tactics of obstructing the dialogue in Brussels will not prevent the independence of Kosovo and will cause the most damage to the citizens of both countries in their everyday life.

Although there has been much progress in integrating the Kosovo Serb community in the municipalities operating under the Ahtisaari plan, one notices a conspicuous absence of programmes of social cohesion, particularly concerning young people from the two communities. If such programmes are not launched as soon as possible, the two communities will increasingly drift apart, with grave long-term consequences for the whole region. The civil society organizations already investing great efforts to this end could play a major role in this.



## 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

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>1037</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>1038</sup>

The two largest parties of Macedonian Albanians, the Democratic Party of Albanians of Menduh Thaqi and the Democratic Union for Integration 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

1037 1www.B92.net, 9 October 2008.

1038 Ibid.

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>1039</sup>

#### Macedonia and ICJ Advisory 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.

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.

<sup>1039</sup> Ibid.

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>1040</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>1041</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.

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.

<sup>1040</sup> *Blic*, 27 January 2010.

<sup>1041</sup> *Politika*, 31 July 2009.

## Attempt to Change the Name of MPC

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>1042</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.

## Serbia's Reaction to 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 enor-

1042 Vesti, 30 July 2009.

mous importance for our citizens.’<sup>1043</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 accordance 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>1044</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>1045</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>1046</sup>

By opening an embassy in Pristina 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

1043 Tanjug, 22 July 2009.

1044 Ibid.

1045 *Blic*

1046 Transcript, Greek Ministry of Foreign Affairs website.



that he supported Kosovo's territorial integrity and would help Kosovo in the visa liberalisation process.<sup>1047</sup>

## Delimitation

Delimitation 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, Stefan Füle, said that it was 'important for every state seeking EU membership to deal with bilateral issues as it prepares for European integration'.<sup>1048</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>1049</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>1050</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 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>1051</sup>

Serbia reacted sharply to Macedonia's demarcation decision, with Minister Jeremić saying that the decision had dealt a 'blow to the relations

1047 Tanjug, 15 March 2010.

1048 *Danas*, 25 March 2001.

1049 Ibid.

1050 Ibid.

1051 Ibid.

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>1052</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 makeshift. 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.

1052 Tanjug, 18 March 2010.

## Slovenia: Economic Cooperation Grows

In the early Parliamentary Elections held in December 2011, the party of Ljubljana's Mayor Zoran Jankovic, the Positive Slovenia party, had won the most votes. Due to the fact that his party was founded only six weeks before the elections were held, Jankovic's victory over favored Janez Jansa (who was leading in the public opinion polls practically until the day of elections) was considered sensational in both Slovenia and practically the entire region. This resulted in extraordinary media attention, which was especially the case for Serbia.

The media did not hide their excitement with such unexpected turn of events at Slovenia's political scene. The subtext which was easy to read was that "our man" had won in Ljubljana, or rather, that a "Serb had triumphed over the Slovenian". There practically weren't any media in Serbia who did not send journalists to the village of Saraorci near Smederevo, where Jankovic was born, in search for an exclusive on the childhood of "one of us" who has made it "abroad".

Serious analyses, apart from the surprise factor, had emphasized the good campaign of Positive Slovenia, as well as the conspicuous "anti-Jansa mood" of a good part of voters in Slovenia.<sup>1053</sup> However, Jankovic's media promotion and the celebration of his election victory was, at the same time, a reflection of a sort of paternalism on part of official Belgrade. This paternalism towards Slovenia is considerably smaller than that towards other newly independent states in the foreign Yugoslav region.

The post-election "mathematics" in Slovenia's Parliament did not result in the expected outcome: instead of Zoran Jankovic, who did not manage to gain the support of a majority of MPs, the government was formed

1053 *Kurir*, December 5, 2011; *Danas*, December 5, 2011; *Politika*, December 5, 2011; *Blic*, December 5, 2011; *Svedok*, December 6, 2011, *Novi Magazin*, December 8; *Pecat*, br. 195/2011

by the runner-up Janez Jansa, leader of the Slovenian Democratic Party (SDS). It is yet to be seen how this will affect the political bilateral cooperation between Serbia and Slovenia. In Serbia, Janez Jansa is still perceived as one of the leading stakeholders from the short-lived war in 1991, as well as one of the most notorious “weapons importers” into Bosnia and Herzegovina between 1992 and 1995. In addition, his political option differs completely from Borut Pahor, who led Slovenia’s previous government.

During Pahor’s mandate, bilateral relations between Belgrade and Ljubljana were continuously improving. Slovenia had unreservedly expressed support to Serbia’s European integration on every occasion, and had done the same in its contacts with other partners in the European Union. According to media writing in Serbia, during his meeting with German Chancellor Angela Merkel, Borut Pahor had, allegedly, softened her stance towards Kosovo.<sup>1054</sup>

However, the decision of Serbia’s diplomacy of October 2011 not to support Slovenia’s candidacy in electing non-permanent members of the United Nations Security Council has cast a dark shadow on the good relations of the two countries: instead of Slovenia, Serbia supported Azerbaijan.

In the meantime, some of the problems that have burdened the bilateral relations for years have been overcome. This is primarily the case with resolving the matter of “erased citizens”, mostly members of the former Yugoslav Army (JNA) and their families, with Slovenia’s Constitutional Court decision of giving back all civil rights to these persons. Additionally, at the bilateral level, there was an agreement on pensions, although there are still problems in exercising this right in practice, which primarily Serbian citizens, who have acquired the right to Slovenian pensions, are still complaining about.

Economic relations between Serbia and Slovenia are continuously improving. As a foreign trade partner in total export from Serbia, Slovenia comes in eighth place; whereas it takes tenth place when import into Serbia is concerned. The overall trade between the two countries in 2011 is more than 1 billion dollars, which is a 13 percent increase as compared to the previous year. What is even more indicative is the fact that, for the first

1054 *Blic*, September 1, 2011

time in the recent history of economic relations between the two countries, Serbia has, in relation to Slovenia, reached an upper hand – its exports (529 million dollars) were higher than imports (526 million dollars).

Apart from traditional exchange, other economic ties are spreading as well: for example, during 2010, a Serbian businessman had become the owner of a famous Slovenian brand – the fruit juice producer “Fructal”; whereas in Zajecar, in Serbia, “Gorenje” from Velenje is building a new production line.

Internally, Slovenia has problems with corruption, like the other countries in the region. A trial, which had begun in September 2011 against Janez Janša, who is accused for taking a bribe from the Finnish company Patria while signing a 392 million dollar worth contract, stands out as one of the biggest processes.<sup>1055</sup>

Additionally, the status of minorities in Slovenia, especially the “new ones” (as members of national communities of former Yugoslav republics are called) is not at the “European” level. Apart from the problems of the “erased citizens”, which took years to resolve, Slovenia does not have a single mosque, because citizens’ initiatives are blocking building permits from being issued. On a similar note, there are also incidents against the Roma, as well as against members of the LGBT community.

1055 *Politika*, September 6, 2011



## XIV – SERBIA AND THE WORLD





## Disorientation and Non-Existent Strategy

Serbia was granted candidate status for membership of the European Union on 1 March 2012. The decision was only taken in a 'second round' after Belgrade had fulfilled the minimum conditions set by the EU. The most important of them is an agreement on regional representation of Kosovo. Thus, under diplomatic pressure from the leading international actors, Brussels, Washington and Berlin, Serbia opted for European integration and settled the key dilemma concerning its geostrategic commitment.

The unwillingness and inability of the political class to shape Serbia as a democratic country with a clear modernization agenda 11 years after the overthrow of the regime of Slobodan Milošević had called into question its European future. The last year in office of the government which had come to power on the strength of its proclaimed pro-European orientation was overshadowed by efforts of the Serbian elites to finalize their war aims in Kosovo and Bosnia. This provoked a determined reaction first from the EU, particularly Germany, and then from the US. Within three months Serbia was forced to achieve in its dialogue with Pristina a minimum agreement in order to be granted candidate status. A conflict between the anti-European and pro-European orientations was again at work.

In 2011, which was marked by a controversy provoked by the officially formulated state strategy of 'both Europe and Kosovo', Serbia failed to get candidate status. The authorities' responsibility for the failure was recognized by the citizens: 53% of respondents in the December 2011 poll conducted by the European Integration Office of the Serbian Government blamed the postponement of the candidate status decision on the state leadership (with 32% blaming the EU, 5% the situation in Kosovo and 4% the people).<sup>1056</sup> Of the state officials, only the deputy prime minister in charge of European Integration, Božidar Đelić, displayed a sense of

<sup>1056</sup> *Politika*, 23 January 2012.

personal responsibility, handing in his resignation on the same day the candidate status decision was suspended (9 December).

The postponement of the decision until the spring 2012 (with an uncertain date for the start of accession negotiations) put an end to the Serbian officials' 'laissez-faire' behaviour. As it turned out, their expectations that substantial administrative and parliamentary efforts in adopting pro-European legislation, the continuation of reforms, the arrests and extraditions of the last two Hague indictees, Ratko Mladić and Goran Hadžić, and the October recommendation of the EU for candidate status would be enough for a European pass were an illusion.

The assessment of the political elite that the approach of the candidate status was an occasion to formalize and practically effect a partition of Kosovo proved unrealistic. By the decision of the EU Council to postpone Serbia's candidate status European officials confirmed the strategic orientation that border changes in the region were out of the question. This unambiguous message was delivered in time to Serbian President Boris Tadić by German Chancellor Angela Merkel during her brief visit to Belgrade in August 2011. In December, the heads of state or government of EU member countries also demonstrated their lack of confidence in the Belgrade authorities' sincerity and seriousness regarding their European orientation as well as their promises.

The officials, who were confident that Europe would turn a blind eye once more, did not conceal their disappointment. The blame for the Brussels' rebuff was attributed to the most influential country in the EU, Germany, leading to an anti-German media campaign. Since, unfortunately, this did not hold true for tabloids alone, the atmosphere, as far as Germany was concerned, was largely reminiscent of the anti-German sentiments during the 1990s (when Germany was accused of being principally responsible for the independence of Croatia and Slovenia).

Serbia's vacillation over European integration was taken advantage of by the conservative bloc for intensifying its anti-European efforts including advocacy of Serbia's (anti-NATO) military neutrality and (anti-EU) political neutrality. The political parties at the forefront of this bloc (Democratic Party of Serbia and Serbian Radical Party) and allied media campaigned

for an orientation to the East and firmer ties with Russia. Their arguments were that Kosovo is more important than Europe and that the EU's policy towards Serbia is one of continual conditionality and ever new demands.

The economic-financial and institutional crisis in the EU was also grist to the mill of the local Eurosceptics and opponents of Serbia's European course. Other than predicting the collapse of the most significant European project, the resignations of the Greek and Italian prime ministers, George Papandreou and Silvio Berlusconi, was particularly criticized as 'undemocratic behaviour'. The criticism was pointedly directed against Germany, with ambiguous as well unambiguous references to its role in European twentieth century history (its position as the economically and political most influential country on the continent earning it the attribute the 'Fourth Reich').

The vacillation of the political class, the dilatoriness in meeting the indispensable conditions, and the insistence on 'red lines' with regard to Kosovo are generally rendering the process of Serbia's rapprochement to the EU a lengthy, ineffective and, in the final analysis, tedious affair. In the course of 2011, this resulted in a dramatic fall of public support for European integration: having been as high as 70% for a number of years in the wake of Milošević's fall and never under 60%, it fell to about 50%. In September, following the brief visit by the German chancellor and at the height of the crisis in the north of Kosovo, public support for EU membership fell briefly under 50%.<sup>1057</sup>

The decision to postpone the candidate status was a blow to the already fragile pro-European orientation of Serbia. At the same time, it was a blow against the political and social option which advocates European foundations and values. Initiated from within society (NGOs including the Helsinki Committee) this option has its political shape in the tripartite

1057 A public opinion poll conducted by the periodical *New Serbian Political Thought* showed that support for the European Union had been lower than 50% since September 2011. According to the poll carried out between the end of December 2011 and the beginning of January 2012, support for the EU was 46.5% and opposition 37.9% (as reported by *Politika*, 15-16 February 2012).

Preokret (Turnaround) coalition of Liberal Democratic Party, Serbian Renewal Movement and Social Democratic Union.

The postponement of the candidate status and controversies in Serbia itself cast serious doubts on the sincerity of Serbia's pro-European commitment which had been declaratively supported by all the governments since 2000. The general attitude of the political class, judged by its readiness to fulfil the indispensable conditions of the European Council, leads to the conclusion that while it has not given up its pro-European commitment, it is rethinking it 'in view of the circumstances'. In this context, a multi-vectored foreign policy was advocated allegedly similar to the line adopted by Turkey, having tired of waiting in front of Europe's gates. Consequently, 'one should waste no time over formal processes of accession (to the EU)', i.e. under the circumstances 'for the EU, Serbia can become a factor worthy of effort only if strengthened by extra-European partnerships'.<sup>1058</sup>

Generally, Serbia's relations with the world including the neighbourhood were at a standstill throughout the year. This was a result not only of the escalation of the crisis in the north of Kosovo, which practically sealed the decision of the European Council, but also of Belgrade's traditional claims in the region, particularly against Bosnia and Herzegovina and Montenegro. Also, the visits by foreign officials to Belgrade were mostly in the context of the candidate status and the pressure on Serbia to meet the minimum requirements. Other than the brief visit by Russian Premier Vladimir Putin (lasting several hours), the visit by German Chancellor Angela Merkel<sup>1059</sup> in August and the visit by Turkish President Abdullah Gul in June, there were no high-level visits to Belgrade in 2011.

The relations with the US were not on the level achieved following the 2009 visit by Vice President Joseph Biden and the 2010 visit by State Sec-

1058 Politika, 30 January 2012. It is indicative that the article entitled 'Srpski strah od budućnosti' (Serb fears of the future), which advocates temporary abandonment of the EU integration process as the only strategic orientation, was written by Nikola Jovanović, editor-in-chief of *Izazovi evropskih integracija* and adviser to Foreign Minister Vuk Jeremić.

1059 The object of her visit was to make clear to Serbia that it must normalize its relations with Kosovo as a precondition for candidate status.

retary Hillary Clinton. Although Washington was regularly visited by leaders from the region, Serbian highest officials were not among the guests. Nevertheless, the US actively campaigned for Serbia's candidate status.

On the other hand, Russia's activities were considerably more dynamic. Russia was mostly represented on the public stage by the ambassador to Belgrade, Alexander Konuzin, some of whose acts bordered on political scandal. Although non-transparent, the presence of Russia and its (intelligence) structures appears to have been decisive in connection with a number of developments (barricades, blockade of border crossings, attacks on KFOR personnel) in the north of Kosovo in the second half of 2011. By all accounts, Moscow also supported the decision of the north Kosovo Serbs to organize in February 2012 a referendum on non-recognition of the Kosovo institutions in spite of the formal opposition of the Belgrade authorities. The leader of the north Kosovo Serbs, Marko Jakšić, said that the (re)election of Vladimir Putin, an honorary citizen of Kosovo, as Russian president 'would be a tailwind to our bare survival'.<sup>1060</sup>

Turkey, a growing regional power, was present in the region in 2011 as well in spite of being preoccupied with dramatic developments in its immediate neighbourhood in the Middle East (particularly in Syria). One of its major initiatives in 2011, to reconcile the two Islamic communities in Serbia, met with failure chiefly owing to obstructions on the part of the Belgrade government (which was originally instrumental in causing the rift within the once integral Islamic community).

The tactless, partial and occasionally incident-causing attitude of Foreign Minister Vuk Jeremić<sup>1061</sup> earned him a bad reputation in international circles. On the other hand, thanks to his gaffes, he was applauded by and became highly popular among the domestic (anti-European) public. Jeremić spent most of his term tirelessly touring countries and continents in an effort to block the recognition of Kosovo. It was not before the autumn of 2010, after President Tadić agreed to a joint resolution with

1060 *Pečat*, 10 February 2012. Jeremić said, for instance, 'Those who have Croatian Premier Jadranka Kosor for a friend have no need of enemies'.

1061 *Blic*, 14 December 2011.

the EU at the United Nations,<sup>1062</sup> that Jeremić found himself diplomatically isolated. His failure to win the Democratic Party (DS) vice-presidency marginalized his 'steroid diplomacy' but did not jeopardize his position.

Rumours of his replacement were revived in December 2011 following the European Council's decision to put off Serbia's candidate status. According to Belgrade media, owing to the Brussels failure, Jeremić was criticized at a DS Main Board meeting by the party's vice-president and mayor of Belgrade, Dragan Đilas. He was reported as having demanded Jeremić's dismissal because, he said, the Ministry of Foreign Affairs 'under Jeremić's leadership failed to achieve the strategic objective of the country's rapprochement with the EU'. At the same meeting, Jeremić was also criticized by the president of the DS Political Council, Dragoljub Mićunović.<sup>1063</sup>

### **European Union: Decelerated Rapprochement**

The pro-European For European Serbia coalition, gathered around the DS, won the 2008 election. At the time, it was believed that the government it would form would accelerate Serbia's progress towards European integration. Almost four years later, and with the government's term nearly complete, the net result of the 'European effort' reflects the deep-seated problems of Serbia and its resistance to modernization. This is not only a matter of two clashing orientations but of lack of Serbia's capacity and will to move in the direction of fundamental transformation of its society.

The present government's four-year accomplishments could be summed as follows: the unfreezing of the Stabilization and Association Agreement (2008), which is yet to be ratified by three out of 27 EU member countries; the inclusion in the Schengen Area in December 2009; and the submission of the application for membership of the EU in December 2009. Also, many laws were adopted conforming to European legislation. The Army has been reformed and the police partially; the far-reaching reform of the judiciary, which had been criticized since the beginning, has

1062 The turnaround in the policy on Kosovo made possible the Belgrade-Pristina dialogue in March 2011.

1063 *Pravda*, 14 December 2011.

also been completed. However, the practical effects of this reform are minimal. Following the postponement of Serbia's candidate status, the key problem (normalization of relations with Kosovo) and other problematic issues began to be discussed increasingly openly. This goes above all for the omissions made in the reform of the judiciary and particularly for the 'mode of work of the High Judicial Council'.<sup>1064</sup>

At the beginning of 2011, the European Parliament ratified the Stabilization and Association Agreement (SAA), with a total of 24 parliaments of member countries following suit by the end of the year; it remains to be ratified, before the start of the pre-accession negotiations, by the parliaments of Belgium, Romania and Lithuania.

The dialogue between Belgrade and Pristina on 'technical issues' was opened in Brussels in March 2011. The EU-sponsored dialogue is being held under the mediation of British diplomat Robert Cooper. This channel of communication was opened as a practical result of the turnaround made by Boris Tadić in September 2010, when he and EU High Representative Catherine Ashton agreed a draft joint resolution on Kosovo to be presented at the United Nations.

The most wanted war crimes fugitive from The Hague, General Ratko Mladić, was arrested and extradited in 2011. Not long afterwards, the last person wanted by the Hague tribunal prosecution, Goran Hadžić, was arrested as well. With that, Serbia had discharged its obligations to the Hague tribunal as far as the arrest of the remaining fugitives is concerned.

## Opinion of the European Commission

Opinion within the EU and the European Commission on Serbia's candidate status was divided. Having reviewed the reform results and the completion of cooperation with the Hague tribunal, and in anticipation of important agreements in the Belgrade-Pristina dialogue, the European

1064 Head of the EU mission in Serbia Vincent Degert asked the president of the High Judicial Council, Nata Mesarović, to temporarily freeze the revision of the election of judges because the body lacked a quorum and let her know that the 'EU observers have expressed concern about its method of work'. *Danas*, 29 December 2011.

