

**Helsinki Committee for Human Rights in Serbia**

***HUMAN RIGHTS AND ACCOUNTABILITY***  
**Serbia 2003**

**Helsinki Committee for Human Rights in Serbia**

***HUMAN RIGHTS AND ACCOUNTABILITY***  
**Serbia 2003**

PUBLISHER:  
**Helsinki Committee for Human Rights in Serbia**

FOR PUBLISHER:  
**Sonja Biserko**

\* \* \*

TRANSLATED BY:  
Ivana Damjanovic  
Dragan Novakovic  
Spomenka Grujicic

LAYOUT BY:  
Nebojsa Tasic

COVER DESIGNE:  
Ivan Hrasovec

PRINTED BY:  
"Zagorac", Belgrade 2004

NUMBER OF COPIES: 500

ISBN - 86-7208-090-4

*This book was published thanks to the support  
of the Swedish Helsinki Committee for Human Rights*

Swedish Helsinki Committee

for Human Rights

Helsinki Committee for Human Rights in Serbia

***HUMAN RIGHTS***  
***AND***  
***ACCOUNTABILITY***  
**- Serbia 2003 -**

Belgrade, 2004



*I am here to work for you and in behalf of  
you. But I cannot work instead of you.*

Zoran Djindjic

## Introduction

*The Premier Zoran Djindjic assassination* not only marked the year 2003 but will also – judging by ongoing developments – face Serbia with a historical crossroads: with one road leading towards Europe and another away from it. The murder of a reformist premier stalled reforms and put an end to the cooperation with The Hague Tribunal. And, moreover, it opened the door to Serbia's radicalization. The DOS coalition's incapability and unwillingness to make a break with Milosevic's policy, particularly the warring one, gave scope to restoration of the *ancien regime* that triumphed in the early parliamentary election.

A creeping putsch almost achieved its goals in the period between Djindjic's assassination and early parliamentary election. And it practically succeeded in spite of the international community's endeavor to maintain the reformist course primarily by admitting the union of Serbia and Montenegro to the Council of Europe while the state of emergency in Serbia was still on. The entire opposition and most non-governmental organizations and media went for compromising and overthrowing the cabinet. The forces that have been delaying transition and democratization under the pretext that "national issue" should be solved first won the election. Refusing to admit that the national program has been defeated, the Serbian conservative elite turned to a new pillar of its populist policy: production of scandals and affairs. The pillar as such prevents the emergence of the alternative Serbia has been lacking ever since the downfall of the Berlin Wall. For, the same elite was not intent to pursue economic reforms but to disqualify its opponents. And that fully devaluated not only a genuine anti-corruption campaign, but also the very reforms. Electoral victory of the Serbian Radical Party and the Democratic Party of Serbia guarantees continuity to such policy that is already evident in ongoing debates on a new constitution, cooperation with The Hague Tribunal and perception of the state union, as well as in denial to face the past. Belgrade's radicalized policy further destabilizes not only the country itself, but also the entire region.

Djindjic's assassination, at the same time, fully discloses the violence characteristic of the past decade – in battlefields and in Serbia's political life alike. The trial of his murderers is most indicative in this context. From the very

beginning this trial was turned into a farce aimed at presenting a political murder as a mafia showdown. Murders of Ivan Stambolic and Slavko Curuvija, as well as the assassination attempt at Vuk Draskovic burden the entire society and symbolize its inability to put an end to the vicious circle of political violence. The fact that a victim (Vuk Draskovic) makes a coalition with the same people he accuses of assassination attempt is most oppressive indeed.

Premier Djindjic was the torchbearer of reformist policy that was, in a way, his personal mission and challenge. Taking into account what it had to cope with after Zoran Djindjic was gunned down, the government he had formed was far from being inefficient. Over the past two years that same government's actions were aimed at overall reforms. It managed to pull the country out of isolation and secure its international comeback. By using the October 5 change to launch reforms - for which he actually captured no popular vote - Djindjic began to chart the alternative. Now that he is gone, the in-house dynamism of his Democratic Party reflects this alternative. The state of emergency declared under the circumstances accompanying his murder was aimed at stabilizing the country and combating organized crime involved in the assassination itself through the so-called Zemun Clan. In spite of the cases of overt violation of human rights, the international community backed the state of emergency and, moreover, took an unprecedented step: it admitted Serbia and Montenegro to the Council of Europe while the state of emergency was still on. Amply supported by the media and most non-governmental organizations, the G17 Plus was a pillar of the anti-government campaign. Exposed to scandals produced on daily basis, defamation of cabinet members and permanent pressure, the government was ultimately forced to call an early parliamentary election.