Commission on 12 October recommended that Serbia be granted candidate status. It noted, 'Serbia has a comprehensive legal and institutional framework for the rule of law and the protection of human rights and minorities, which overall corresponds to European and international standards.'<sup>1065</sup> At the same time, the EU noted Serbia's continued commitment to the aim of becoming a member, the improvement of certain procedures, the establishment of all independent regulatory bodies, the abolition of blank resignations and the achievement of initial results in the fight against corruption and organized crime and in the reform of the judiciary.<sup>1066</sup>

However, as regards Kosovo, the European Commission stressed the need to implement the agreements, ensure the freedom of movement, improve the cooperation with EULEX and reach agreements on regional representation of Kosovo. Presenting the European Parliament report in Belgrade, the head of the EU delegation in Serbia, Vincent Deger stressed: 'The first priority...means among other things ensuring the participation of Belgrade and Pristina in international forums, regional meetings and the signing of regional agreements in important fields'.<sup>1067</sup>

However, Serbia did not pay due attention to the European Commission's recommendations and requirements that echoed what German Chancellor Angela Merkel had clearly outlined during her August meeting with President Boris Tadić. In spite of the increasingly frequent warnings during the following two months by international officials, particularly from Berlin and Paris, that the conditions would have to be met before December, the Belgrade authorities did hardly anything because they were convinced that the recommendation of the European Commission was sufficient.

Such indolence and disregard on the part of Belgrade brought about a veritable drama on the eve of the Brussels summit. A few days before the EU heads of state or government were to meet, Chancellor Merkel announced, 'At this moment, Serbia does not meet the requirements for

1065 Opinion of the European Commission, *Danas*, 13 October 2011.

1066 Ibid.

1067 *Press*, 13 October 2011.



candidate status'.<sup>1068</sup> Although several countries were of the opinion that once again Serbia could be let off lightly, Germany's adamant position won the support of some other countries (Britain, Austria). As a last-ditch attempt, Serbia too tried to mend things by resuming the dialogue with Pristina, but the Stefanović-Tahiri meeting at the beginning of December ended without a result.

On 9 December the European Council suspended the candidate status and formulated the conditions for the continuation of the European processes including establishing integrated supervision at border crossings with Kosovo, ensuring freedom of movement for international missions, particularly for EULEX throughout Kosovo, and reaching agreement on the representation of Kosovo at regional meetings.

### **Anti-European Sentiments Consolidate**

In 2011, the Euro-enthusiasm of the Serbian public declined markedly. The key reasons for the growth and consolidation of Euroscepticism were the slowness and vacillation of the authorities in defining Serbia's international position in strategic terms, on the one side, and the internal crisis in the EU itself, on the other. This made it possible for the political-media circle of anti-Europeans, gathered around the Democratic Party of Serbia (DSS), the Serbian Radical Party (SRP), *Pečat* and *New Serbian Political Thought*, to step up their efforts and go on the offensive. Their main thesis opposes the official line that 'Europe has no alternative'. In presenting a survey by the Belgrade office of the European Parliament of media coverage in 2011, the head of office, Vincent Degert, said that while the number of items featuring the EU had increased, the percentage of positive reports had declined and that of 'neutral' ones increased.<sup>1069</sup>

To be sure, the 'neutral' reports included texts about the internal problems of the EU such as the debtor crisis, the crises of the euro and of the eurozone, the economic problems and the political plans for their resolution. The subtext, however, suggested that Serbia should bear these cir-

<sup>1068</sup> *Blic*, 3 December 2011.

<sup>1069</sup> *Danas*, 12 March 2012.

cumstances in mind when deciding on its orientation. In this connection, Degert observed that the citizens are not properly informed about the EU and its advantages.<sup>1070</sup>

There were extensive reports and commentaries about possible changes in the internal organization of the EU, a Europe in 'two gears', a Europe of 'concentric rings', a Europe of a 'centre and periphery', a Europe of 'first and second rings' – the implication being that Serbia would at any rate be outside the mainstream. The resignations of the Greek and Italian prime ministers, George Papandreou and Silvio Berlusconi, were also criticized. They were particularly critical of the case of the former, who was not allowed by the EU to call a referendum on an austerity package to solve the debtor crisis.<sup>1071</sup> Further, the outlook for the EU was often likened to the fate of the former Yugoslavia. Speculation on this topic gave birth to a thesis that, should the EU collapse or possibly be restored to life in the form of an 'enlarged Germany', 'the best thing for Serbia at the moment... would be to keep its distance from that business'.<sup>1072</sup> It was also predicted that 'accession will be not only a very long process, but one with an uncertain outcome'.<sup>1073</sup>

The growing distance from Europe was not only manifested by the evident decrease in the number of citizens supporting EU membership but also visible in the portion of the electorate whose political representatives belong to the pro-European bloc. This is most clearly perceived in the case of the Serbian Progressive Party, which joined the bloc more declaratively than out of conviction. The *Politika* daily columnist, Boško Jakšić, noted that a 'Serb rejection front' practically dominated the public stage.<sup>1074</sup> In

1070 Ibid.

1071 In the article headlined 'Demokratija zamire u kolevci', Đorđe Vukadinović writes, 'The amount of odium that was poured all over him and Greece from Brussels and the major European capitals was simply incredible, with Papandreou literally dragged through the mire, publicly humiliated and politically buried within the space of two days'. *Politika*, 8 November 2012.

1072 Ibid.

1073 Dr Maja Kovačević of the Faculty of Political Sciences in Belgrade, *Danas*, 9 January 2011.

1074 *Politika*, 25 December 2011.

his opinion, the danger lies not in the fact that the DSS is part of this bloc, for it has always made its position clear, but in the Democratic Party's cohabitation with it, something which 'seriously damages the profile of the party and of the "most pro-European government" of post-October Serbia'.<sup>1075</sup>

## Intensified Anti-European Campaign

In trying to account for the postponement of the candidate status, Serbia's political class argued that the EU had asked Serbia to recognize Kosovo, a price Serbia is not willing to pay. This thesis was launched by, among others, Foreign Minister Vuk Jeremić and Minister of the Interior Ivica Dačić. Jeremić claimed that he had been told by 'four EU foreign ministers, "You can't enter the EU without formally recognizing Kosovo"'.<sup>1076</sup> Like arguments were put forward by almost all media outlets including the pro-government daily *Politika*.<sup>1077</sup>

The anti-European campaign gained momentum with the publication of DSS President Dr Vojislav Koštunica's book *Zašto Srbija, a ne Evropska Unija* (Why Serbia and not the European Union), which presents the bloc's ideological programme. The object of its extensive publicizing by the media and publication in serial form in *Politika* was not only to promote the traditional anti-European attitudes but also to prepare the public for a possible new postponement of the candidate status (on 1 March). Koštunica writes in the book that the EU is a bureaucratic creation leading to the 'weakening of the traditional foundation of democracy constituted by the nation state'.<sup>1078</sup> He also writes that 'from a community of mutually cooperating states the European Union is changing into a union of non-

<sup>1075</sup> Ibid.

<sup>1076</sup> *Blic*, 22 December 2011.

<sup>1077</sup> 'Recognizing Kosovo for the sake of candidate status would be a senseless move. For it is neither certain that the EU will admit us later, nor sure that the EU will exist in ten years... Simply put, contrary to what some propagandists would have us believe, in return for giving up Kosovo they are not offering us membership of the Union but only candidate status. And that's a raw deal.' *Politika*, 24 December 2011.

<sup>1078</sup> *Politika*, 6 February 2012.

sovereign entities'.<sup>1079</sup> His argument in support of his well-known position that Serbia should remain neutral is as follows: ' [Serbian] neutrality will make it possible for us to have the best possible friendly relations with Russia and represents a guarantee that Serbia will never side with any alliance against Russia.'<sup>1080</sup>

## Serbia and Germany

The August visit of German Chancellor Angela Merkel to Belgrade was of key importance for Serbia and its further orientation to European integration. In the event, her messages and the postponement of the candidate status bore fruit. During the visit, her directness undoubtedly surprised her hosts and shocked the public. However, her messages in effect summed up the position of all the international community key actors on the Balkans: it was given Serbia to understand that borders in the Balkans cannot be changed and that a partition of Kosovo was an illusion.

At a news conference, Merkel presented three concrete 'Kosovo conditions' for Serbia to meet before the end of the year if it wanted EU candidate status: results in its dialogue with Pristina, unobstructed work of EULEX throughout Kosovo, and abolition of the 'parallel structures'.<sup>1081</sup>

Unprepared for such forthrightness and believing that Germany would relent in the end, the domestic political class did not react to this serious warning. The situation in the north of Kosovo remained virtually unchanged until the beginning of December, with German members of KFOR wounded in one of the more serious incidents meanwhile. That was the last straw that caused Germany to lose its patience and crucially contributed to the blocking of the candidate status.

At the same time, an anti-German media campaign was launched, particularly intensifying in the wake of the 9 December decision. The campaign was largely reminiscent of that dating back to the early 1990s.<sup>1082</sup>

1079 Ibid.

1080 *Politika*, 8 February 2012.

1081 As reported by *Danas*, 24 August 2011.

1082 At that time Germany was denounced as the main 'culprit' for the independence of

Germany's key role in the European Union was often ambiguously and unambiguously compared to Germany's role in European twentieth century history (by using the term 'Fourth Reich').<sup>1083</sup>

It was omitted to mention that Germany is Serbia's fourth largest bilateral donor country. Between 2000 and 2012 Germany gave Serbia more than EUR 700 million in non-repayable aid. The total now stands at over EUR 1 billion, with a record EUR 232 million contributed in 2011.<sup>1084</sup> Germany is also one of Serbia's most important foreign-trade partners, with bilateral merchandise trade reaching EUR 2.3 billion in the first eight months of the year alone.<sup>1085</sup> Finally, with investments worth nearly EUR 1 billion, German firms are among the biggest foreign investors in Serbia.<sup>1086</sup>

Other than that, Germany did not turn its back on Serbia even during the critical months after 9 December. The first adviser to German Chancellor Angela Merkel, Christoph Heusgen, was in Belgrade later in December for talks with President Boris Tadić and Foreign Minister Vuk Jeremić. By all accounts, they sought a mutually acceptable solution in order to assure that Serbia would be granted candidate status in March. Belgrade (fi-

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Slovenia and Croatia. In the article 'Dva vojnika u dva rata', *Politika* writes on 30 December 2011, 'The two world wars in which the German army invaded Serb territories is still too great a burden to allow the direct German engagement in the Balkans to be viewed objectively and to take into consideration only current rather than historical circumstances'.

1083 *Press Nedeljnik* leading article feuilleton, 7 March 2012: 'While in Serbia, a candidate country, Euro-enthusiasm is returning and fewer and fewer people are saying, "Will the last person to leave (Serbia) please turn out the lights", the prevailing phrase in Europe is, "Will the last person to enter please turn out the lights – so it will be dark as we're watching what the EU is turning into". For this bears out the British thesis that today Germany is employing economy to achieve what it tried to achieve 70 years ago when it used tanks.' On 22 December 2011, *Danas* published an article by the retired ambassador, Radoman Jović, who wrote: 'I believe that thinking people in Europe, as well as ordinary citizens, taking account of the experience of both world wars, had a vision of getting through the European Union project ... a European Germany and thereby peace, security and economic prosperity. How right are those, and not only in Europe, who today suspect that the situation is changing and that the EU is moving towards at least a non-formal constitution of a "German Europe"?'.

1084 *Danas*, 17-18 December 2011.

1085 *Press*, 2 January 2012.

1086 *Ibid*.

nally) distanced itself from the political leaders of the north Kosovo Serbs (leading to the arrest of one of the principal inciters and organizers of the violence at the barricades, Zvonko Veselinović) and reached agreement with Pristina on Kosovo's regional representation, and Berlin stopped insisting on the immediate abolition of the Serb parallel institutions in Kosovo.

This was confirmed by, among others, German Foreign Minister Guido Westerwelle during his surprise visit to Belgrade on 23 February 2012: 'I came to Belgrade for two reasons: to pay tribute and to give encouragement. My visit is in recognition of everything you have done and a gesture of encouragement for the last remaining metres'.<sup>1087</sup> That was evidence enough that Berlin, Brussels and Washington had agreed to grant Serbia candidate status.

## **Serbia and the United States**

In 2011, the relations between Belgrade and Washington were at a lower level compared with two years before following the visit by Vice President Joseph Biden. Although these relations largely follow the formula 'we agree to differ' (over Kosovo), the two countries' cooperation is successful in some fields, i.e. military. Preoccupied by the developments in the Middle East and in Asia, the US has reduced its presence in the Balkans and left it to the Europeans. Nevertheless, the US persistently backed Serbia's candidate status and, on the military plane, worked hard to bring Serbia closer to NATO, provoking stormy reactions in Russia. In the past 10 years, the US financed the alignment of Serbian economic and legal legislation with EU standards to the amount of USD 810 million (EUR 611.5 million).

Washington returned to the regional scene at the end of 2011 and in 2012 through direct mediation between Belgrade and Pristina with a view to reaching agreement on regional representation of Kosovo. At the same time, the US urged Germany to relent regarding Serbia's candidate

<sup>1087</sup> *Politika*, 24 February 2012.

status, just as it had played the chief role in 'convincing' the Netherlands to soften its position on Serbia's cooperation with the Hague tribunal.<sup>1088</sup>

There were no high-level meetings<sup>1089</sup> with the US administration in 2011. Belgrade officials boycotted international gatherings attended by Kosovo representatives. For instance, no one from Serbia attended the economic forum in Baltimore organized by the US. An even worse faux-pas was committed by President Tadić by deciding not to go to Warsaw at the end of May to attend a meeting where US President Barak Obama would also be present, because the Polish hosts had also invited Kosovo President Atifete Jahjaga. US State Secretary Hillary Clinton and President Tadić met at the September session of the UN General Assembly. The daily *Danas* reported that Clinton was 'very dissatisfied' with the meeting.<sup>1090</sup> Clinton said that her meeting with Tadić was empty and that that she was told nothing new that would change her belief that Belgrade continued to play the Kosovo partition card.<sup>1091</sup>

In addition to Philip Reeker and William Burns, Serbia was mostly the concern of highly-placed State Department officials. Their priority in the region was to make the formally established dialogue between Belgrade and Pristina produce concrete results. Their efforts brought about, among other things, an agreement on regional representation of Kosovo, a development taking Serbia to Europe's door.<sup>1092</sup>

1088 Commenting on the visit to Belgrade by Deputy Assistant Secretary for European and Eurasian Affairs *Philip Reeker*, former ambassador *Predrag Simić* said, 'At this moment, with regard to Serbia's candidate status, one should pay much more attention to news coming from Washington than, perhaps, that coming from Brussels, Paris and Berlin.' *Politika*, 24 January 2012.

1089 In 2011, Washington was visited by President of the BiH Presidency *Željko Komšić*, Kosovo President *Atifete Jahjaga*, Montenegrin Premier *Igor Lukšić*, among others, but no one from Belgrade.

1090 *Danas*, 30 September 2011.

1091 *Ibid.*

1092 During his visit to the region at the end of February 2012, William Burns made clear that the US administration wanted both sides to show flexibility and creativity so that both Serbia and Kosovo could participate at regional meetings.

## The 'Irreplaceable' Jeremić

With regard to Serbia's foreign-policy orientation and diplomacy, much of what is negative can be linked to the head of Serbian diplomacy, Vuk Jeremić. A member of the government which declared itself as pro-European at the very beginning of its term, Jeremić appeared least concerned with 'European affairs' as part of the country's highly dynamic diplomatic activities. Preventing and delaying the recognition of Kosovo were his priorities, and he was partially successful in this.

His success came at the expense of the country's foreign policy. On account of the 'tie-up arrangements' with countries which had not recognized Kosovo, Serbia had to make unprincipled concessions. Thus, at the UN Serbia did not vote for the European resolutions condemning the state of human rights in Iran; in 2010, Serbia did not send a delegation to attend the presentation of the Nobel Prize to the Chinese dissident Liu Xiaobo; Belgrade erected a monument to the 'classic post-Soviet-era despot', the late president of Azerbaijan Heydar Aliyev.

The zeal with which Jeremić set to work soon began to be totally counter-productive. At the beginning of 2012, there was a falling out with Ghana (traditional friend of both the former SFRY and, until recently, Serbia): owing to the pressure to which he was subjected because of Ghana's recognition of Kosovo, the Ghanaian ambassador locked up the embassy and left Belgrade.<sup>1093</sup>

Jeremić's ambitions to become the chair of the UN General Assembly in June 2012 additionally complicated relations with some European partners. At the beginning of 2012, Jeremić submitted his candidacy for the post although Eastern Europe, the region due to take over the chair of the General Assembly for the next 12 months, had put forward Lithuania. Jeremić's gesture is certainly not looked upon with favour in Brussels; what is more, Lithuania is one of the three countries which have not ratified a Stabilization and Association Agreement with Serbia.

Jeremić's high-handedness within the diplomatic service is all but an open secret. In the summer of 2011, media reported on his conflict with

<sup>1093</sup> *Danas*, 2 March 2012.



his hitherto closest associate, chief of cabinet and political director of the Ministry of Foreign Affairs, Borislav Stefanović. The latter has meanwhile become head of the Serbian team in the dialogue with Pristina. At the beginning of 2012, the trade union of Ministry diplomats thought it necessary to draw the public's attention to the decline of professional standards in the service (which is not entirely Jeremić's fault). For instance, out of nearly 70 Serbian ambassadors and heads of mission throughout the world, more than half are non-career personnel; this is in sharp contrast to the EU practice where non-professionals are appointed extremely rarely.<sup>1094</sup>

Evidently, the views promoted by Jeremić are close to those promoted by the advocates of Serbia's anti-European orientation. This accounts for the speculation about his disagreement, especially about Kosovo, with President Tadić, who is more pragmatic and cooperative regarding the EU and us. Documents published by Wikileaks appear to substantiate this speculation: Jeremić and his team at the Ministry of Foreign Affairs, it is said, have a different approach. They appear totally unprepared to wholly commit themselves, rhetorically or through their policy, to the EU course and incline towards Russia, China and the non-aligned moment as a counterbalance or alternative to the EU, it is said.<sup>1095</sup>

1094 'Some among them – the ambassadors to the US and Israel – are US citizens. Some of them, at lower levels, are sisters, daughters or relatives of Serbian political officials. Some of them got the job as spouses of citizens of countries in which they are serving. Some of them have served for at least twice as long as the prescribed four-year term. Some of them had not a day's (prior) experience as diplomats,' writes *Politika*, 5 February 2012.

1095 *Pečat*, No 1721/2010.

## Conclusions and Recommendations

EU candidacy is a great chance for Serbia to finally define its geostrategic position at the international scene. Its never-ending vacillation between Europe, Russia, the 'four foreign policy pillars,' the non-aligned, the 'friends who have not recognized Kosovo,' etc., has only resulted in a large disproportion between the energy expended and actual attainments. Although 11 years have passed since the ouster of Slobodan Milošević, Serbia has not become a country trusted by international partners. This especially holds true for those in the neighbourhood – successor countries of the former Yugoslavia – but also to countries beyond this circle.

The candidate status commits Serbia to a different attitude at the international scene. This implies a replacement of the present diplomatic team by the one that would coordinate the country's foreign policy with the EU.

Owing to the election and constitution of the new parliament and government, it is very important that there should be no new delays in the European integration process in 2012. This especially goes for a substantive continuation of the dialogue with Pristina as well as for other affairs to be sorted out in order that the date for the start of negotiations with Serbia could be fixed before the end of the year.

In view of the fact that public support for Serbia's EU membership fell drastically during 2011, the new government will have to work hard to restore the positive attitudes, particularly by laying stress on concrete advantages of EU membership for development, modernization and higher living standards. The role of the media in this regard is inestimable.

It is also important for the new government to define the country's regional cooperation, both economic and political, as a priority. In particular, with a view to restoring confidence with neighbouring countries, the new government would have to stop using parts of the Serb national body for their destabilization (B&H, Montenegro).

It is also important that the EU should adhere to its principles in insisting that Serbia meet the Copenhagen criteria, while at the same time taking into consideration Serbia's insufficient internal potentials to carry out the necessary changes and structural reforms in a proper way.

## Russia: Lecturing Serbia

In 2011, relations between Belgrade and Moscow were symbolized by the incidents at the Brnjak and Jarinje administrative border crossings between Serbia and Kosovo – the two border crossing stations at which Serbs from north Kosovo put up barricades and blocked traffic throughout the summer. The barricades were Kosovska Mitrovica Serbs' reply to EULEX's and KFOR's attempts to establish a Kosovo border service by installing Pristina customs and police officers.<sup>1096</sup>

The obstruction of the border crossings was out of character of the framework and context of the Belgrade-Pristina dialogue (opened in Brussels), where achieving a *modus vivendi* between Serbia and Kosovo regarding regional cooperation might help Serbia along on the road to membership in the European Union.

The precondition of Serbia's progress towards candidate status boiled down to Brussels' demand to Belgrade to stop boycotting regional forums with a 'chair for Kosovo' as well. In this regard the barricades were an act of sabotage against Serbia's European course. They were a sabotage of Serbia's political orientation towards candidate status and the customs a mere excuse.

The political situation became very tense and the prospect of serious incidents was in the air. There were no coincidences. One could see that the strings were being pulled by a parallel power centre acting as rival to the Belgrade government. That power centre was moving along a separate track.

The local population's work obligations were made to include manning the barricades. In the municipalities of Leposavić, Zvečan, Zubin Potok and Kosovska Mitrovica local roads were blocked at several places. The Kosovska Mitrovica – Raška road was blocked completely and traffic over the Mitrovica bridge on the Ibar partially.<sup>1097</sup>

1096 'Brnjak i Jarinje zatvoreni zbog blokade', VOA, 16 September 2011.

1097 'Euleks na prelazima, Srbi na barikadama', RTS, 16 September 2011.

## Support for Kosovo Serbs

The developments in Kosovo were keenly watched by Moscow. A centre for Balkan crisis studies was activated in an institute of the Russian Academy of Sciences. During the course of 2011, the usefulness of the Kosovo Serbs as a tool was given greater emphasis than before, with experts recommending that Serb activities should be made use of and geared to serve the interests of Russia's foreign policy.

The senior research associate of the Institute for Slavic Studies of the Russian Academy of Sciences, Pyotr Iskenderov, said that 'Russia would have to reckon the Serbs in as an autonomous geopolitical force'. The comment was occasioned by Kosovska Mitrovica's idea that the Kosovo Serbs should reject the authority of the Kosovo government in a referendum. Belgrade was opposed to a referendum. The Russians supported the referendum idea.

Iskenderov believes that the object of a referendum would be to establish the Kosovo Serbs as an autonomous factor of importance not only for Serbia and its internal policy but for the Balkans as well. A referendum, he said, would 'leave a large room for manoeuvre' to Russia. The Belgrade leaders are trying to sit on two chairs. 'However, Russia would have to cooperate with all political forces, allowing for the possibility that government in Serbia may soon change. Our country must cooperate with the Kosovo Serbs more actively and look upon them as an autonomous geopolitical force – one that is not only unconnected with the Serbian Government but is also opposed to it.'<sup>1098</sup>

The head of the Centre for the Balkan Crisis Studies, Anna Filimonova, predicted that the Kosovo Serb referendum would 'deal a terrific blow to the ruling Democratic Party', which is under pressure from the EU and Germany. She pointed out, 'Germany is pressuring Serbia into recognizing Kosovo. Attention is being drawn to the serious disharmony between the position of Belgrade, the position of the Serbs in Kosovo, the position of Russia and the pressure of the EU on the regime in power in Serbia.' Tadić

1098 [www.regnum.ru/news/polit/1499121.html](http://www.regnum.ru/news/polit/1499121.html)

is 'at risk of losing his pre-election electorate which is rapidly dwindling anyway'.<sup>1099</sup>

The confrontation at the barricades gained momentum. The sense of the international security factors in Kosovo of a timely and proportionate yet not excessive reaction (in the event of a destabilization) was put to a fine test. The 'face-to-face' between the Serbs and the European forces in Kosovo might have produced a serious incident and even ended in loss of control over developments.

Committed to the slogan 'Both EU and Kosovo', Belgrade was in the hot seat. The authorities appealed to the Serbs and their leaders in the north of the province for 'calm and restraint'. President Boris Tadić demanded the removal of the barricades. In Kosovska Mitrovica, however, the appeal apparently fell on deaf ears.

The argument put forward by the Serbian Government and President Tadić – that Serbia's road to the European Union was at risk – was actually the objective of the organizers of the barricades. The Serbs in the north were opposed to Serbia's accession to the EU. While Belgrade talked about Serbia in Europe, Kosovska Mitrovica talked about Serbia's capitulation to Brussels. Tadić's appeal was interpreted by the latter that they were on the right path and should hold out at the barricades. It was more than obvious that the barricades were the response of the 'other Serbia' which is not in government and is opposed to Tadić's 'Western-style' government.

The iconography and atmosphere at Brnjak and Jarinje – portraits of Putin and appeals to Russia to help the Kosovo Serbs displayed all over the place – indicated that, in their defiance of Belgrade and Brussels, Kosovska Mitrovica and certain nationalist and anti-Western parties supporting it were not without the quiet support of Moscow as their adviser, like-thinker and political ally. Russia's keen and pointed attention to what was going on was conspicuous. The photographs of Putin and slogans were evidence of Russia's political presence at this important location. Moscow took less and less trouble to conceal that it considers itself a partner of the nationalist political forces in Serbia, i.e. the Democratic Party of Serbia (DSS), Serbian Radical Party (SRS) and Serbian Progressive Party (SNP).

1099 [www.regnum.ru/news/polit/1499147.html](http://www.regnum.ru/news/polit/1499147.html)

## **Russia Goes on a Political Offensive in the Balkans**

In its relations with Serbia during 2011, Russia cast off the guise of false principles and non-interference in intra-Serb affairs. What is more, in its dealings with Belgrade Moscow raised its voice and made clear that Russia wants to be the ultimate judge of how close Belgrade can be with the West. It went so far as to show its ambition to establish a 'right of embargo' in segments of Serbian politics regarding Serb sovereign choices. This was most clearly seen in matters concerning Serbia-NATO relations. Regarding the possibility of Serbia's membership of NATO, Moscow was never more explicit in presenting its 'either-or' ultimatum. Serbia will either keep Russia on its side or will join NATO and have an opponent in Russia. Both Russia and NATO was a no-go option.

Obviously daunted by Russia's closeness to the nationalist opposition, the Serbian authorities did their best not to 'notice' any of this. Moscow began sending signals more openly than before that it had found like-thinking persons in Serbia's opposition rather than in its 'pro-Western government' and that it would gladly see its friends replace those currently in power.

To be sure, Russia's 'sincerity' to the Serbian public was occasioned by the upcoming Serbian elections, with Moscow clearly wanting to let the Serbian voters know which political forces enjoyed its support. The time had clearly come to draw a line. This meant helping the Serbian electorate realize that Moscow's sympathies in Belgrade are quite certainly not on the side of the 'Euro-Atlantists'.

## **Energy Conquest of the Balkans**

Moscow exposed its hand and brought things into the open during Putin's visit to Belgrade in March 2011. The visit was made to coincide with the anniversary of the 1999 NATO air raids, a reminder that it was Russia that demonstrated a 'friendly solidarity' with Serbia at the time. If it did not prevent Washington, it at least condemned it.

Putin arrived in Belgrade from a visit to Slovenia. The Russian delegation's talks in Ljubljana centred on prevailing on Slovenia to connect to the Russian South Stream gas pipeline. Over and above other things, the chief object of the pipeline project is to slip on the Balkans the noose of energy dependence on Russia. While this is not easy to achieve regarding Slovenia and Croatia – EU members and followers of Europe's energy policy and security regime – it is easily achieved in the case of Serbia, which is strongly influenced by pro-Russia energy development plans.

Moscow is making no secret of its plans to control the energy situation in the Balkans by involving companies under its complete control.

In Croatia, Russia is trying to redirect the flow through the Adriatic oil pipeline from the mainland to the oil terminal and tanker port at Omišalj. Western oil reaching the Adriatic could be transported to the north-east through Croatia to central Europe and Hungary. Travelling in the opposite direction, Russian oil could reach Omišalj through the mainland.

The talks with Croatia are being conducted by Zarubezhneft – the Russian state-controlled oil company based in Moscow that specializes in exploration, development and operation of oil and gas fields outside Russian territory. It was established in 1967 during the life of the Soviet Union.<sup>1100</sup> The company's general director, Nikolai Brunich, said that the company was prepared to invest EUR 1 billion in 'energy projects in Croatia as part of its Balkan-wide expansion' over the next five years. As part of its plans, Zarubezhneft is seeking to build an oil and gas pipeline stretching 'from Slavonski Brod in eastern Croatia to the Adriatic island of Krk' where the Croatian state-run pipeline operator Janaf has oil storage capacities. (Reuters, Zagreb)

The pipeline will also 'pass through Bosanski Brod, where Zarubezhneft operates an oil refinery' and Zagreb, which is aimed at increasing exports of oil and derivatives both from Brod and Croatia's Sisak refineries. The Russians' proposal to Zagreb was to redirect the flow through Croatia's energy lifeline from the mainland to the coast. In other words, the Russians are pursuing the other option.

1100 "Main Fields of Activities", [www.zarubezhneft.ru](http://www.zarubezhneft.ru)

Energy issues could also have dominated the Belgrade talks agenda. However, Putin's agenda in Belgrade was different, with energy and economic questions being secondary to the issue of Serbia's membership of NATO. This was to be expected given that Serbia's energy sector is already under Russian control, which will become total once Russia takes over the country's electric power industry in addition to gas. Putin's 'main business was to ask Serbia not to join NATO', was how the Belgrade daily *Blic* summed up the agenda of Putin's Serbia visit, with all other media outlets offering identical interpretations.<sup>1101</sup>

True, this had been openly said by the Russians themselves, who blame Serb 'pro-NATO – anti-NATO' confusion on a segment of the elite and point out that the 'people are opposed to NATO membership'.

### Russia Challenges Serbia Membership of NATO

Serbia was told to respect the Russian position explicitly and very sharply. The Russian ambassador to Serbia, Alexander Konuzin, had been repeating that Putin would not raise the issue of Serbia's becoming a member of NATO. 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'. Konuzin 'reiterated that he had been assured by all Serbian government representatives that Serbia's entry into NATO was not an option.'<sup>1102</sup>

With great skill, Konuzin let the Serbian public know the point Moscow wanted to put across. Although 'most Serbs are against NATO,' he kept saying, 'someone wants to change the social climate and lay the ground for changing the Serbian position'. 'The Serbs are being told that there is a readiness to help their rapprochement with NATO although that is not what they want (...) I assume that the decision should be taken by the Serbs themselves. Make up your minds!'<sup>1103</sup>

1101 'Putin dolazi da zatraži od Srbije da ne uđe u NATO', *Blic*, 21 February 2011.

1102 'Konuzin: Putin neće potezati pitanje učlanjenja Srbije u NATO', Tanjug, *Blic* on line, 17 March 2011.

1103 'Srbi, odlučite se hoćete li u NATO!', FoNet with quotations from *NIN*, 16 March 2011.



Although the Russian ambassador did not elaborate, he warned that 'one cannot call into question Serbia's legally determined neutral status'. Also, he did not deny that Serbia's security status would be Putin's main talking point: 'The political portion of the talks will concern an 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>1104</sup> There was no denying that Russia was actually conditioning its relations with Serbia, making it a game of 'all or nothing'. In other words, Serbia can either be with Russia (which is what Russia wants) or without it. Russia's message was that Serbia cannot have its cake and eat it.

Although Moscow abandoned such cold-war rhetoric in its relations with the US and the West long ago, it believes that it could profit by it given the disunity in Serbia regarding the country's orientation to the EU or Russia. In a wider context, Moscow is insisting increasingly aggressively that the West acknowledge Moscow's self-perceived right to reconstruct its sphere of influence.

## Russia Raises its Voice

In summing up Serbian-Russian relations in 2011, one observes that Russia began to speak to Serbia in a raised voice. President Tadić told Putin that while Serbia aimed to integrate into the EU, it wanted to preserve its traditionally good relations with Russia. This desire for parallel relations was ignored by the Russian side. Putin was pointedly reserved. "Yes to EU, no to NATO," was the message Putin chose to deliver from no other place than the Serbian National Assembly. He was 'explicit, candid, and to the point': 'You know, when you enter the 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>1105</sup>

1104 'Putin će želeći da razgovara o sistemu evropske bezbednosti', Konuzin's interview with *Blic*, 21 March 2011.

1105 'Putin sa Čedom "probio tajming"', *Novosti* on line, 24 March 2011.

In Belgrade, Putin demonstrated Russia's imperial, traditional attitude towards smaller and weaker partners – do as you are told. Speaking in the National Assembly, Putin said that his country 'supports Serbia's efforts to become a member of the EU but on no account its membership of NATO'.<sup>1106</sup>

However, even Russia's support for Serbia's EU membership was not unqualified. Putin did not pass up the opportunity to point out: 'We're going to monitor things closely and work together to make sure that [Serbia's] European integration does not harm Russian-Serbian relations'.<sup>1107</sup>

The visit was a meeting with a Serbia that occasionally irritates Russia and is not to its liking. That Serbia rubs Russia up the wrong way with its excursions and stepping out of the line of joint Russian-Serbian effort against Kosovo's independence. Putin was successful and explicit. His well-directed visit to the Red Star stadium, Marakana, had the greatest effect from the point of view of intra-Serb relations. Marakana reassured Russia of the support of the nationalist front in Serbia on which Russia relies. The whole stadium cheered Russia. On the stand opposite Putin there were displayed large canvases bearing these messages in Russian: 'Our elder brother, kiss our mother (Russia) and tell her that we're worthy of her, that we're fighting and will go on fighting, and that we love her!' 'God help us, Putin save us!'<sup>1108</sup> After that, the same 20,000 fans chanted slogans against the Serbian authorities. As they did that, Putin waved to them and smiled. The event was stage-managed and organized in collaboration with the Russian embassy and Russia's friends in Belgrade. It was Moscow's way of letting everybody know whose orders the Serbs and Serbia obey.<sup>1109</sup>

1106 'Podrška Srbiji za ulazak u EU, ali ne i u NATO', *Politika*, 23 March 2011.

1107 Ibid.

1108 *Moja Crvena zvezda*, 23 March 2011.

1109 'Putin hteo i među narod', *Večernje novosti*, 22 March 2011.

## Referendum on Membership of NATO

The Serbia that cheered Putin was again seen in action at the Brnjak and Jarinje crossings in the autumn of 2011. Its position was echoed by a Belgrade media outlet, in a commentary on the Putin visit to Belgrade: 'It is now upon Serbia to take action: either it will sincerely cooperate with its friends or those in power will, as they have done in previous years, play a game against their own people that they themselves are not quite clear about.'<sup>1110</sup>

The matter of Serbia's accession to NATO was not on Belgrade's 2011 agenda. The demand for the referendum on NATO membership referred to by Konuzin came from the East. Russia's friends insisted on floating the suggestion that 'most Serbs are against joining NATO' (something which had been borne out by public opinion polls though there had been no direct vote on it), because Moscow needed this as a pretext to issue a warning that in the event of Serbia joining NATO, Serbian-Russian relations would be disastrously affected to the point of becoming almost hostile.

The warning that Serbia's decision to join NATO would adversely affect Serbia's relations with Russia began to be systematically reiterated as early as 2010. It was accompanied by warnings that Belgrade would suffer setbacks in its efforts to defend its 'territorial integrity and sovereignty over Kosovo' because in that case Russia would call off its alliance. 'Such a decision (by Belgrade) would be incomprehensible to us,' said Konstantin Kosachev, chairman of the International Affairs Committee of the State Duma. He said that it would 'mean 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 order that the Serb people may declare themselves on it. 'In this connection, no one should so much as try to interfere with such a decision,' he said.<sup>1111</sup>

Why might such a thing be necessary for Russia? The answer to this question was offered by the Belgrade periodical *Pečat*: 'The entry of our

<sup>1110</sup> 'Spasi Srbiju, Putine', *Pečat*, 158/2011.

<sup>1111</sup> Russia opposes Serbian NATO membership, B92 news, 1 February 2010.

country into the North Atlantic Alliance would have a symbolic effect. NATO would continue to spread towards the east, with Russia trying to make sure that the trend does not spill out into the post-Soviet space. Secondly, Russian public opinion, which wholeheartedly supports the Serbs (being much more pro-Serb than the government) would be offended by Serbia's accession to NATO. Bulgaria did that, but it did not expect active support from Russia for the preservation of its territorial integrity, something Serbia seeks as well as support for Republika Srpska.' Other than that, 'Serbia's neutrality works to the advantage of the Russian proposal for a new European security model'. What is also important to Russia is that Serbia, in its capacity as a non-aligned country, should take part in working out the Russian model, rather than joining NATO after the model is actualized, writes the author of the text.<sup>1112</sup>

### **Insistence on Serbia's Neutrality**

The purpose behind the emphasis of the 'NATO referendum' was actually to gain acceptance for the ostensible need for Serbian 'neutrality or for the Russian-led CSTO security structure designed to keep former Soviet republics together coalesced around Moscow. The Collective Security Treaty Organization was founded by Russia, Belarus, Kazakhstan, Armenia, Tajikistan and Uzbekistan. There are speculations that the Russian authorities intend to officially invite Ukraine and Serbia to join the organization.<sup>1113</sup>

The daily *Danas* wrote that 'possible Serbian accession to the Collective Security Treaty Organization was a topic raised by the president of the Russian Federation, Dmitry Medvedev, during his official visit to Belgrade in October 2009'. The proposal was put forward in a 'private meeting' with President Boris Tadić who was quoted as saying that while he was 'ready to discuss the idea' 'such a move requires the agreement of all'.<sup>1114</sup>

1112 'Srbija posle Putina', *Pečat*, 158/2011.

1113 'Funkcioner SPS dao Rusima lažnu nadu', *Danas*, 7-8 May 2011.

1114 Ibid.

The Serbian-Russian situation was commented on by, among others, the US company Stratfor, saying that it represents Moscow's response to Romanian-US plans (to deploy a US ballistic missile defence system in Romania).<sup>1115</sup> Stratfor stresses that with Serbia in the west and the existing domination of Russia over Ukraine in the east, Romania would find itself encircled by Russian allies, as well as that official Belgrade rarely regards itself as a Russian flunkey and may demand from Russia a large prize for joining the SCO.<sup>1116</sup>

This thesis may correspond to the allegations that the so-called humanitarian interventions centre in Niš could be a product of 'Russia's efforts to develop a spying centre for controlling the deployment of the US missile shield in Romania'.<sup>1117</sup> However, the Russian minister for emergency situations, Sergei Shoigu, denied this, saying that the centre was opened in coordination with the EU.<sup>1118</sup>

Stratfor's analysts have been tasked with closely watching Russia's activities in the Balkans in particular. They are to keep an eye on all Russian purchases of power companies in the region, as well as to keep track of Russian loans to the region and all visits by Russian leaders, politicians and businessmen. The Russian-Serbian relations are particularly important to monitor. Even a friendly soccer match between the two countries must not pass unregistered, writes the author of the document.<sup>1119</sup>

## Media Reactions to Putin's visit

Putin's visit to Belgrade brought forth laudatory reactions from sympathetic media in the form of an avalanche of uncritical headlines promising 'billions of Russian dollars'. 'Vladimir Putin Brings to Belgrade an Investment Package Worth Ten Billion Euro', 'Projects in Putin's Wake' and

1115 'Rusija jača pritisak na Srbiju', *Press*, 8 May 2011.

1116 Ibid.

1117 'Kakvi su ruski planovi u Nišu', *Press*, 19 October 2011.

1118 'Iz Niša nećemo špijunirati, već ćemo spasavati ljude', *Press*, 20 October 2011.

1119 *www.B92.net*, 29 February 2012.

many other similar promises were front-paged.<sup>1120</sup> However, soon after the visit, observers noticed a conspicuous stagnation of Serbian-Russian cooperation. There was no further mention of 'Putin's billions' until the beginning of 2012, when the DSS tried to convince the voters of the ostensible advantages of giving up EU membership and throwing in one's lot with Russia. In reality, hope was all that Serbia had because there was not a trace of any Russian investments.