*Unreadiness to face the recent past, wars and war crimes* figures as a major moral problem of the Serbian society. Facing the past is a premise of political freedom and thus of democratization, given that only awareness of guilt leads to the awareness of solidarity and accountability. Apart from hindering a breakthrough in terms of European civilization's values, this is a stumbling block in the way of stabilizing neighborly relations and regaining regional trust. To be efficient a project as such must be turned into a national policy backed by a nationwide consensus. For the time being, Serbia is incapable of carrying out such project. For, the Serbian society and its elite in the first place, are unwilling to accept their own responsibility for the developments that took place over the last decade of the 20<sup>th</sup> century. This is best illustrated by Serbia's attitude towards The Hague Tribunal and, moreover, towards the trial of Slobodan Milosevic.

Military defeat and the past decade that never resulted in a bottom line, persistence in the Greater Serbia program, identity crisis and overall frustration revived traditional conservativeness. The December early parliamentary election contributed, in a way, to an insight into the state of affairs in Serbia. To better understand such electoral outcome, one should analyze not only the

developments that ensued the October 5 overthrow, but also Serbia throughout the 20<sup>th</sup> century - its attitude towards "both" Yugoslavias and, especially, its perception of fundamental values of the Western democracy such as free market, the rule of law and minority policy. With this in mind, it is obvious that, the same as throughout the 20<sup>th</sup> century, today's Serbia is deeply antagonistic to the West. This is all about Serbia's resistance to reforms that have been turned down twice in 15 years only. Firstly, when the so-called anti-bureaucratic revolution led to deposal of Prime Minister Ante Markovic. Secondly, when Premier Zoran Djindjic was assassinated. Today's Serbia moves about without a definite destination, without a vision, without a policy to The Hague Tribunal, without perception of its recent past and without the idea about how to build its social system.

Ongoing trials before *The Hague Tribunal* - the Milosevic trial in particular - dramatically lay bare Milosevic's death machinery. Through plea bargains the Prosecution managed to have enough insiders take the stand and testify about the Serbian Ministry of the Interior, the Yugoslav People's Army and Milosevic's connections with armies and police forces of the so-called Republika Srpska Krajina and Republika Srpska. When Milan Babic confessed that he had taken part in "prosecution of non-Serbs on religious and political grounds," that was almost a *prima facie* evidence of Belgrade's aggression against Croatia, ethnic cleansing, massive prosecution and crimes against humanity. Babic's repentance exceeds a personal act, given its significance for overall relations between Serbs and Croats in Croatia. However, in Serbia it was qualified as a remorse "for personal gain" and, therefore, labeled as "a bigger sin than the one he repents." From a psychological angle, the truth emerging from The Hague increasingly homogenizes masterminds of the war and warlords, who now resume the same arguments they once used as a pretext for the war. On the other hand, the emerging truth unlocks the door to all those that, faced with reality, pave the way to facing the past. The Serbian public - and elites in the first place - increasingly perceive The Hague Tribunal in a negative light. Nevertheless, the new government will have to accept the Tribunal as a top priority of its foreign policy agenda. According to foreign policy experts close to Vojislav Kostunica, his government will be focused on "deposing Carla del Ponte." "If Rwanda's Tutsi managed to do that, why shouldn't Serbs?" said one of those experts, Aleksandar Fatic.<sup>1</sup>

*The outcome of early parliamentary election*, the same as electoral results of the presidential one that preceded, fully identified the actual state of affairs at the political scene that used to be rather blurred. Such outcome denied the thesis about Serbia's democratic potential or its democratic tradition. Today's Serbia is somewhere in between a general wish to join Europe and a militant conservativeness, which renounces responsibilities and obligations implied in the European option. The very fact that Slobodan Milosevic and

<sup>1</sup> *Vecernje Novosti*, February 23, 2004.

Vojislav Seselj topped two candidates' lists for the election, while another two indicted generals, Lazarevic and Lukic, figured on another two election tickets revealed that the policy in which all means are taken as legitimate, wars and war crimes included, has not been relinquished so far. And this is what mostly blocks democracy in the post-war Serbia.

The post-election Serbia – marked by prevalent ultranationalism and strong anti-Hague pressure from the so called patriotic bloc leaning on extreme clericalism and the comeback of patriarchal traditionalism and isolationism in all social strata – crystallized its resistance to the reformist course of the late Premier Djindjic's cabinet. Elaborating his program, Kostunica said nothing that would touch on Serbia's joining the Partnership for Peace, let alone presented a clear-cut program of reforms.