The cooperation of Serbia and Russia was got back into the track of synchronising the two countries' international diplomatic efforts to 'defend' Kosovo or, more accurately, to obstruct its recognition. In the economic field, the cooperation boiled down to Serbian imports of energy sources with no exports to cover them.

The lethargy in the relations marked by the absence of a constructive content was interrupted at the end of summer by the Russian ambassador in Belgrade, Konuzin, who presumed on his hosts' tolerance to cast himself with ever greater impertinence in the role of an 'imperial officer' on duty in a far-away Balkan province. During the Belgrade Security Forum in the Army Social Centre, Konuzin 'got up from his seat in the audience, took hold of the microphone, stood in the centre of the room and began to shout', asking: 'Are there any Serbs in this room?'<sup>1121</sup>

Konuzin's 'outburst' was triggered by comments by Forum participants on the motives for Russia's involvement in the Balkans and its explicit opposition to Serbia's membership of NATO. Konuzin was angered because in his view the ostensibly totally irrelevant topic of Russian Balkan interests had been put before something which would have to be of much greater importance to the Serbs, i.e. that 'at this moment NATO and KFOR are violating UN Security Council Resolution 1244 by trying to deploy Kosovo customs officers and soldiers on the border with Serbia, something no participant in the Forum is mentioning'.<sup>1122</sup> Further, whereas 'in the UN Security Council, at today's special session on Kosovo, Serbia's interests will be defended by Russia and (Serbian) Minister of Foreign Affairs

1120 *Blic*, 24 March 2011, *Novosti*, 25 March 2011.

1121 *Blic*, *Danas*, *Beta*., September 2011.

1122 <http://www.b92.net>, 15 September 2011.

Vuk Jeremić, 'here, in this room, there is no one to defend Serbian interests'.<sup>1123</sup> 'NATO and the EU members will be against your national interests, though I have the impression that you couldn't care less,' he said.<sup>1124</sup>

The indignation of the Serbian public did not shake the aggressive ambassador. On the contrary, in the sight of all Serbia, he chose to reap the praise of that portion of the public which advocates Serb nationalist or pro-Russia positions. Only the next day, Konuzin was again at the focus of interest, visiting Topola (on the occasion of the 200th anniversary of Topola and the celebration of the Nativity of the Holy Theotokos, the patron Saint's day of 'Karađorđe's capital') and letting Belgrade know from there that he knew where in Serbia he enjoyed support. 'There are Serbs here, Your Excellence!' was the greeting he received from Dragan Jovanović, the mayor of Topola municipality and follower of Velimir Ilić.

The ambassador was presented with the Medallion of the Most Holy Virgin. Speaking in Serbian, he extolled the present 'holiday of history, Orthodoxy and Serbdom' and went on to discourse, with emotion, on the indissoluble historical friendship of Russia and Serbia. 'People stepped forward and kissed his hands'!<sup>1125</sup> In Niš, where he was guest of the SNS, Konuzin said that the 'Serbian Progressive Party has become a major indicator of the mood of the people in Serbia'.<sup>1126</sup>

Konuzin's gestures were publicly interpreted as being in line with Russia's decision to interfere in Serbia's internal political life more actively than before. In connection with the ambassador's outburst at the Belgrade Security Forum, the daily *Danas* published a series of articles raising the issue of Russia's interference in Serbia's internal affairs. If Serbia is full of Western spies as the 'patriotic' circles claim, who then is 'working for the Russians'?<sup>1127</sup> *Danas* writes that Russian intelligence activity in Serbia is very intensive and that after 2000 a 'portion of the Russian intelligence service set up in the Russian Centre of Science and Culture a headquarters

1123 Ibid.

1124 Ibid.

1125 [http://www.mondo.rs/s218425/Info/Srbija/Konuzinu\\_ljubili\\_ruke\\_u\\_Topoli.html](http://www.mondo.rs/s218425/Info/Srbija/Konuzinu_ljubili_ruke_u_Topoli.html)

1126 'Konuzin se odavno ne ponaša kao ambasador', *Blic*, 31 October 2011.

1127 'Crveni orkestar u Ruskom domu', *Danas*, 1-2 October 2011.

for coordination of activities with 'patriotic' politicians in the DOS (Democratic Opposition of Serbia) and people from the military intelligence service of the FRY (Federal Republic of Yugoslavia).<sup>1128</sup>

*Danas* draws attention to the 'close connections between the Serbian and Russian far-rights' and writes that 'at least three parties in the Serbian Assembly, the Democratic Party of Serbia, Serbian Progressive Party and Serbian Radical Party, as well as groups considering themselves the patriotic right, such as Dveri, Srpski narodni pokret 1389 and Obraz, boast of having close ties, official cooperation agreements and ideological friendships with similar organizations in Russia'.<sup>1129</sup>

In this connection, Vojin Dimitrijević, director of the Belgrade Centre for Human Rights, said: 'I suppose that a government formed by these parties, and supported by the mentioned movements, would be more inclined to listen to Russia. There are also those who have been advocating the annexation of Serbia to Russia. What empire would be crazy enough to reject such gifts?' It is also said that the 'Democratic Party is probably perceived as an "unreliable" ally because, inter alia, it is a member of the Socialist International which Moscow does not control as it did the Comintern in former times'.<sup>1130</sup> In connection with Russian interference, Čedomir Jovanović called for 'getting square' with Moscow: 'In Russia's view we are an underdeveloped, volatile and disoriented European fringe in the Balkans. In this regard, it (Russia) has always been as rational and cold as the West; in this matter, as in everything else that big countries do, there are no shortcuts, no emotional gestures, no decisions to one's cost'.<sup>1131</sup>

1128 Ibid.

1129 'Moskva ih podržava, i to besplatno', *Danas*, 3 October 2011.

1130 'Putin ne veruje Tadiću', *Danas*, 5 October 2011.

1131 'Hoćemo čiste račune s Moskvom', *Danas*, 4 October 2011.



## Kosovo Serbs Apply for Russian Citizenship

The attempt to set straight the record of Russian-Serbian relations, if only through the intervention of a newspaper, was frustrated by the production of the events in the north of Kosovo. One of the last episodes in 2001 was the affair concerning a collective application by Serbs for Russian citizenship. But for the difficulties facing the Serb community in the changed circumstances in Kosovo, this 'joint product' of Russia and Kosovska Mitrovica would have appeared grotesque. A 'written application expressing the wish of several thousand Serbs from Kosovo and Metohija to be granted Russian citizenship' was addressed to the State Duma in Moscow through the Russian embassy in Belgrade.

A representative of the Russian embassy told *Danas*: 'Several Serb associations from Kosovo and Metohija bringing together Serbs living in KiM, as well as those living in the interior of Serbia as displaced persons, addressed a letter to the Russian Duma and requested on behalf of the people they bring together that they be granted Russian citizenship. They gave as the reason for the request, which at present is only in the form of a wish, the need that the Serbs in Kosovo and Metohija should have guarantees for their survival and safety. The associations estimate that Russian citizenship is desired by some 20,000 Serbs from Kosovo,' he said. The request was submitted to the Russian Ministry of Internal Affairs and will be passed on to the State Duma, he said.<sup>1132</sup>

The signing of the 'supplication of St Demetrius' Day', i.e. the application for Russian citizenship, began in the north of Kosovo. The petition was also sent to the patriarch of Moscow and all Russia, Kirill, President Medvedev and Premier Putin. The petitioners expressed the wish to be represented by Moscow before the world. The author of the petition, Radomir Đurđević, said that the collection of signatures had 'also started both in Podgorica and in Republika Srpska' under the auspices of several organizations including Stara Srbija, Kosovski zavetnici and various homeland associations. Đurđević said, 'The fact is that for the first time in history a people wants the citizenship of another state, the object of our action be-

1132 'Srbi s KiM hoće državljanstvo Rusije', *Danas*, 13 November 2011.

ing the preservation of one and single Serbian state. We do not recognize any agreements reached by Borislav Stefanović, Goran Bogdanović and Boris Tadić.<sup>1133</sup>

Konstantin Kosachev, the chairman of the International Affairs Committee of the State Duma, told FoNet agency that the Kosovo Serbs were desperate and felt betrayed, that that should serve as a strong signal to NATO, the Serbian authorities and in Kosovo that the situation was alarming, and that Belgrade and Pristina should sit down and negotiate on the province's status until a satisfactory solution is found.

The Serb leader from the north of Kosovo, Marko Jakšić, said that it would be 'better if Russia comes to KiM than if Serbs go to Russia'. 'It would be wrong for the Serbs to leave their Holy Land. That would delight those who bombed us and later occupied our Kosovo and Metohija.' It was no mere accident that Russian state flags and portraits of Vladimir Putin were displayed at the barricades. The idea was to freeze all status talks and wait for Vladimir Putin to win his third presidential mandate. 'March 2012 is not distant any more. Just let us not expect that Russia's support can substitute for what Serbia must do for itself and its Holy Land. Serbia must fight actively to reincorporate KiM into its territory. (It must fight) by all available political and diplomatic means, not including military for the time being.'<sup>1134</sup>

The then Russian representative at NATO, Rogozin, said that the massive Kosovo Serb appeal to Russia for citizenship meant that in their desperation at not being able to receive help from their own kin they turned to Russia as their last hope.<sup>1135</sup> The arrival of the Serbs in Russia, which has big demographic problems particularly where the population is Slav, i.e. east of the Urals, 'would be a boon', the Russian nationalist told Interfax agency. He suggested that the Kosovo Serbs should join Russian fighting forces by establishing a Russian foreign legion. 'Why not establish a "Slav battalion" comprising Bulgars, Serbs and members of other nations who

1133 'Više od 50.000 kosovskih Srba traži držaljanstvo Ruske Federacije', *Danas*, 25 November 2011.

1134 Fakti.org, 25 November 2011.

1135 Beta, 16 November 2011.

wish to serve in Russian armed forces?’ he asked, adding that such foreigners could later lay claim to Russian citizenship. ‘We could help them to get established – there are many out-of-the-way villages and hamlets in our parts,’ he said. He said that he had discussed the matter with Minister of Defence Anatoly Serdyukov and that President Medvedev should also be consulted.<sup>1136</sup>

The idea of foreigners fighting for Russia gained momentum. The leader of the Russian Night Wolves motorcycling club, Alexander ‘Surgeon’ Zalastanov, explained that the Russian members have been sympathetic to the Serb cause ‘since Night Wolves branches were established in Serbia and Macedonia’, *Nezavisimaya Gazeta* reported. ‘Our salvation lies in being together’, he was cited as saying. Asked about the proposal, the political scientist then close to the Kremlin, Gleb Pavlovsky, said that a battalion of persons wishing to fight for the Slav cause should not be established because such a battalion already existed, i.e. the East battalion in the Chechen Republic. He said that ‘All who wish to die for Russia should be given such an opportunity’ but was not sure that Serbs wanted just that.<sup>1137</sup>

Soon after that the ‘Serb Russians’ were not heard of and the matter of citizenship, which had been given such great publicity on account of its short-term usefulness, was forgotten too.

## Russian Aid to Kosovo Serbs

The citizenship applications having been forgotten, the focus shifted on to the Brnjak and Jarinje crossing points and, as a sequel to the citizenship applications, to Russian ‘humanitarian aid’ to Kosovo Serbs. Thus advertised by Russia, the convoy of trucks paraded through Serbia before reaching the crossings between Serbia and Kosovo. ‘For the Kosovo Serbs from the Russian Federation’ read the inscriptions along the length of the trucks. At Jarinje, the convoy was given a spectacular welcome by Serb

1136 <http://topwar.ru>, 17 November 2011.

1137 ‘Bajkeri podržali ideju o “slovenskim bataljonima” stalnog predstavnika Rusije pri NATO’, *Nezavisimaya gazeta*, 22 November 2011.

supporters waving about flaming torches and Russian flags and cheering Russia and Putin. A column of EULEX vehicles moving towards Jarinje had its way blocked by Serbs near Zvečan. The Serbs stopped 10 all-terrain vehicles carrying 22 soldiers.

EULEX had wanted to provide security for the Russian convoy but Konuzin said that the Russians needed no security. Konuzin did not want the convoy to proceed under escort nor to enter Kosovo at Merdare. The Russian convoy was thus made to return to central Serbian territory. The EULEX vehicles returned to the southern part of Kosovska Mitrovica. Wearing a jacket, with his hands in his pockets, the Russian ambassador did his best to put on a superior air: 'We told them that we didn't need any escort and that we proceed unaccompanied; and we're not going to go via Merdare because that point is controlled by the Pristina authorities who are recognized neither by Russia nor by Serbia.'

The international civilian representative in Kosovo, Pieter Faith, said he did not see how Russian 'humanitarian aid' could help resolve a situation of quite another kind and what need there was for Konuzin to be there, given that there is in Pristina a Russian representative with responsibility for Kosovo and Metohija. 'We shall have to begin to abide by the rules,' said Faith. 'While there is poverty, misery and distress in Kosovo, the UN and EU have not declared the north of Kosovo a humanitarian disaster area; therefore, the whole initiative, although not surprising, is impractical,' he said.

Saying that the problem was being dealt with in Moscow and Brussels and avoiding references to the local international factors, Konuzin sought to keep up the Russian propaganda drive as if there had been no rebuff. He made complaints about being blackmailed, about the mission having exceeded the scope of its mandate, about EULEX 'coming to the side of Pristina once more' and so on. He reminded Faith that his jurisdiction as Russian ambassador to Serbia encompasses Kosovo.<sup>1138</sup> 'I am the ambassador of the Russian Federation in Serbia and my jurisdiction extends throughout the entire territory of Serbia including the province of Kosovo. In Kosovo, in Pristina there is an office of the Russian Embassy in

1138 *Blic*, 13 December 2011.

Belgrade which employs diplomats subordinated to me. When I perform my ambassadorial duties I travel throughout the country, and also come to Kosovo regularly,' he said. 'I come to Kosovo whenever I consider that necessary, so the opinions of representatives of international organizations do not affect my decisions. I would appreciate it if no one from the outside would interfere in the affairs of Serbs and Russians,' he said.<sup>1139</sup>

After three days, EULEX let the convoy carrying 300 tonnes of humanitarian aid enter Kosovo at Jarinje. The aid was delivered to the Red Cross in Zvečan in the name of Dmitry Medvedev. In the Church of St Demetrius in northern Kosovska Mitrovica, Konuzin delivered two icons presented by Putin – one to the church and the other to the Patriarchate of Peć. The Serbs 'reciprocated with a painting of the seven-metre cross put up at the barricade at Rudari'. Konuzin said that the humanitarian package would 'help the Serbs to protect their legitimate rights and to oppose the unlawful activities and the force used against them', stressing that Russia was watching developments and would 'always be with the Serbs'. The convoy was finally let through under escort by EULEX vehicles.<sup>1140</sup> The parcels containing tinned food and textile ended up unopened in warehouses in the north of Kosovo. But such are Serb-Russian relations – a succession of episodes with no system on the Serb side – as settled as a spring shower.

1139 *Blic*, 14 December 2011.

1140 'Rusi uvek uz vas', *Danas*, 17 December 2011.



## ADDENDUM





# Attitudes and Value Orientations of Secondary School Pupils in Serbia

## INTRODUCTION

This analysis of attitudes and value orientations of secondary school pupils is the result of a survey conducted in six Serbian cities during April and June 2011. Before we proceed to discuss the values of our younger generations, we must first consider certain structural changes which have marked their growing up years.

We have chosen to study the attitudes and value orientations of secondary school pupils in Serbia during the period following the first decade of 'democratic' changes in the country, a period of (still) belated transformation. This period is marked by Montenegro's and the Republic of Kosovo's declarations of independence, with the instability of countries in the region (Bosnia and Herzegovina and the still unsettled border with Kosovo) generating a sense of insecurity among most residents of Serbia, both in social and in national terms. This is a period of history revision and relativization, and even of promotion of right-wing ideologies (the Movement of Mount Ravna Gora and the pro-fascist youth organizations), a time where religion and the Church still loom large in the minds of most people. Also, we must not overlook the growing penetration of globalization factors and their relative influence on the construction of democracy in the country. The most conspicuous factor is the official decision to join the European Union. As a result of this decision, the policy of the state has to some extent been brought into line with the interests of the EU. Nevertheless, a number of problems persist in the country, notably the oligarchic system, the influence the political parties and high corruption both in the economy and in politics, as well as the problems which impede the

protection of rights of marginalized groups and prevent the construction of civil society.

The economic crisis on Europe's soil including the Western Balkan countries has made the uncertainty of jobs even greater: 'We live in a time where the prevailing culture is one of "hire and fire" and where the notion of a "lifetime job is no longer an option.' (Vujović, 2008: 9)

The subject of this survey are the values and attitudes of secondary school youth aged 14 to 18 at the time of the survey. We are therefore talking about the generations born between 1993 and 1997, a most trying period for their parents in the recent history of Serbian society. The mega-inflation, wars, precariousness of existence and plummeting material standards of living hit the household and the family hardest. This context will be discussed in the first part of this work, where even a superficial comparative analysis of the social framework including the generation of parents and the generation of their children (respondents in this survey) will yield sufficient information about the rapid and chaotic changes through which Serbia has passed during the last two decades. Likewise, this context will also throw some light on the environment in which the respondents have grown up, thus facilitating our study of the causes and our analysis of their attitudes. Further, the value system of a society or of certain groups within a society is the outcome of the way the social context in question has been shaped (by means of media, political propaganda, education, etc.).

The survey was carried out in the following six cities: Belgrade, Novi Sad, Kruševac, Zrenjanin, Niš and Novi Pazar. The sample comprises 630 secondary school pupils (the sample will be discussed in detail later). Their attitudes were examined relative to scales measuring attitudes to traditionalism, homophobia, abortion and ethnic stereotypes about Roma. The survey includes questions about the existence of violence in schools, a problem attracting increasing attention without any adequate response on the part of the institutions and society. In this connection, I was interested to find out whether violence in schools was on the increase and whether we could compare the relevant data with those from an earlier period in order to obtain a picture of the general state of society. More

detailed information on the survey methodology is to be found in the second section.

The question which keeps arising in connection with surveys of this kind is: What are we trying to obtain by undertaking research – is it information about the values of the future creators of society or is it a picture of present-day Serbia? Are we getting ‘children’s’ accounts of ‘what they hear said at home’; are their attitudes mere reproduction and/or product of media and cultural propaganda; or should we accept their attitudes as more solid categories, as indicators telling us something about the generations which are yet to ‘take the stage’? However, to say that something is a mere reproduction of something does not mean that we are dealing with less ‘real’ consequences. With regard to society’s cultural conditioning of attitudes of individuals, one should best stick to the classic sociological theorem: ‘If a person defines something as real, it’s real in its consequences’.

We must not forget that the effects of the globalization factor and the speed at which ‘information societies’ are changing are strongly affecting the youngest of youth (we are talking here about the inevitable effects brought about by the influence of social networks on the Internet and by accelerated population migrations). While in a way this is the Serbia of today, it is also a different Serbia of today. We cannot predict its future activities with certainty, just as we can hardly predict the future structural developments of Serbia itself.

## **| THE CONTEXT – THEN AND NOW**

According to some domestic authors, the changes through which Serbian society has passed since the early 1990s can be divided into two periods: a period of ‘blocked transformation’ until the end of the 1990s and a period of ‘belated transformation’ starting with the 2001 political turnaround and the advent of ‘democratic government’ (Lazić, Cvejić, 2004).<sup>1</sup>

1 The period of blocked transformation is characterized by the following: GDP fall to 50%, budget in constant deficit, collapse of the financial sector, growth of the informal economic sector, growth of unemployment. The second period at the end of 2000 saw stabilization of institutions,

Although the concept of transition rather than of transformation is used more often in the public discourse (in keeping with the modernization theory and the political orientation which looks upon Serbia's post-socialist road as a road to developed capitalism and parliamentary democracy characteristic of EU member countries).

So, the period and concept of transition has been written about by many. The ideologization of this concept does not merit much comment, especially not today if one takes stock of the changes which have taken place in both Serbia and the region during the past two decades. For the sake of comparison, the average pay in Serbia in March amounting to €353 was among the lowest in the region (being less than even the minimum wage in Croatia, which was €385). And although Croatia is much more advanced by some criteria (living standards, political stability, absence of 'open' enemies among neighbours), it still has not joined the European Union.<sup>2</sup> Already in the first years of so-called 'transition', many theorists thought that it would be wrong to believe that the former socialist countries of Central and East Europe would all follow a straight and correct course by adopting a liberal concept of the state and the market. Unlike those who viewed the future of modernization in countries on the periphery and semi-periphery through the prism of today's modern Western countries, they believed that each of these states would travel its specific transition road. This is how the concept of transformation came gradually into use. The idea behind the concept is to explain that the former socialist countries faced many obstacles and had different historical and cultural heritages, and that therefore they could hardly be expected to embrace so-called democratic values, capitalism and the 'culture of the West' in a short time.

This theoretical argument aside, explanations were also sought in the real state of the 'transition' countries: 'Following a decade of

acceleration of privatization and reduction of informal economy, as well as a new increase in unemployment and higher pay (Stanojević, 2009: 99).

<sup>2</sup> Economist Zoran Popov believes that the present volume of industrial production is one-third of what we had in 1986: 'This shows that even after 25 years we are unable to achieve the level of industrial production we had in those days', (B92, 13 January 2011).

“transformation” it is becoming quite clear that differences among the semi-periphery countries in Central, East and South East Europe are greater than at the time they embarked on transition. This is no doubt augmented by the extremely confusing choice of the criteria for appraising this process and by the basic non-transparency of such appraisals. The introduction of the dimension of cultural differences and different traditions merely complicates the overall picture.’ (Blagojević, 2004: 287).

However, another current of theorists would oppose the use of the concept of ‘transition’ by putting forward arguments from ‘the Right’. In their view, Serbia should not follow the path of integration into the European Union at all. Their arguments boil down to traditionalistic glorification of their own nation, anti-Westernism and resistance to the idea of multiculturalism. At issue here are right-wing convictions, perhaps primarily the articulated thought or panoply of right-wing orientations which took over the Serbian cultural and intellectual scene in the late 1980s and which rules it to this day (to be sure, there is a difference between the period when the state was openly at war and the present period of softened rhetoric and somewhat modified right-wing ideology).

In the context of the ‘belated transformation’, one can say safely that it is these right-wing currents that are the biggest (though not the only one) obstacle to Serbia’s progress towards becoming a developed democratic and, in value terms, tolerant country, though one must not forget the interests of capital (economic and political) which have characterized the political scene since the 2000 change of government. To speak about economic and political elites which together make up an ‘oligarchic system’ (which does not make it an exception in relation to other states) would be nearest the truth.

However, for the purpose of this research, the ideology promoted by the nationalist and neo-conservative circles is more important to us because this ideology diminishes the scope for individual thought and for the development of the individual. We are therefore speaking about two generations of the Right. The historical revisionism from the early 1990s, which marked the situation in Europe after 1989, found echoes chiefly in the right-oriented parties (Serbian Radical Party, Serbian Renewal

Movement), in the Serbian Orthodox Church (SPC) and in a segment of the Serbian Academy of Sciences and Arts. There was a rehabilitation of the domestic fascist legacy both in Serbia and in Croatia. In recollecting past wars during the 1990s, Serbian and Croatian historiographers sought to prove that their respective nations were at risk. The 'incomplete defascization' in Yugoslavia was due not so much to dissatisfaction with socialism as to later developments, namely the demise of the League of Communists of Yugoslavia and the spread of the ideology of anti-totalitarianism. It was the ideology of anti-totalitarianism which launched the policy of equating the crimes of fascist and communist regimes. In many post-socialist countries this fuelled anti-communism and by doing so lightened the burden of, or at least diverted attention from, the domestic fascist legacy. The growing nationalism, which for the most part originated from the top, became the official ideology of the new republic parties and was therefore normalized. Romantic nationalism and secessionism spread with impunity, unpredictably and uncontrollably among the disenchanted population strata affected by crisis. In Serbia, the Ljotić and Chetnik movements are being rehabilitated and a mini-imperialistic version of nationalism promoted and justified (by extremists) by a need to protect the purity of the nation; in Croatia, the Croatian version was defended on the grounds that the 'Croat being is in peril'. During the 1990s everything combined to weaken the population's criticality of the fascist past and its ability to distinguish between patriotism and genocidal policy.<sup>3</sup>

We shall bear in mind the characteristics of this nationalism from the early 1990s in order to draw a line of values which have 'survived' to this day without being seriously resisted. Thus, while in the 1990s we saw mobilization of the population for ethnic hatred towards neighbours through the promotion of the Chetnik movement, today we have the State Commission for finding out the truth about the death of the movement's leader Dragoslav Draža Mihailović, which is seeking to rehabilitate that movement.

Today's efforts to establish a stable democratic society in Serbia are being sabotaged, conditionally speaking, by the second generation of the

3 As cited in: Radoman, 2007, <http://www.helsinki.org.rs/serbian/ljipgrupe.html>.

nationalist current (i.e. by the circles close to the SPC, the remaining appointees of political parties who served the Milošević regime and members of Russophile conservative options, notably the Democratic Party of Serbia and New Serbia, but also the Serbian Progressive Party), as well as by the extreme right-wing reactionary Russophiles, i.e. the Serbian Radical Party. The efforts to establish a democracy are also hindered by the economic crisis.<sup>4</sup>

Further, today's aggressive nationalism or patriotism is also characterized by 'traditional' hatred towards neighbours (Croats, Bosniaks and Albanians). The Slovenes are almost exempt from that 'list', which is to be expected considering that the younger generations not belonging to the historical period of the life together construct their 'historical memory' mostly on the basis of the content presented to them. The nationalist euphoria manifested during the large rally in response to Kosovo's declaration of independence was directed more against the 'domestic traitors' than against the Western countries which had recognized the independence. The anti-Westernism has thus shifted its focus on domestic minorities and marginalized groups perceived as 'promoters' and 'agents' of the West. This is especially true of the LGBT population, in connection with which the concept 'tolerance' regularly meets with the disapprobation of the extreme right. Such values are viewed as dangerous and suspicious and associated with the 'decadent' values of the West: 'That is something which "isn't ours", it doesn't belong to "our" historical heritage and has already been branded as such. The "queers" are imported, just as all these "ills" aimed at destroying Serb society are imported.'<sup>5</sup>

At a time of crisis and diminishing importance of institutions, civil identity inevitably weakens and individuals seek support of other kind which strengthens collectivism: 'In a situation of collapse of many state and social institutions, the family and household become the pivot around which a far more intense social life turns. These institutions take

4 According to the Association of Free and Independent Trade Unions, 300 people lose their jobs every day in Serbia (Beta, 7 July 2011).

5 As cited in: Radoman, 2007 (Source: <http://www.helsinki.org.rs/serbian/ljigrupe.html>)

over the functions that have been cast away or reduced, often to become the dominant framework for the survival of individuals.' (Stanojević: 2009)

Structural developments in the period 1990-2000 had enormous consequences for the family and households (with as many as 45% of households 'losing' a family member through death or emigration). The economic status of the family at the end of the 1990s is testified to by, among other things, the following figures: 8% of families were regularly supported by relatives in order to survive, and 21% borrowed small sums of money daily to buy basic provisions (Milić, 2002: 16). The atmosphere in which people lived during the 1990s is testified to by other indicators in the same survey: for instance, 15% of families admitted they had acquired weapons for personal protection and 13% said they had experienced physical violence in a public place during the period [...]! The period also saw a decline of families' social capital (for instance, surveys conducted in the early 1990s show abrupt severances of old friendships (for one-third of families) while data obtained at the end of the decade show that parents placed decreasing reliance on support from friends. This severance of social ties and 'exclusive reliance on closest relatives' has a bearing on the re-traditionalization of relations among relatives and diminishes the prospects for individualization of family members and spouses.

Regarding the period after 2000, surveys show that the family remains the mainstay of its young members, that young people's life patterns lack individualization, and that they normatively accept the traditional sequence of events in a person's life (i.e. completion of education, getting a job, entry into marriage and only then having children).

What intrigues me is the sphere of influence between the respondents to this survey and their families. I tried all the time to keep a picture in my head of the families in which they grew up. I wanted to find out whether the respondents' attitudes would reflect that background, which is hardly bright and optimistic, or whether the differences would be more than conspicuous. The analysis of the attitudes of the secondary school pupils will show whether or not they are under the influence of past and present structural changes affecting this country.



We can offer a description of the generation of their parents and their value orientation by relying on a survey carried out in 1999. The survey focuses on the young middle generation in Serbia and its attitudes to the West. Since the respondents to the survey were between 25 and 35 years of age, the sample comprising 49% under 30 years and 51% between 31 and 35 years, we can regard them as the 'parent generation' of today's secondary school pupils. In short, they were then distinguished by a xenophobic attitude to the world, egalitarianism, nationalism and preoccupation with their own problems. They regarded the US as the chief enemy in the West: 'anti-Americanism was especially pronounced among people at the bottom of the social structure, the poorest and uneducated and inhabitants of villages'; 'the militaristic variant of Serb chauvinism held no attraction for the majority of respondents in spite of the relatively high frequencies for politicians like Vojislav Šešelj and Vuk Drašković. However, their preoccupation with survival problems leaves much room for new eruptions of ethnic nationalism as a seemingly rescue-offering solution.' The data on the material status of this generation indicate additional reasons for their anti-Western attitudes, which also stem from their fear of socio-economic changes: nine-tenths of them had less than decent European standards of living and one-fourth of them lived either at the poverty line or in extreme poverty (Ilić, 2000).

The question is, why is the family as a community (either actual or a model being promoted) so important for the value systems of individuals? There are many answers to this: it is the family ideologies themselves that prescribe the standards of behaviour for individuals and in particular for women, for persons of a different sexual orientation and for all who deviate from society's heteronormative notion. The desirable vision of the nation, state and society is also formulated in the family. This is why all right-wing movements place special emphasis on the family. In this context, we should recall the 'Movement for Life' campaign of the ultra-right organization Srpski Sabor Dveri. The organization is mostly notorious for its publishing and propaganda activities and ideological closeness to the SPC, pro-Serb opposition parties and the papers *Pečat* and *Nova srpska politička misao*, which publish their leaders' texts. The organization's most

recent major action was the 'Family Walk'; it was organized on the eve of the 2010 Pride Parade for the purpose of bringing together the country's right-wing forces and served as a prelude to the violence that occurred during the Pride Parade itself. Participants in the walk carried placards bearing the words 'Defend the Family' as well as Serbian flags and icons. They demanded the cancellation of the Pride Parade and called on the Government to choose between the family and the gay parade.<sup>6</sup>

According to sources of B92 TV channel documentary programme *Insajder* (Insider), the organization was financed from the budget of the Republic of Serbia during 2010.<sup>7</sup>

Certain authors believe that the family has been the scene of conflict between two ideological systems particularly since the 1960s: 'Conditionally, we can call the first (neo)conservative; it usually operates with the help of the ideological apparatus of the state or at least relies on the state authorities and campaigns for the protection of the family sometimes in the name of the nation, other times in the name of morals, economics or religion and most often in the name of all that taken together' (Rener, 2009: 35). In conservative ideologies one detects lamentation over the destiny of the family as the 'basic cell of society', the 'foundation stone of the nation', the 'cradle of the nation' and the 'defender of morals'. The threat is most often perceived in the shape of external enemies. This explains the advent of anti-Westernism as a basic element of the ideology of these conservative movements. The enemies are not only to be found in the West; rather, the more 'pernicious' enemy is to be found within (and identified as pro-Western non-governmental organizations, certain opposition political parties and certain intellectuals). In the aftermath of the Pride Parade, the present Government was included among the enemies of the nation.

Rener stresses in her work that the definition of the family itself determines the family's reality. In the spirit of postmodern theory, a definition of something is a performative act which creates its reality by the very act of being said. She poses questions such as, for instance, How do we define differences: Do two unmarried persons living together constitute a

6 Beta, 9 September 2010.

7 B92, 'Insajder', 11 November 2010: Nasilje uz blagoslov.

family? Do these two persons have to be of different sex? Questions like these suggest the answers – there are socially established morals and definitions which are always shaped by ideology.

For example, media reported recently that in some psychology textbooks for secondary school pupils in Serbia a different sexual orientation is either reduced to a ‘hormonal imbalance’ or is mentioned after ‘zoophilia’ and ‘necrophilia’ as behaviour patterns classified as mental disturbances: ‘The psychology textbook for tourist, catering and personal services schools by professors Bora Kuzmanović and Ivan Štajnberger is the best example of insulting terminology.

The textbook deals with homosexuality in the chapter on prostitution, and that in a context where same-sex sexual/emotional orientation is mentioned after zoophilia and necrophilia. In the textbooks, same-sex communities are not represented and families are only referred to in the context of mother, father and two children of different sexes.’<sup>8</sup>

The discriminatory content of textbooks for secondary schools drew reaction from the Commissioner for the Protection of Equality, Nevena Petrušić, who sent a recommendation to the appropriate authorities to amend the teaching content and terminology.

If we look back at the position of the family during the transformation, we can see that it was accompanied by re-patriarchalization, which brought in its train domestic violence and increasingly deteriorating position of women and younger members of the family – the first victims of the chaotic changes in the country on a micro level.

Re-traditionalization (recourse to old and construction of new contents which are then put across as ‘part of the tradition’) is a tried and tested recipe for states undergoing crisis (whether an economic crisis or a crisis of ‘national identity’. While on the subject of Serbia, the one is easily substituted for the other and the real causes blurred). As regards these

8 Source: <http://www.trojka.rs/vesti/13928-izjednacili-gej-osobe-sa-nekrofilima-i-zoofilima.html> The analysis of textbooks for secondary schools containing this data was made and published in 2008 by Gayten-LGBT Centre for the Promotion of Rights of Sexual Minorities, Belgrade. It is available on <http://www.gay-serbia.com/pics/store/2009/06/Ka-nehomofobicnoj-srednjoj-skoli.pdf>

traditional patterns 'this is not a question at all of a simple 'going back' but rather of a nostalgia brought about by a drastic feeling of disappointment and loss [...] but also of a functional, often political as well, use of heritage and traditions in a modified context [...]'. Re-traditionalization is not a mere going back but rather an adaptation of tradition to a new context (Blagojević, 2004: 294).

According to Blagojević, the decline of family standards among 'transition losers' is a consequence of economic crisis, though there is a stratification even among the losers – the hardest hit is the working class, followed by the middle class, families with children and single mothers, the rural population and ethnic minorities. It should be noted that woman is a double loser in all the categories: this is not only due to higher unemployment among women but also because of their 'traditionally strong attachment to the family'. In the family, woman plays the special role of using her 'personal human resources to "make good" the losses and to ensure the survival of her household members' (Blagojević, 2004; 292-293). According to the author, although women in transition societies are relatively highly educated, paradoxically this is not a realistic indicator. Whereas women often choose channels of social mobility in education (in nearly all transition countries women account for over 50% of university staff), in fact education, viewed also in global terms, is becoming progressively less a factor of stratification (this is not to downplay the importance of education but only to indicate that the global labour market has new priorities). Further, 2003 surveys show that women are more often unemployed than their husbands (55.8% women compared with 44.2% husbands), and that women are dismissed from work for family reasons in 100% of cases while husbands are given notice because of injury or sickness in 81% of cases. This indicates that there is a continuing gender discrimination in the labour market (Stanojević, 2009; 101).

Because the roles of the church and the family are the state's two strongest levers in the process of instrumentalizing women, we may speak about the existence of 'gender regimes' in certain historical periods.<sup>9</sup>

When a survey like this one examines individuals' attitudes to traditionalism (i.e. liberalism), then the set of attitudes to family, marriage, abortion and gender relations is one of the basic indexes on that scale. The social climate and the general cultural normative framework portray Serbian society as a predominantly patriarchal one.

Non-governmental organizations concerned with protection of women's rights have for a number of years been reporting on murders of women by men. For instance, in analysing newspaper reports between 1 January and 7 April 2011, the Women Against Violence Network found that 13 women had been killed in Serbia during this period by men.<sup>10</sup>

Organizations like this are very important because they can alert society as a whole. If we go back only a decade or two we see that such cases were not registered in large numbers: In the early 1990s conflicts were registered in one-fifth of respondent families (i.e. one-fifth acknowledged the existence of conflicts); by the end of the 1990s the number had increased conspicuously, with 57% of women speaking about conflicts within the family. Information about domestic violence became available after that period; thus, according to a survey conducted in 2006, violence of some kind (shouting, swearing, various forms of mental abuse and physical attacks) existed in 80% of families at the population level (Milić, 2009; 22).

The question is, to what extent does this context influence the attitudes of youth. In this connection, one should bear in mind the factor of globalization above all: 'The processes of "globalization", particularly the globalization of culture, contribute to the approximation of the value systems of different cultural contexts and/or diminish the differences between gender regimes especially among younger generations. In a sense, the globalization of culture does not depend on real social and economic

9 'Gender regimes' as relatively structured relations between men and women, manhood and womanhood, in institutional and extrainstitutional environments, at the level of discourse and the level of practice (Blagojević, 2002: 317).

10 Source: <http://www.zeneprotivnasilja.net/vesti/126-saopstenje-za-javnost-femicid-u-srbiji>

contexts [...] a state of parallelism is established (Blagojević, 2002; 289).’ However, it is debatable whether today we can speak about the ‘end of patriarchy’ although in reality we are confronted with deconstruction of gender roles, collapse of the nuclear family model and strengthening of individualization. While the emancipatory effects of globalization certainly give us hope, particularly as far as the younger generations are concerned, one should not forget that at the time of crisis political elites are in the habit of activating traditional patterns such as glorification of collectivism, greater role of the church and subordination of the interests of all and of women in particular to the interests of the nation (for example through pro-natality policies). It is at a time of crisis that the topic of the ‘crisis of the family’ is given greater prominence. The question arises as to what this actually means and who exactly is the loser regarding this romanticized image of the traditional family – ‘Talking about a crisis has the usual effect of converting social and political problems into individual and particular, thus provoking a feeling of guilt (Rener, 2009; 36)’. And since women are regarded as chiefly responsible for the stability of the family, a failure in this regard is often considered as women’s individual or collective fault. However, younger generations are also the victims: a number of surveys about youth in Slovenia indicate that one-quarter of the children lack parental support and encouragement (Ibid).

We can discuss the ‘globalization of culture’ and its effects in reference to the holding of the Pride Parade or, generally, in reference to attitudes to this subject. In Serbia, media have helped focus the public’s attention to the topic of anti-discrimination and to the emergence of the ‘different’ and the ‘other’. Thus during 2009 and 2010 (the time of the adoption of the Anti-Discrimination Law, the announcement and banning of the Pride Parade and the holding of the parade the following year) the public scene was awash with contents dealing with the gay and lesbian populations. Of course, what triggered the campaign (this holds true for Montenegro as well) was the ‘will’ of the political elites to support the 2010 parade (at least in so far as it helped their image of a Europe-oriented government).

But if we disregard the causes, we can say that the consequences are there, for once a thing is set in motion it follows its own course and

depends on some other factor (especially with youth, who are more exposed to the influence of electronic media and social networks on the Internet).

Attitudes towards persons of non-heterosexual orientation are today among the chief pillars of conservative ideologies (as well as of those opposing them). It is well known that throughout the world the Right (notably in Russia) and particularly in countries of South East Europe uses pride parades to mobilize right-wing forces in the country. On the other hand, left-liberal and leftist options firmly support LGBT rights. A person's attitude to homosexuality also often points to the nature of that person's value system because it can also indicate the person's attitude towards other minority groups such as Roma, ethnic minorities or neighbours (this is a question primarily of a symptom within a syndrome because homophobes can manifest tolerance of other minorities while xenophobes are as a rule homophobes). Since the topic of homosexuality is also a good indicator of attitudes to the West (this holds true for the Serbian context but not generally) and to 'pro-European' values, it is of relevance not only in a study of traditionalism and neo-conservatism but also of attitudes to nationalism.