The newly formed government deposed all top people of the former administration. Premier Kostunica opted for having the judiciary, the state police and intelligence service under his control, while the Vice-premier picked up the economic domain. All ministries were "purged" according to the criteria of partisan suitability. National minorities are not represented in the parliament where the extreme Right, led by the Radicals, has the final say. Threats that Vojvodina will be deprived of its anyway reduced autonomy become more and more overt. The issue of Sandzak cannot but aggravate against the background of denials to have Serbia decentralized and regionalized.

Now that Serbia faces another run for presidency with Tomislav Nikolic, the Radicals' leader, as a favorite, it can be expected that the new regime, with no exceptions, would get an ultra-rightist profile. The "democratic bloc" coinage – supposed to define Kostunica's government – will just screen this government's anti-European and anti-Atlantic policy. Such policy may easily lead to destabilization of the entire region and slow down the process of regional reconstruction.

No matter whether propagated by Vojislav Kostunica or Tomislav Nikolic, "*normalization*" of *Serbian nationalism* blurred the sum and substance of the latest radicalization that is mostly blamed on The Hague Tribunal and Carla del Ponte. Nationalism that was, in 1980s, induced and funneled by the elite, nowadays is generated from "the bottom," primarily in the form of social radicalism. Most politicians, inadequate and fundamentally antagonistic to any change, deliberately stir radicalization. Mostly detriment to reforms, such attitude simultaneously discloses the political elite's demagoguery, confusion and controversy. And, above all, irresponsibility. Radicalization of Serbia is nothing but a logical outcome of its warring policy and denial to face the past. The Serbian society is thus in the process of turning the clock back – the process in which attainments such as a secular state are questioned, and the role of the Church and the army built up.

With their stands about two crucial issues – modernization of the state and society, and war crimes – majority political elites practically opted to retain Serbia in a criminal symbiosis of centralized socialism and nationalism. Having

gained more and more strength ever since Djindjic's assassination, this symbiosis has been marginalizing the anyway weak and permanently targeted alternative. All failures made in October 2000 within the DOS coalition itself and mostly under the pretext of legalism have been blamed on it. Reluctance to come to grips with the main problem of the Serbian society – continuity or discontinuity with centralized socialism and nationalism – opened the door to consolidation of Serbian conservativeness.

Establishment of a Serbian ethnic state that is underway fuels intolerance and xenophobia. Insistence on Serbian ethnicity and centralism cannot but jeopardize a Serbia nationalists aspire to. Negation of the fact that Serbia is a complex state just provokes its further fragmentation.

The triumph of the Right deepened Serbia's anyway latent conflict with Europe. Serbia's unpreparedness to face itself leads to apathy, but to rationalization as well. So, according to some voices, particularly coming from the circles in the Serbian Academy of Arts and Sciences, Yugoslavia should not have been destroyed at all. Historian Veselin Djuretic takes, for instance, that "the Yugoslav option is the only solution for all nations of the former Yugoslavia."<sup>2</sup> The Serbian political elite permanently creates crises to make up for its reformist inaptness – and that was most evident in late 2003 in its attitude towards the minority issue. In addition, the Serbian Orthodox Church was ever more adamant when it came to auto-cephaly of the Macedonian Orthodox Church – basically, it displayed territorial aspiration for Macedonia. By permanently creating chaos, the political elite attempts to reach *modus vivendi* with the international community that would suit it. For, counting on Serbia's "geostrategic significance," it looks forward to the international community's continued financial aid.

*Social radicalism* threatens to fully devalue the reformist endeavor of the former cabinet. Though strongly criticized and renounced by the opposition that now came to power, privatization was the ex-government's most successful undertaking in 2003. Toning egalitarianism, major criticism of the privatization carried out up to now implies that the tender model will be replaced by the voucher one or distribution of bonds to employees. New owners of some industries were questioned already in the course of the election campaign. Such occurrences might easily put off potential investors that can hardly be expected to sink money in a legal chaos. Two leading parties see eye to eye when it comes to privatization. The Democratic Party of Serbia advocates privatization of the remaining state and public industries through free distribution of shares, while the Serbian Radical Party announces "revision and annulment of all illegally privatized industries." It is the issue of privatization that best illustrates resistance to private ownership and free market, and, moreover, today's prevalent attitude towards reforms.

<sup>2</sup> NIN, December 2003.