## **II THE SURVEY METHODOLOGY**

The questionnaire consists of several items serving to examine the degree of homophobia, traditionalism, conservatism and nationalism among secondary school pupils. One scale of items relates to attitudes to family and marriage. Attitudes towards the LGBT population and the Roma are included above all because of their topicality and the importance of the matter itself. These two groups are among the most at-risk in Serbia today. Here it is necessary to mention that since the scale of anti-Romism relates only to the Roma population, the scale cannot be used for assessing the national question as a whole (which is assessed further down in the questionnaire by means of other specific questions). While here only certain attitudes were examined, a whole system of attitudes should be included to obtain a wider picture of the degree of nationalism among respondents.

If we define nationalism by relying on Ernest Gellner's definition, according to which nationalism is primarily a political principle, which holds that the political and the national unit should be congruent, then nationalism implies a 'feeling of anger in case that principle is violated', for example if the political borders of a state do not encompass all of the members of a particular nation. The nationalist principle is also not satisfied if, for example, certain foreigners or members of other ethnic communities live within the political borders of the state. Gellner argues that, by this logic, a territorial political unit can only become ethnically homogeneous 'if it either kills, or expels, or assimilates all non-nationals' (Gellner, 1997: 13).<sup>11</sup>

In this case the attitudes towards Roma are a rather strong indicator of nationalism because we are dealing with a minority towards which there is a high degree of ethnic and social distance. As regards this analysis, one should also bear in mind the time frame of the survey. Events which took place in the village of Jabuka near Pančevo in 2010 resulted in the stoning of the local Roma settlement by a crowd numbering 500. It was only on the third day of the racist riots involving 'ordinary' members of the public that the authorities found it necessary to react. The public's awareness of the Roma question was heightened following a spate of incidents in 2009 and during the Decade of Roma Inclusion (including the demolition of Roma shacks in order to build infrastructure facilities and the revelation of the existence of some 600 informal Roma settlements). The media reported more frequently on the dismal conditions in which Roma live, also carrying commentaries and announcing the city authorities' resolve that the 'issue must be solved'. This is mentioned because the Roma can be the target of a more aggressive attitude than is the case with some other ethnic group, though this assumption, although correct, should not detract from our concern in this case.

The attitudes on each of these scales (traditionalism, conservatism, homophobia and anti-Romism) have given us general information. The final analysis incorporates comments – individual statements from the questionnaire which were not included in the scales mentioned above. Data about the material status of respondents' families was also collected

11 Gellner also argues that nations are not natural ways of classifying people or 'political fates' although nationalist ideology preaches and defends continuity.



in order to find out whether a family's status is in correlation with certain values. The items are presented in the form of a Likert five-point scale – from 'strongly disagree' to 'strongly agree'. The questionnaire is published in the Appendix at the end of the report.

The data was processed by using SPSS 18. In planning the sample before data entry it was decided that the sample should comprise six cities to present values in different regions of Serbia.

The sample finally consisted of the following number of respondents by city: Belgrade – 142; Novi Sad – 107; Zrenjanin – 89; Kruševac – 92; Niš – 110; and Novi Pazar – 89.

The number of male respondents equals that of female respondents in these cities. The sex structure of the sample consists of 310 males (49.2%) and 319 females (50.6%) out of the total of 630.

In the cities the sample was planned according to the age of the secondary school pupils (in order to obtain a more even sample the pupils were divided into a younger (1st and 2nd year) and an older (3rd and 4th) category, both categories being equally represented). For the purposes of the analysis, the sample was also tentatively divided according to the profiles of the schools into 'elite', 'standard' and 'potentially problematic' schools (the intention was to find out whether there were any grounds for public speculation that the degree of violence depends on a school's profile). From each 'profiled' school, a class of younger and a class of older pupils was selected so that the sample could include all the respondents from the classes so chosen.

As will be seen later during the interpretation of data, ideas of liberalism will here not be identified with 'European values'. But their similarity to those values will not be denied either. What is this actually about? We shall here consider European identity as an 'empty concept' because, as some authors have pointed out, a question/problem arises when we wish to determine what a feeling of European identity consists of. Manuel Castells considers that European unification requires European identity, but also that that identity cannot be built around Christianity, democracy or ethnicity, nor around economic identity through a common European market. However, one thing is certain – 'European identity' will be coming

into conflict with nationalism and therefore nationalism is regarded as a key obstacle to the construction of that identity (Vuletić, 2008: 34-50).

Therefore, we shall interpret the liberal values more as being opposite to the values of conservatism, traditionalism and chauvinism. However, the liberal respondents will be regarded as authentic representatives of these value orientations through separate items. Many of the items on tradition, marriage and family are formulated as rather extreme statements with the object of identifying supporters 'from the Right' – therefore those who objected to the statements ('Woman is only fulfilled when she becomes a mother' or 'Woman occasionally deserves to be beaten') will actually be considered as 'non-traditional'. The percentage of truly liberal respondents in the non-traditional group will be determined on the basis of their responses to items like 'Marriage is today an obsolete institution' and 'I do not consider founding a family an important life's goal'.

The initial hypothesis was that respondents' attitudes would not greatly differ from the general picture of socially standardized and mostly conservative relations in society. The hypothesis was that the attitudes would reflect the changes in the social system but that the respondents would exhibit more liberal attitudes to traditionally perceived gender roles, would show greater sensibility to LGBT rights and would not follow national stereotypes rigidly and one-sidedly.

### **III ATTITUDES AND VALUE ORIENTATIONS OF SECONDARY SCHOOL PUPILS IN SERBIA**

In order to exist, every marginal group (marginal in the sense of being subordinate, a group subject to oppression) must abide by a special article of the social contract which stipulates that it must be invisible. The only time it is allowed to become visible is when it is necessary to use this visibility to confirm the theses of the oppressor [...] The coming out of one's invisibility to press for qualitative, humanistic changes in social relations is a threat to every sexist, patriarchal system.<sup>12</sup>

12 Marković, S. (1987), Source: <http://gay-serbia.com/teorija/2006/06-09-24-uvod-u-lezbijisku-knjizevnost/index.jsp>

## 1. On traditionalism and conservatism

A survey carried out in 2009 in Serbia on a sample of 2,500 secondary school pupils shows the following results: 60% considered that violence against the LGBT population is justified; 72% that man should decide on when sexual intercourse should take place between the partners; 46% that man needs other women (in spite of getting along fine with his own); 46% that in certain situations a girl deserves to be hit; 25% that women should tolerate violence in order that their families should 'stay together'; 10% that it is in order to hit a woman if she does not wish to have sexual intercourse; 76% of males that changing nappies, bathing and feeding the children is the mother's exclusive duty and that woman's most important duty is to look after the household.<sup>13</sup>

The survey showed that the respondents had rather extreme attitudes. We shall now proceed to present the survey results on the traditionalism scale and the conservatism scale. The traditionalism scale comprises 14 items; as some of them also relate to violence against women and gender roles in the family, we shall be able to collate the findings. Cronbach's coefficient alpha which estimates the reliability of the traditionalism scale amounted to 0.70, indicating that the scale was quite reliable. We shall first present the general data and then analyse individual items separately in order to detect any differences.

There are 33.9% traditional respondents, 27.9% moderate respondents and 25% non-traditional respondents (since the remainder did not respond to all of the items, the corresponding data is considered as missing).

13 The survey was conducted as part of the programme Youth Initiative for Preventing Gender-Based Violence in North West Balkans. The psychologist and programme researcher, Jovana Stojanovski, considers that the roots of aggression – exposure to domestic violence, wars, sanctions, stress caused by economic situation, possibility of job loss, use of alcohol and drugs – have given rise to dissatisfaction which is transferred to younger generations (Politika, 29 December 2009).

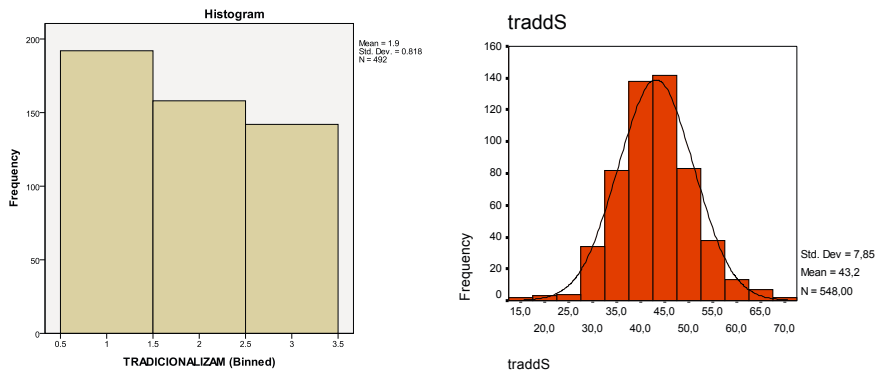
Chart 1. **Distribution of respondents on the traditionalism scale**

Chart translation: tradicionalizam = traditionalism

I wish to point out that the three categories on the scale were chosen intentionally, with the first category in this case (33.9%) encompassing both extremely traditional and somewhat less traditional respondents. The same is true for the non-traditional; as was explained in the section on the method, we cannot say of the 25% of them that they are all liberal. While some of them are, others do not agree only with extreme items, which does not make them liberal. We shall examine this through responses to separate questions. The arithmetic mean of the sample was 43.2 (median = 43.0); given that the theoretical mean on this scale is 40 and closest to the mean value *2-moderately traditional*, it means that the respondents were generally moderate in terms of traditionalism.

The differences were at their most prominent regarding the sex of the respondents: female pupils were nearly five times less traditional than their male opposite numbers and almost four times more liberal/non-traditional.<sup>14</sup>

The other variables in relation to traditionalism are as follows:

14 This is borne out by computing Pearson's correlation coefficient which is a measure of the strength of the association between two variables (sex and the traditionalism scale). In this case it amounts to 0.49, indicating a high value in favour of females.

In relation to the parents' occupations, the conspicuous majority of respondents from the traditional group have mothers and fathers who are unemployed or workers; regarding the non-traditional group, a far larger number of parents are concerned with politics; but there are somewhat larger numbers of both moderate and traditional respondents whose fathers are directors of small or large companies or are officials.

There are no essential differences in relation to parents' education achievements (with traditional respondents alone having more mothers with university degrees). These differences in relation to education and occupation indicate that parents' education has little effect on the formation of values within the family.

The traditionalism was operationalized through items relating to the sphere of public patriarchy (attitudes to the position of women in society and perceptions of domestic violence) and through attitudes to private patriarchy (the position of women in society, domestic violence and jointly caring about children). This interpretation of traditionalism through a division into private and public patriarchy was introduced by the feminist movement, whose theoretical postulate is that patriarchy can endure for a long time even if, for example, society has achieved an enviable level of improvement of woman's position in the public sphere: 'Modern societies, then, represent a "mixed" type of patriarchal society, where male domination in the economy, politics and public life is still pronounced although women have significantly come out of the private sphere and are visibly contributing by their work [...] Woman's subordinate position is not only a "product of private property" (as the Marxists thought), nor is it a result of biological necessity, for the inequality between the sexes is not a natural given, nor is it purely an economic one, but is also a cultural, spiritual, historical phenomenon' (Papić, 1993). Thus the changes taking place in our time (a mixture of traditionalistic and liberal values) can be interpreted as an outcome of different tendencies: of the modernizing effect of socialism on the one hand and of re-traditionalization taking place during the period of post-socialist transformation (as cited in Pešić, 2009; 175).<sup>15</sup>

15 In a survey/analysis of the diffusion of patriarchal value orientations in societies of the Western Balkans, the main thesis was that modernization processes lead to value

The first item typically used in examining the degree of traditionalism, 'Family and marriage are sacred', received the score of 77%; those who did not agree – a mere 10% – will be treated as liberal within the 'non-traditional' group. There were 11% undecided. When viewed by sex, the item was approved by 10% more males than females.

The second item, 'Founding a family is something we all strive for', was also agreed with by a high percentage (78%) and again disagreed with by 10%,

The third item, 'I do not consider founding a family an important goal in my life', which was used for checking stereotyping of the aforementioned, was disagreed with by 72%, confirming that the respondents had not changed their opinion.

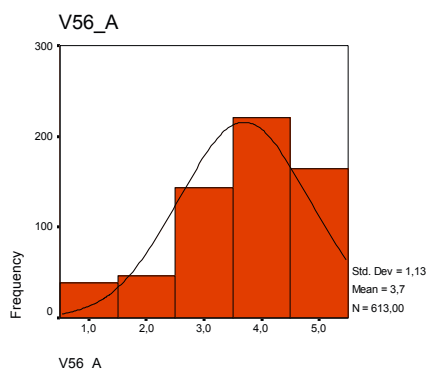
There is an item which testifies to a high degree of traditionalism – 'Woman is only fulfilled when she becomes a mother' was agreed with by 30% of respondents. Although the fact that in this case there was not much disagreement between the sexes may seem strange, it testifies to the intensity of gender stereotypes and of people's susceptibility to them.

'In Serbian society women are subordinated in the family' was disagreed with by 38% and agreed with by 22% of respondents. There was no appreciable difference regarding the sex of the respondents. Thus, every fifth respondent was aware of the issue and acknowledged that Serbian society treats women badly. The same is true for the next item, 'In our society domestic violence is a big problem', with 60% agreeing and 14% disagreeing. (Chart 2)

.....

changes tending to ever greater gender equality, but that modernization (socio-economic development of a society) does not necessarily bring about a change of values in society. These values, according to a revised theory of modernization, may also depend on a society's historical heritage, its dominant religious tradition and cultural heritage. The analysis shows that there were more non-traditional than traditional respondents but only in relation to questions within the sphere of public patriarchy, whereas in the sphere of private patriarchy 13.8% of respondents came out as markedly traditional, with the share of non-traditional varying from 14.1% in the Kosovo sample to 31.2% in the Croatia sample. The analysis encompassed seven countries: Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro and Serbia (Pešić, 2009: 178).

**Chart 2. Shows distribution of responses with the numerals having the following meanings:**



1 – strongly disagree, 2 – disagree, 3 – neither agree nor disagree, 4 – agree, 5 – strongly agree

The responses to the item 'If I knew of a case of domestic violence I would report it' were encouraging, with 61% of respondents replying in the affirmative and only 7% saying they would not. As regards the responses concerning general gender roles and attitudes to the family as a value, the differences between the sexes were not very pronounced and the attitudes were for the most part very traditional except for heightened awareness of the problem of domestic violence, which is a positive sign.

However, the females responded far more liberally to the following items concerning 'private patriarchy':

'In the family man should nevertheless have the main say' was agreed with by 44% of respondents (70% of whom are male), with 12.5% undecided and 43.5% non-traditional (Chart 3).

**Chart 3. Shows distribution of responses according to the sex of the respondents:**

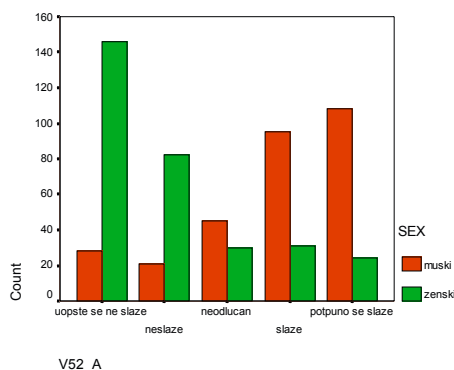


Chart translation: uopste se ne slaze = strongly disagree; neslaze = disagree; neodlucan = neither agree nor disagree; slaze = agree; potpuno se slaze = strongly agree; muski = male; zenski = female

The item 'Child care should be primarily the duty of the mother, and only then of the father' elicited 28% approval and 48% disapproval.

'As regards parenthood, it is important to involve the man so that the woman could devote herself to other things' was agreed with by 80.5% and disagreed with by 9%.

'Women should have more children in order that we may survive as a nation' was disagreed with by only 28% and agreed with by as many as 43% of respondents. These attitudes confirm the nexus between nationalist traditionalism and pro-natality policies. Such policies are often widely accepted because they are propagated not only by the opposition and mainstream right-wing options but are also part of the policies of the state. It will be recalled that during 2011 there was a campaign in Serbia under the slogan 'One child for mum, one child for dad, and one child – for the state.' The Commission for Drafting the Civil Code has proposed that the future Family Law should incorporate a provision under which mothers with three children will receive a monthly allowance of not less than 20,000 dinars.<sup>16</sup>

<sup>16</sup> Blic, 30 June 2011.



Feminists criticize such policies because they object to the use of the woman body as a symbol and instrument of strengthening the nation, that is, they oppose the patriarchal organization of society in which the role of women is reduced to their reproductive functions. The item 'Women should have more children in order that we may survive as a nation' was agreed with by three times as many males as females. Disposition to nationalism was more pronounced in the male sex in this case than when a similar item was used to examine attitudes towards Roma and when no conspicuous differences between the sexes were found (this could be due only to the fact that this topic is of greater importance to females because it affects them directly, as distinct from the matter of minority groups).

Regarding the group of items concerning domestic violence, most concern was raised by the responses to the item 'Woman occasionally deserves to be beaten', with 78% disagreeing, 9.2% undecided and 9% agreeing. The last figure means that about every 10th respondent approves of violence against women.

With respect to the attitudes regarding private patriarchy, one may conclude that there are at least 9% extremely traditionalist attitudes and that their percentage could be as high as 39%. There were far more non-traditional attitudes, ranging from 30% to 40% (the first group of items elicited far fewer liberal responses).

In comparing the results by city, the only conspicuous item of information is that there are more traditional and conservative respondents in Novi Pazar (where two-thirds of the sample declared themselves Bosniaks and Muslims, so their traditionalist values are explainable by the stronger influence of Islam). As many as 53% of respondents from that city agreed that woman is only fulfilled when she becomes a mother. Likewise, 62% of Novi Pazar respondents of both sexes agreed with prohibiting abortion.

Generally, the secondary school pupils surveyed were found to be strongly susceptible to stereotypes. The males were more traditionally minded and more inclined to think in patriarchal terms. Nevertheless, all were aware of and sensitive to changes (regarding domestic violence). These findings do not square with the very extreme findings set out at the beginning of this section. The data on respondents' readiness to use

violence gives rise to concern and partly coincides with the item in the said survey showing that every 10th respondent was prepared to slap a woman in the face.

Values of traditionalism are often also values of conservatism (the difference being that conservative values are not necessarily part of retrograde ideologies which usually invoke tradition – both rightist liberals and left wingers can be conservatives). Conservatism is here operationalized through the attitudes to abortion. The assumption is that contending gender, national, religious and ideological interests all converge on this issue. However, attitudes to abortion can be only one of the indicators of conservatism.

The responses to the matter of abortion were as follows: conservative 31.6%; moderately conservative 32.6%; and 25% non-conservative on the abortion scale.

Chart 4. **Distribution of respondents on the attitudes to abortion scale**

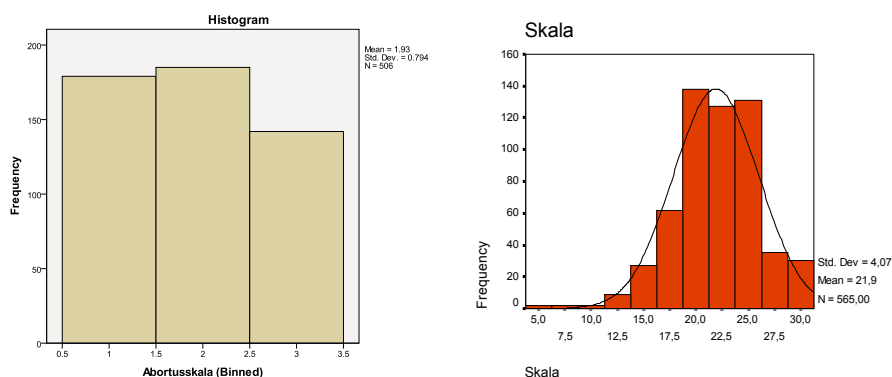


Chart translation: abortuskala = abortion scale; skala = scale

Here too there was a difference between the sexes though a little less than on the traditionalism scale: males were twice as conservative and females twice as non-conservative.<sup>17</sup>

<sup>17</sup> The Pearson's correlation coefficient was calculated between the sex variable and the conservatism scale at 0.26 (supporting the claim that women are, according to this indicator, less conservative than men).

These percentages for the most part coincide with the traditionalism results: thus 38% of respondents (of whom 50% were males) agreed with the item 'If we allow abortion our nation too will fall into ruin'. While 40% of respondents approved of prohibiting abortion, 73% agreed with the preceding item 'Every woman has the right to decide on her own life and body'. While this certainly is a good indication, it tells us that young people tend to give 'desirable' or expected answers to repeated statements. Similarly, 50% agreed and 27% disagreed that 'Abortion is a sin'.

It is a question whether this indecisiveness in the attitudes should be attributed to the respondents' age or to the pressure of the environment which shapes such social consciousness.

Among the extremely conservative were the 16.5% respondents who agreed with the item 'The father of the child should have the main say on abortion'.

The females' responses to abortion ban were a bad indicator on this scale, with 31% females upholding banning abortion, 39% disagreeing and 29% undecided.

As regards stereotypes, especially the family and matrimonial models to which young people aspire, it must be stressed that in public discourse (media, culture) they are not offered any alternative community models. The normativity of the family is one of the general characteristics of traditionalism. Regarding the family as a naturally given category and a community which constitutes an irreplaceable framework for the life of the individual is the first sign of the low level of individualism as a value. Insistence on the family and marriage as a 'sacred thing', which was the first item in the questionnaire, imposes a religious code according to which the family ought to function. The interference of the church and the state in family relations, i.e. regarding the formation of family relations, is real and material (e.g. in the form of benefits for mothers with more children). The balance of power constructs what is desirable. Consequently, the ideology of propagating a healthy and stable family rules out all alternative forms of life together which do not conform to the model, namely extra-marital unions, homosexual unions, polygamous unions and so on.

We can say that the sample manifested the respondents' moderately traditional and conservative attitudes though with pronounced and concerning extremes: 10% approved of violence against women; as many as 77% agreed with traditional notions of family and marriage; and 50% regarded abortion as a sin.

## 2. On homophobia

The 2009 survey mentioned above showed that 60% of secondary school pupils regarded violence against the LGBT population as justified. An older survey from 2006 on a sample of 122 secondary school pupils in Belgrade (the researchers made clear that the sample was not representative and that therefore the results could not be generalized in relation to the entire young population) showed that 10% of respondents approved of violence against the LGBT population. The 2008 survey by the Centre for Free Elections and Democracy (CeSid) on a sample of 967 respondents showed that 70% regarded homosexuality as a disease.

Regardless of the size of the samples, these surveys will tell us something about the secondary school pupils' attitudes relative to the periods in which the surveys were conducted.<sup>18</sup>

In this particular survey, the homophobia scale produced the following responses: 28.7% homophobic, 29.1% moderately homophobic and 27.9% non-homophobic.<sup>19</sup>

18 In 2009, threats of violence were made with impunity on the eve of the adoption of the Anti-Discrimination Law and later on the occasion of the announcement of the Pride Parade, with leaders of institutions such as the Prosecutor's Office, the parliament and Belgrade Mayor Dragan Đilas making problematic statements. There was almost no climate of the culpability of violence, with media transmitting threatening messages both from rightist extremist organizations and from security services. The older, 2006 survey was conducted when the LGBT population was still invisible and serious campaigns did not exist – until participants in the Pride Parade in Belgrade in 2001 were beaten.

19 Cronbach's coefficient alpha used to measure the overall reliability of the scale reads 0.91, which indicates that the scale is very reliable.

The arithmetic mean of the sample was 34.2 (median = 34.0); considering that the theoretical mean on the scale was 37.5, there was a larger skewness of the results towards more pronounced homophobia (Chart 5).

Chart 5. **Distribution of respondents on the homophobia scale**

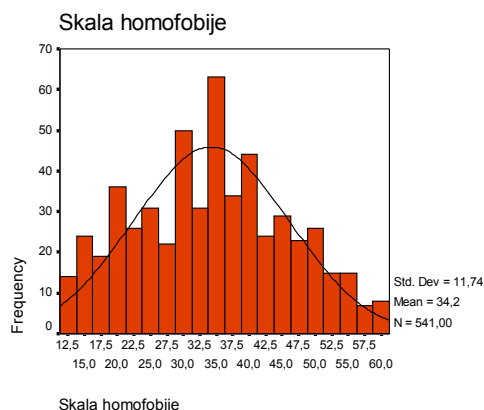


Chart translation: skala homofobije = homophobia scale

The Pearson correlation coefficient was calculated between the sex variable and the homophobia scale at 0.46 (supporting the claim that women are significantly less homophobic than men). The homophobic group comprised four times as many males as females and the non-homophobic group three times as many females as males.

These are generalized results which indicate percentages and we shall obtain a more realistic picture when we present individual attitudes and responses.

Of the total number of homophobic (28.7%), 22% who agreed that persons of different sexual orientation deserve to be beaten could be regarded as rather extreme (with 58% disagreeing and 20% undecided). This shows a big difference in relation to the 2009 survey in which 60% of respondents approved of violence against the gay population.

The sex differences are here as significant as they are regarding the scale as a whole, with six times as many males as females believing that the LGBT population deserves to be beaten (Chart 6).

Chart 6. **Shows distribution of responses according to the sex of the respondents:**

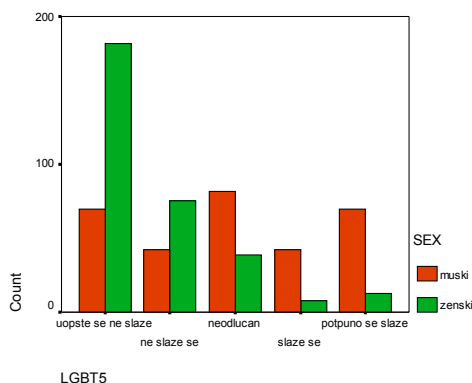


Chart translation: uopste se ne slaze = strongly disagree; ne slaze se = disagree; neodlucan = neither agree nor disagree; slaze se = agree; potpuno se slaze = strongly agree; muski = male; zenski = female

Also, the 20% who agreed that 'They should be expelled from the school' were extremely homophobic as well. Here again we have similar percentages of those who disagreed with such measures (59%) and those who were undecided (21%).

There were a total of 70 or so negative comments, with males accounting for one-third. Here are some examples:<sup>20</sup>

- We don't need queers at all
- I think they should keep it to themselves
- They shouldn't show off in public!
- Kill the gay!
- Death to queers
- Kill them off! It's a disease!
- Queers ought to receive medical treatment!!! That's not normal. Fags go home
- Queers should be beaten
- Oh come, it's a disease

<sup>20</sup> All of the comments in the questionnaire are published as written.

- Kill them<sup>21</sup>
- Deserve to be beaten if they show off in public
- We're waiting for them
- While I don't support them, I don't hate them either. They get on my nerves for wanting parades and to adopt children, when in fact they're sick as both necrophiliacs and pedophiliacs.
- STOP TO THE GAY POPULATION!
- It's not normal, it's a disease, especially because it's prohibited by the Orthodox Church!
- Gay persons are OK as long as they don't make a show of it and brag about it. Because these days you have more rights than others if you're gay.
- Parades and similar manifestations are a way to awaken awareness in individuals, though personally I consider them as a provocation. Just as you have the right to choose, others have the right to ignore your choice.

There were 17 positive comments. These are some of them:

- Everyone has the right to live their own life and to organize it.
- Their sexual orientation does not bother me
- In our school it's difficult to say that publicly
- I've nothing against gay persons
- Gay is OKJ
- I have many friends outside my school who are gay...I respect and love them!
- I love them!
- I have a friend who's gay
- I support them, they're no different than the rest
- There's nothing to set them apart from the rest

The responses to certain items such as 'I think that they are sick' also show a high degree of homophobia, with the majority of 'moderates' on the scale probably responding positively: 41% insisted that the LGBT population is sick, 21% were undecided and 38% disagreed.

21 The respondent signed himself/herself as Obraz.

This time again, far more males agreed and responded far more extremely than did females (75.2% males agreed completely, compared with 24.8% females):

Chart 7. **Shows distribution of responses according to the sex of the respondents:**

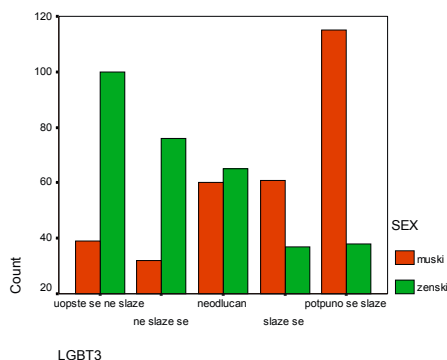


Chart translation: uopste se ne slaze = strongly disagree; ne slaze se = disagree; neodlucan = neither agree nor disagree; slaze se = agree; potpuno se slaze = strongly agree; muski = male; zenski = female

The following differences were identified between the cities: Belgrade manifested more negative attitudes than Niš and Novi Sad. The most liberal attitudes were found in Zrenjanin, where as many as 42% of respondents strongly disagreed with the item and 17% agreed. The results were similar in Niš, with a total of some 43% of respondents disagreeing. In Novi Pazar attitudes were somewhat more conservative while in Kruševac and Novi Sad the results were split. The most negative attitudes were found in Belgrade, where 47% of respondents agreed with the claim that persons of different sexual orientation are sick. It appears that the increase in homophobia was due to the fact that right-wing propaganda was strongest in the capital at the time of the Pride Parade. However, these are outcomes of events whose effects are felt today but whose long-term effects do not have to be negative – quite on the contrary: a comparison of the 2009 and 2011 results supports the thesis that the increase in the visibility of marginalized groups brings about a decrease in discriminatory attitudes towards them.



The item 'I fully support and understand them' drew positive responses from 20% of respondents.

The responses to the items 'Gay persons should be given the right to marriage' and 'Gay persons should be allowed to adopt children' were as follows:

Of the total number, 62% disagreed with the first and 67% with the second item. This indicates a strong opposition to adopting some of the values which are the subject of current debates in the West and which are yet to come on the agenda here. These results were expected and bear out the country's backwardness in relation to contemporary trends concerning marriage and alternative family arrangements which are still alien to the Serbian population.

The positive responses to these items were as follows: 16.5% approved of the right to marriage and 14.5% of adoption of children. We can say that the percentage of truly liberal respondents in the non-homophobic group varies between 16.5% and 20%.

In conclusion, we shall say that the differences were rather sharp considering that the questionnaire items were very explicit (a larger number of moderate responses had been expected, particularly as to whether gay persons deserve to be beaten or whether they are sick, but it did not turn out that way). This is why we denoted this group on the scale as non-homophobic instead more explicitly as 'liberal'. The traditionalism scale yielded similar results.

In other words, there were more than 20% extremely homophobic and somewhat less than 20% liberal respondents. Nevertheless, this represents an improvement in relation to the results of previous surveys, with the number of liberal attitudes increasing and the number of extreme responses remaining the same for the time being.

The females were found to be particularly non-homophobic. This was interpreted in certain earlier researches as indicating that females are more sensitive to marginalization of certain groups because they are marginalized themselves. It could also be argued that the notion of homosexuality is more often associated with men and that when it is associated with women it does not sound as bad; it could also be said that men more

often feel that their identity is undermined when they are associated with gays (who are traditionally viewed as weak, not men enough, effeminate and so on).

The anti-Romism, homophobia and traditionalism scales did not exhibit significant differences in relation to respondents' family income and status. An explanation for this lies in the fact that data on the material status of respondents' families are rather homogeneous for the whole sample; we should also bear in mind the increasingly poor financial situation of the majority population of Serbia and the manifest and uneven polarization of society into a majority of poor and a small percentage of rich.

The respondents' replies about their families' monthly income, taken for the sample as a whole, were as follows:

1. less than 16,000 dinars – 5%
2. 16,000-20,000 dinars – 5%
3. 20,000-40,000 dinars – 20,5%
4. 40,000-80,000 dinars – 29,3%
5. 80,000-150,000 dinars – 12,7%
6. over 150,000 dinars – 5.6%
7. Don't know – 21.8%

Those in the less than 16,000 and 16,000-20,000 categories saw themselves as mostly belonging to the working class. Those whose families earn 20,00-40,000 dinars and 40,000-80,000 dinars regarded themselves as members of the middle class. All who said that their families earned more than that (i.e. in the 80,000-150,000 and over 150,000 categories) saw themselves as mostly belonging to the middle class, except 20% who placed themselves in the upper class.

Taking the sample as a whole, there were 21.3% members of the working class, 68% members of the middle class and 9% members of the upper class.

This information testifies amply to the impoverishment of the majority population in Serbia. On the one hand, it is obvious that a family earning between 20,000 and 40,000 dinars a month cannot belong to the middle class. On the other, if the middle class in Serbia consist of those who earn up to 80,000 dinars a month (admittedly the range between

40,000 and 80,000 dinars is large so it is not the same whether a family earns 50,000 or 80,000 dinars a month), we must say that our middle class is extremely poor.<sup>22</sup>

Let us now compare this data with respondents' replies concerning the economic status of their families:

1. Low (we live rather poorly) – 2.4%
2. So-so (we have enough only for the barest necessities) – 13.9%
3. Average – 68.8%
4. Above average (we live a little better than the rest) – 12.5%
5. Rich – 2.4%

In Serbia (according to this sample, which does not mean that a larger sample would have yielded different results), about 30% of the population lives very poorly and another 30% are objectively poor but do not see themselves as such. Of these 30%, 12.5% who say they are a little better off than the rest could be said to belong to the middle class. The percentage of rich ranged from 5.6% (those earning over 150,000 dinars) and 9% (those who regard themselves as belonging to the higher class).

### 3. On anti-Romism

When we speak about ethnic stereotypes in relation to a particular population group we speak about the degree of nationalism.

In its 1997 research into ethnic distance, the Institute for European Studies assumed that ethnic distance in multinational states is a 'realistic basis on which political manipulation grows'.

As set out in the analysis of the survey, the 'former Yugoslavia is the best example of how successful political manipulation based on ethnic distance can be' (Sekelj, 2000). The results showed that a high ethnic

22 Some researches show that the middle class exists in spite of being impoverished (although it is not clear what this means). Slaviša Orlović from the Faculty of Political Sciences argues that the middle class exists from the point of view of value system and beliefs. Slobodan Cvejić says that the middle class exists because it still has a way of life that characterizes that class (e.g. annual holiday travels which are not the sole privilege of the rich, etc.). Source: <http://www.rts.rs/page/stories/sr/story/125/Dru%C5%A1tvo/850008/Kriza+srednje+klase.html>

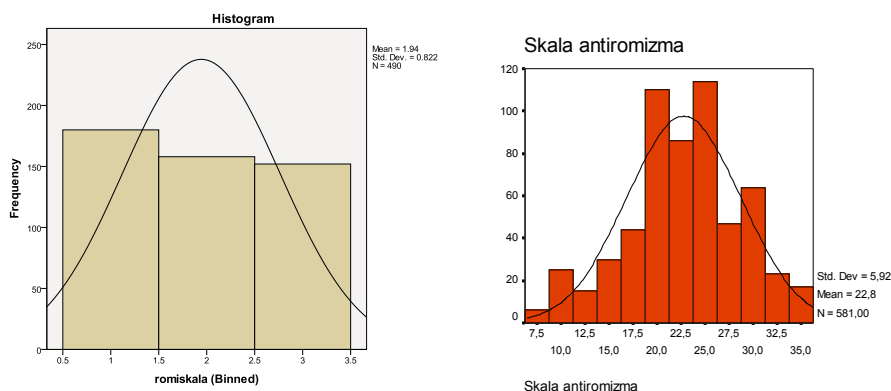
distance from the Albanians, Croats and Muslims and a much lower distance from the Hungarians was 'constant', as well as the degree of distance varied according to the political situation, i.e. the degree of the presence of an ethno-nationalistic matrix in politics.

This survey is mentioned as an introduction to the analysis of the secondary school pupils' responses to ethnic stereotypes regarding Roma, the sample consisting of mostly respondents of Serb nationality but including members of other ethnic groups. We were interested to establish the claims and stereotypes forming the basis of anti-Roma sentiments in Serbia. We were also interested to know whether nationalistically oriented respondents regarded the Roma as their 'constant' enemies. The assumption was that the data would also indicate society's real attitude towards this minority, as well as (indirectly) the attitudes of the institutions and the state towards them.

On the anti-Romism scale, the respondents' replies were as follows:<sup>23</sup>

36.7% had extreme chauvinist and racist attitudes, 32.2% were moderate and 31% manifested no anti-Roma attitudes. The extremely negative attitudes towards Roma were found in 60% males and 40% females. The percentage of females was somewhat greater in the group of moderate and 'liberal' respondents (the latter in the sense of upholding opposite values to chauvinism).

Chart 8. **Distribution of respondents on the anti-Romism scale**



23 The anti-Romism scale was operationalized through seven statements about Roma. Some statements not incorporated in the scale were also analysed. Cronbach's coefficient alpha of 0.85 tells us that the scale is reliable.

Chart translation: romiskala = Roma scale; skala antiromizma = anti-Romism scale

There was no significant difference between the cities except in Novi Pazar, where a large number of liberal attitudes towards the Roma were identified (with no significant differences in negative attitudes).

We shall determine the number of respondents with excessively negative attitudes towards the Roma and the number of truly liberal ones in relation to individual items (some of them are not part of the scale but are considered important for the general assessment).

The item 'Roma are mentally less capable of learning' was agreed with by 20% of respondents. There were almost no differences in terms of sex.

The item 'Roma don't want to study, they prefer to beg' again elicited heightened negativism: 41% agreed or strongly agreed and 30% did not. The male respondents gave more negative responses. There were no conspicuous differences between the cities. The attitudes were somewhat more moderate in Zrenjanin and Novi Pazar.

In response to the item 'Roma are by nature dirty people' there were again 27% extreme attitudes of approval. 45% disagreed. Here too there were differences according to sex, with males accounting for more negative responses. With the exception of Novi Sad, where there were more negative responses, the results by city were very similar.

The item 'Roma have more children in order to exploit them for begging' was agreed with by 43% and disagreed with by 24% of respondents. The most negative attitudes were registered in Niš, Novi Sad and Kruševac. The absence of conspicuous differences in responses by sex confirms the fact that reproduction, as far as Roma are concerned, is looked upon by women also primarily through a nationalist discourse rather than through a gender discourse, as would have been 'expected'.

Reproductive activity is very often interpreted through the prism of nationality to fuel right-wing theories about a 'demographic boom' (in Serbia this is typically used as an explanation for the Albanians' high birth rate).

On the basis of these negative attitudes, we can conclude that the 36.7% respondents on the anti-Romism scale are actually those who are the most intolerant and whose anti-Romism (in view of the content of the item) includes elements of racism in some of them. This is not an exceptional occurrence: every society which normalizes chauvinism and adopts it as 'patriotism' – i.e. as something legitimate – opens the door to more extreme ideologies such as fascism or racism.

The extreme attitudes towards Roma were also testified to by the comments made in the questionnaire. These are some of the total of 20 negative comments:

- They don't want to work and spend the money from begging on cigarettes rather than to feed their children
- Gypsies will be Gypsies
- They should be killed<sup>24</sup>
- They're cheeky because they got their rights
- Some Roma do try and are not different from us
- Gypsies – ought to be killed off!!!
- Roma simply do not like school
- They ought to be exterminated!
- Death to the Gypsies
- Hitler is good for them
- They're aggressive and irritate other people
- They find it easier to do nothing and to complain about being discriminated against all the time

There were nevertheless several different comments about Roma:

- They don't get enough attention!
- (Roma) are not lazy. The primary school textbooks cost almost half the average (monthly) wage in Serbia, which means that the system too is to blame.
- No to racism and Nazism.
- Children are brought up to hate Roma
- Roma are human too.

24 The respondent signed himself/herself as Obraz.

Of the total number, 8.5% of respondents said that Roma were badly treated in their schools. Respondents were aware of the problems facing Roma in society: for instance, nearly 50% of them said that Roma children have no conditions for studying at home. On the other hand, 38% agreed with 'Roma are simply too lazy to study'. In common with the above statements, this shows that young people are very susceptible to stereotypes (this tells us more about the formation of nationalistic attitudes than about the calls for killing Roma – and these are not empty threats because such incidents do happen).

Let us now look at the respondents' reactions to positive items about Roma.

The item 'The Roma are discriminated against in many ways' was agreed with by 43% and disagreed with or strongly disagreed with by 20% of respondents.

The item 'Roma should be fully equal in society' was agreed and strongly agreed with by 61% and disagreed with by 15% of respondents. There were twice as many negative replies from the males.

The item 'I would sit at the same desk with a Roma' was agreed with by 39% (and strongly agreed with by 16.5%) and disagreed with by 30% (and strongly disagreed with by 18%). It is interesting to compare this with the item relating to the gay population. The responses were as follows: 28% would sit at the same desk with a gay person and 44% disagreed (of whom 32% strongly disagreed). It appears that the LGBT population is still at the top of the list of 'national enemies'.

The item 'I always defend and support them' was agreed with by 17% and disagreed with by 31% of respondents.

As regards the anti-Romism scale, there were at least 17% 'liberal' respondents and potentially up to 28%. The negative comments from the questionnaire indicate that there were at least 20% extreme nationalist respondents and that their percentage could reach 37% regardless of the fact that the scale indicates a lower percentage because some questions were not included in the scale.

We shall now proceed to compare this data with the items used to examine the degree of xenophobia and nationalism. We asked the

respondents which ethnic group they would not be friends with and why also in order to explore the ethnic distance.

The item 'Of the nationalities mentioned I object mostly to', designed to tell us which nations are perceived by the respondents as their national enemies, yielded the following percentages:

**Table showing the list of 'undesirable' nations:**

national enemies Frequencies

		Responses		Percent of Cases
		N	Percent	
National enemies	Hungarians	61	5.0%	9.9%
	Roma	145	12.0%	23.6%
	Bosniaks	49	4.0%	8.0%
	Serbs	12	1.0%	2.0%
	Albanians	256	21.2%	41.7%
	Croats	182	15.0%	29.6%
	Russians	16	1.3%	2.6%
	Americans	119	9.8%	19.4%
	Greeks	9	.7%	1.5%
	Others	19	1.6%	3.1%
	I object to no one	117	9.7%	19.1%
	I like them all	14	1.2%	2.3%
	I don't value people based on their nationality	211	17.4%	34.4%
Total		1210	100.0%	197.1%

Because it was possible to circle several answers to this question, certain opposite variables do not coincide here: for instance, 17.4% said they did not value people based on their nationality. While in some cases this answer was circled on its own, in one-half of the cases it was chosen in conjunction with a 'nation', which tells us enough about respondents' need to dissociate themselves from the attitude that they 'object to' a nation they have circled. The very need to do that indicates an awareness that national intolerance is not a desirable value. Also, the not insignificant percentage of 'I object to no one' is also a good sign; taken together with the preceding option it gives evidence of a number of 'anti-national' and 'non-national' options among youth.

According to the table, the biggest national enemies are the Albanians (21.2%), Croats (15%), Roma (12.3%) and Americans (9.8%).



Conspicuously, anti-Americanism did not turn out to be the chief ideological basis, which was intolerance towards neighbours and the Roma. As regards the Albanians, the outcome was expected because of the constant hatred for them being produced and because of the policy of the state. The percentage in relation to the Roma was excessive and alarming.

It strikes the eye that the Bosniaks were not rated highly in spite of a vigorous campaign against Sandžak. This, however, could be explained by the choice of the Bosniaks' national name: young people are not informed enough and not yet used to the new name for the Muslim nation – therefore they do not identify Bosniaks as Muslims. Their lack of information was confirmed by their replies to the question 'Others', their most frequent replies being: Muslims, Jews, Turks and, in a few cases, Western countries (in that order).

Viewed by city, the answers were mostly uniform, with somewhat higher percentages of Roma identified in Niš, Kruševac and Zrenjanin. Most conspicuously, in Novi Pazar alone only a few respondents identified the abovementioned groups as 'enemies' and one-third opted for 'I object to no one' – the highest percentage in all the six cities.

Let us now proceed to the next set of percentages. The following are the respondents' replies about the nations they like:

**Table showing the list of 'desirable' nations:**

		nation's friends Frequencies		
		Responses		Percent of Cases
		N	Percent	
nation's friends	Hungarians	24	2.3%	4.0%
	Roma	8	.8%	1.1%
	Bosniaks	66	6.3%	11.0%
	Serbs	269	25.6%	44.8%
	Albanians	4	.4%	.7%
	Croats	17	1.6%	2.8%
	Russians	157	14.9%	26.2%
	Americans	51	4.7%	8.5%
	Greeks	161	15.3%	26.4%
	Others	24	2.3%	4.0%
	I don't like any	22	2.1%	3.7%
	I like them all	50	4.8%	8.3%
	I don't value	198	18.8%	33.0%
	people based on			
	their nationality			
Total		1051	100.0%	175.2%

The most 'desirable' nations were the Serbs (25.6%) and Greeks and Russians (around 15% each). These nations are a constant in the sense of historical stereotypes which are continuously reproduced and which regard Orthodox peoples as friendly nations.

Conspicuously, the Americans scored nearly 5% and the Bosniaks nearly 7%.

If we compare the results by city, we see that the Bosniaks did best in Novi Pazar. Again, this group of questions did not bear out the anti-Westernism because respondents named the French, Spaniards and Montenegrins as desirable 'Others'.

This difference in relation to the abovementioned survey of their 'parents' generation' 20 years before could be explained by changes in the nationalist discourse. At the time of the first survey in 1999, people were still under strong impressions left by the NATO air raids; their attitudes to the West's policy were more direct and more emotional, as well as more cognitively articulated. Since 2000, the Right has shifted its focus of interest to the 'enemies within'. The changing discourse on the West is an outcome of the young generation's changed way of life. In spite of the poverty, they travel more and come into contact with the culture of the West; they speak foreign language; and they have access to social networks such as Facebook, Myspace and Twitter, all of which makes them more adaptable to the effects of cultural globalization in general and media contents in particular.

In view precisely of the changed temporal and social context in which the Right has found its foothold, the mentioned assumption about reduced anti-Westernism does not mean less nationalism but that it has modified both its content and rhetoric.

The degree of nationalism in this sample can partly be gauged from respondents' negative comments regarding the item 'If there is a group among those mentioned with which you would not associate, identify it and state why'. Since most respondents made no comments (or if they did, the comments were positive such as 'I would associate with all', 'No such group'), and because the item is meant to identify extreme cases, we shall cite a number of responses:

- With Shqipetars [Albanians], Croats;
- Albanians because of the wrongs they inflicted on the Serb people
- With fags and RomaJ
- Serbia to the Serbs
- With Roma
- Catholics
- Albanians
- Albanians, Muslims...
- Albanians, Muslims because they are against the Serbian state.
- Muslims and Albanians
- With Shqipetars. It's not that I wouldn't associate with them, I just wouldn't become too close, though I blame neither those children nor myself for something that happened in the past. It's best avoided because there's always going to be intolerance between us and their people.
- I wouldn't be friends with Roma, they're filthy and sloppy
- Roma steal!
- We're waiting for them!
- With Roma, they provoke, steal, are uneducated!
- With Croats, Roma and Muslims because they stand out in society
- I wouldn't associate with Croats. They're not friendly for the reasons everybody knows;)
- Albanians. For the well-known reasons. I don't think that they're all the same, there are probably many good Albanians too, but I couldn't...
- I wouldn't associate with Gypsies
- With Hungarians, Macedonians...
- Our past simply won't let us do that! We can't pretend that nothing happened. Did our forefathers shed blood so that now we should be equals? No (Roma, Croats and converts to Catholicism)
- Muslims above all because they hate us, and Croats and Shqipetars... NO COMMENT. Albanians drove me out of Kosmet [Kosovo and Metohija].

- With Albanians and Croats because they hate my people and don't respect it, they kill it and won't let our national anthem be heard!
- Turks
- Roma, Muslims, Albanians, Croats, Jews because they hate the Serb people!!! I hate Bulgarians!!!

These then are the comments of mostly extreme respondents. There were a total of 54 negative comments of this type (with no conspicuous differences between the sexes) mostly in Niš and not one in Novi Pazar. This means that every 10th respondent did not want any contact with or openly hated a particular ethnic or national group. It should be borne in mind that they for the most part feel that such attitudes are legitimate, that is, that they 'pass muster in society'.

#### **4. Violence in schools**

The respondents were asked how many times they had witnessed violence (physical or verbal abuse of someone), how many times they themselves had been victims of such violence, and how many times they had taken part in fights.

More than three instances of verbal abuse were witnessed by 50%, two to three instances by 17% and one instance by 7.5% of respondents. Overall, only 25% said they had never witnessed a violent incident.

As regards physical violence, 29.4% saw more than three incidents, 18% two or three and 14% one. Overall, 62% saw a person subjected to physical violence.

37% reported being victim of verbal violence themselves. 13% reported being victim of physical violence.

**Asked 'How many times have you taken part in a fight?', more than 30% replied in the affirmative:**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Once	51	8.1	8.2	8.2
	2 to 3 times	55	8.7	8.8	17.0
	More than 3 times	96	15.2	15.4	32.3
	Never	423	67.1	67.7	100.0
	Total	625	99.2	100.0	
Missing	System	5	.8		
Total		630	100.0		

The results were evaluated by sex and age (in order to obtain a more even sample and the respondents were divided into younger (1st and 2nd years) and older (3rd and 4th years). The differences were also evaluated relative to the school profiles, which for the purpose of this analysis were tentatively divided into 'elite', 'standard' and 'potentially problematic' (the intention was to verify a stereotype according to which pupils of grammar schools as more 'elite' schools are more tolerant and less violent than those attending mechanical engineering or technical schools).

Males were found to be more often victims of physical violence but they also took part in fights more often (five times as much as females). Both sexes were victim of verbal violence.

Participation in fights, being victim of violence or witnessing violence was not significantly linked to the age of the respondents.

Differences relative to school profile were almost nonexistent. The only exception was the higher percentage (61%) of those in 'problematic' schools who took part in fights, compared with 23% and 15% in other schools respectively.

There were no significant differences regarding the number of those witnessing physical or verbal violence. For the purposes of this survey, discriminative observation of differences in the degree of violence relative to school profile was ruled out.

According to the results of a survey conducted in 2009-10 by several non-governmental organizations in Belgrade, Novi Sad, Smederevska Palanka and Velika Plana, nearly 80% of the sample of 1,000 secondary school pupils had taken part in fights.<sup>25</sup> These percentages give rise to concern particularly when viewed in conjunction with youth aggression regarding differences (as confirmed by the negative stereotypes about Roma and the LGBT population in this analysis). Likewise, the survey results for Vojvodina show that more than 22% respondents did not like hearing a minority language in their school and that nearly 22% thought that pupils with a disability ought not to attend a regular school.

During analyses of the causes of violence among secondary school pupils (as well as of widespread violence between pupils and teachers<sup>26</sup>), one infrequently resorts to some sort of reductionism. While psychologists are inclined to attribute the crucial causes to a 'bad family situation', others blame inadequate measures for combating violence. What is overlooked is that, in common with violence of other kinds, violence among juveniles (which no doubt has its specific aspects) is yet another product of the crisis of society and of the value system promoted from 'above'. Structurally viewed, the national intolerance manifested by respondents in this sample is also part of the climate of violence present in the media, public life and the political reality of the country. While the family and school are agents which form part of this structure, we must not forget that the causes lie not only in these structures of power but also in those which make up the institutional network within which the former operate.

25 Tanjug , 22 January 2010 .

26 According to the results of the 2010 survey about secondary school violence in the province of Vojvodina, some 29% of respondents had experience of psychological violence on the part of teachers and as many as 8.3% of physical violence, with 43.8% saying they had witnessed peer violence against teachers. (Source: [http://www.obrazovanje.vojvodina.gov.rs/index.php?option=com\\_content&view=article&id=64%3Akampanja-qzaustavimo-nasilje-zajednoq-u-okviru-programa-qkola-bez-nasiljaq&catid=1%3Anovosti&Itemid=3&lang=hr](http://www.obrazovanje.vojvodina.gov.rs/index.php?option=com_content&view=article&id=64%3Akampanja-qzaustavimo-nasilje-zajednoq-u-okviru-programa-qkola-bez-nasiljaq&catid=1%3Anovosti&Itemid=3&lang=hr))

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# Survey of Attitudes and Value Orientations of Seondary School Pupils in Serbia

You have before you the survey questionnaire by means of which we wish to examine your attitudes to the school, to society, towards the people in your surroundings and which characteristics of those people you like and which you do not. Since your sincere replies are very important to us, please answer all the questions with due care. Of course, it is also important to us that you should present your views freely, so you have the option under 'Other' or 'Your comment' of writing down on the line anything you wish. Thank you!!

School \_\_\_\_\_; Year \_\_\_\_\_; Sex: **M F** (circle)

**B.** My nationality is not important to me (if the answer is **B.**, just circle it)

**1. How many times have you seen other pupils verbally abuse someone:**

1. Once
2. Two to three times
3. More than 3 times
4. Never

**2. How many times have you seen other pupils physically abuse someone:**

1. Once
2. Two to three times
3. More than 3 times
4. Never

**3. How many times have you been physically abused by someone:**

1. Once
2. Two to three times
3. More than 3 times
4. Never

**4. How many times have you been verbally abused by someone:**

1. Once
2. Two to three times
3. More than 3 times
4. Never

**5. How many times have you taken part in a fight:**

1. Once
2. Two to three times
3. More than 3 times
4. Never

**6. Circle Yes, No or Don't know:**

1. There are gay persons in my school Yes No Don't know
2. They are often insulted Yes No Don't know
3. They are beaten Yes No Don't know
4. Effeminate men are gay Yes No Don't know
5. Add a comment \_\_\_\_\_

*In replying to the following questions circle 1, 2, 3, 4 or 5 whose meanings are:*

*1 – strongly disagree, 2 – disagree, 3 – neither agree nor disagree, 4 – agree, 5 – strongly agree*

**7. Concerning persons with a different sexual orientation:**

1. I have a friendly attitude towards them 1 2 3 4 5
2. I would not object to having a gay teacher 1 2 3 4 5
3. I think that they are sick 1 2 3 4 5
4. I fully support and understand them 1 2 3 4 5
5. They deserve to be beaten 1 2 3 4 5



6. They are too obtrusive 1 2 3 4 5
7. I would sit at the same desk with someone with a different sexual orientation 1 2 3 4 5
8. They should be expelled from the school 1 2 3 4 5
9. I always defend them if someone attacks them 1 2 3 4 5
10. The movement for gay rights works against Serbia's interests 1 2 3 4 5
11. Gay persons should be given the right to marriage 1 2 3 4 5
12. Gay persons should be allowed to adopt children 1 2 3 4 5
13. Add a comment \_\_\_\_\_

**8. What do you think about the following statements:**

1. Roma are discriminated against in many ways 1 2 3 4 5
2. Roma are mentally less capable of learning 1 2 3 4 5
3. Roma have no conditions for studying at home 1 2 3 4 5
4. Roma do not want to study, they prefer to beg 1 2 3 4 5
5. Roma are simply too lazy to study 1 2 3 4 5
6. Other, specify \_\_\_\_\_

**9. What do you think about the following statements:**

1. I would sit at the same desk with a Roma 1 2 3 4 5
2. Roma should be fully equal in society 1 2 3 4 5
3. Roma are by nature dirty people 1 2 3 4 5
4. Roma do not want to work 1 2 3 4 5
5. Roma have more children in order to exploit them for begging 1 2 3 4 5
6. Roma are merry 1 2 3 4 5
7. They are badly treated in my school (if there are Roma in your school) 1 2 3 4 5
8. I always defend and support them 1 2 3 4 5
9. There have been cases of a Roma being beaten and ill-treated in my school

\_\_\_\_\_  
(why do you think that happened)

**10. What do you think about the following statements:**

1. Family and marriage are sacred 1 2 3 4 5
2. Founding a family is something we all strive for 1 2 3 4 5
3. I do not consider founding a family an important life's goal 1 2 3 4 5

4. Marriage is today an obsolete institution 1 2 3 4 5
5. In Serbian society women as subordinated in the family 1 2 3 4 5
6. Woman is only fulfilled when she becomes a mother 1 2 3 4 5
7. It is natural and understandable that man should have greater sexual freedom 1 2 3 4 5
8. In the family man should nevertheless have the main say 1 2 3 4 5
9. Child care should be primarily the duty of the mother, and only then of the father 1 2 3 4 5
10. As regards parenthood, it is important to involve the man so that the woman could devote herself to other things 1 2 3 4 5
11. Women should have more children in order that we may survive as a nation 1 2 3 4 5
12. In our society family violence is a big problem 1 2 3 4 5
13. Woman occasionally deserves to be beaten 1 2 3 4 5
14. If I knew of a case of domestic violence I would report it 1 2 3 4 5
15. Add a comment \_\_\_\_\_

**11. In regard to abortion, circle:**

1. If we allow abortion our nation too will fall into ruin 1 2 3 4 5
2. Every woman has the right to decide on her own life and body 1 2 3 4 5
3. I uphold banning abortion 1 2 3 4 5
4. I support the right to abortion as part of individual freedoms 1 2 3 4 5
5. Abortion is a sin 1 2 3 4 5
6. The father of the child should have the main say on abortion 1 2 3 4 5
7. Add a comment \_\_\_\_\_
12. Which of the following nationalities do you find most objectionable (circle more of them if you wish):

1. Hungarians
2. Roma
3. Bosniaks
4. Serbs
5. Albanians
6. Croats
7. Russians
8. Americans
9. Greeks
10. Other \_\_\_\_\_
11. I object to no one

12. I object to them all

13. I don't value people based on their nationality

Which of these do you like the most (circle more of them if you like):

1. Hungarians

2. Roma

3. Bosniaks

4. Serbs

5. Albanians

6. Croats

7. Russians

8. Americans

9. Greeks

10. Other \_\_\_\_\_

11. I don't like any of them

12. I like them all

13. I don't value people based on their nationality

**In your school are there any:**

1. Roma Yes No Don't know

2. Hungarians Yes No Don't know

3. Slovaks Yes No Don't know

4. Croats Yes No Don't know

5. Ruthenians Yes No Don't know

6. Albanians Yes No Don't know

7. Muslims Yes No Don't know

If there is a group among those mentioned with which you would not associate, identify it and state why: \_\_\_\_\_

**Your family's monthly income amounts to:**

1. less than 16,000 dinars

2. 16,000 – 20,000 dinars

3. 16,000 – 40,000 dinars

4. 16,000 – 80,000 dinars

5. 80,000 – 150,000 dinars

6. over 150,000 dinars

7. Don't know.

**I regard my family as belonging to:**

1. Working class

2. Middle class

3. Upper class

4. Other, specify \_\_\_\_\_

**18. Your family's economic status (your estimate):**

1. Low (we live rather poorly)

2. So-so (we have enough only for the barest necessities)

3. Average

4. Above average (we live a little better than the rest)

5. Rich

**19. Circle your father's and mother's educational achievements:**

**Father:**

1. No education

2. Primary education

3. Secondary education

4. Post-secondary education

5. University undergraduate

6. University graduate

**Mother:**

1. No education

2. Primary education

3. Secondary education

4. Post-secondary education

5. University undergraduate

6. University graduate

**20. Circle your parent's occupations:**

**Father:**

1. Unemployed

2. Worker

3. Highly skilled worker

4. Employee

5. Liberal profession (artist, sportsman...)

6. Expert

7. Official, head of department

8. Small firm director

9. Large firm director

9. Entrepreneur

10. Politician

11. Other

**Mother:**

1. Unemployed

2. Worker

3. Highly skilled worker

4. Employee

5. Liberal profession (artist, sportsman...)

6. Expert

7. Official, head of department

8. Small firm director

9. Large firm director

9. Entrepreneur

10. Politician

11. Other