Fundamental resistance to any change practically determined the very character of the reforms pursued by the former government. Each reformist move met disapprobation and harsh criticism mostly deriving from nationalistic, egalitarian and collectivistic stands. The former government, for sure, did make some mistakes. However, as its basic endeavor was called on the carpet all the time, it was impossible to establish rules of the game that would bind all with no exception. Reforms are opposed from two strongholds: the population in general that is unaccustomed to market discipline and work, and top brass with an eye to controlling economic flows, and influencing political matters and the media for their sole benefit. Actually, there are by far more producers that want to be protected than true entrepreneurs. Such businesses "firstly manufacture goods and only then look for a market to sell it; so, they can supply domestic market only, and only if the government protects them from any competition."<sup>3</sup> Advocating liberalization, many businessmen and economists pinpoint that "foreign investors become unmotivated when faced with high regional barriers." According to them, only a free trade agreement involving the entire region opens the door to the European Union. It was obvious in the election campaign that the concept of self-isolation and economic patriotism gains the upper hand. Some aspirants gave priority to economic, while others to legal and institutional reforms. Some called for more dynamism, while others took the existing one was anyway much too abrupt. Serbia – the only country in transition faced with recession and foreign trade imbalance – has still not reached a general consensus on its strategic goals.

For, unless radical reforms take place – which is hardly probable – Serbs will once again try to compensate themselves by going for the territories they have allegedly lost. In a recent interview Academician Veselin Djuretic said, "Is it really possible that Albanians and Croats believe that Serbs would ever, just like that, give up what belongs to them?"<sup>4</sup>

*Poverty and non-existent democratic tradition and accountability* not only hinder Serbia's true democratization, but also boils the latter to nothing but empty words. Increasingly unified Europe is permanently running ahead of the Balkans – the Balkans can simply not attain its standards that are growing higher and higher. Apparently, the Balkans lacks the enlightenment that would make it possible for it to accept European standards. Therefore, fundamental transformation of these societies asks for, as Zbigniew Brzezinski puts it, "historical patience." Serbia's resistance to changes holds the entire region hostage, while its radicalization in a logical outcome of its warring policy and denial to face the past.

*Economic reforms* that had made some progress in 2002 practically stalled once Zoran Djindjic was gunned down. Privatization is probably the

<sup>3</sup> Nikola Pavicic, businessman, in an interview with the issue of October 6, 2003 of the *Ekonomist* magazine.

<sup>4</sup> *NIN*, December 2003.

only reformist move that proved successful in 2003. Minister Aleksandar Vlahovic's ambitious plan to sell 1,000 enterprises – thrice more than in 2003 – was implemented in full. Total profit amounted to one billion and 240 million EURO, while new owners committed themselves to invest over 700 million EURO in their newly acquired companies, and set aside more than 275 million EURO for social programs. However, overall results in this were questioned when the former cabinet's mandate drew to a close. Trade union leaders demanded a new government to call a moratorium on privatization. Criticism coming from the Anti-corruption Council, established by the former cabinet itself, was by far harsher. However, once the Council submitted its report it was obvious that it had dealt with issues that were beyond its competence, as the criticism was more imbued with ideology and demagoguery than supported by argumentation.

In 2003 too, and backed by top authorities *the Serbian Orthodox Church* was overtly forcing itself on the society as an undisputable moral and ideological arbiter in all matters – ranging from education of children and the young to the society's cultural mainstream. The values it promotes are marked by archaism, collectivism, anti-Western stands and xenophobia. Moreover, the Church's advocacy of such values is highly intolerant and even aggressive.

Extreme intolerance to everything belonging to the Western culture is what the Serbian Orthodox Church messages its believers. The Church thus follows in the footsteps of its newly revived idol, Bishop Nikolaj Velimirovic, whose interpretation of the modern history of Serbia boiled down to a complot the purpose of which was to "turn the liberated Serbian paupers into the paupers of the rotten West."

Political developments – defamation of the former government, its removal and the outcome of the December election in the first place – play into the Church's hands. Over the election campaign the winning coalition has anyway promoted the Church as its ally in Milosevic's ouster and fueled its ambition to play the oracle in the society. Apparently, what we have now is overall clericalism. This is quite manifest in the Church's activity in Republika Srpska, Montenegro and Macedonia. Moreover, its intentions are fully bared when it comes to Macedonia and the ongoing dispute over auto-cephaly of the Macedonian Orthodox Church. Bearing in mind that Eastern Orthodoxy is identified with nation, the dispute with the Macedonian church implies nonrecognition of the Macedonian nation. Therefore, in tandem with the Army, the Serbian Orthodox Church keeps deluding the public that Serbia will smoothly reconstitute and unite all its "ethnic territories" once the international circumstances change.

*The Army* still crucially determines political developments in Serbia. The anyway oversized Army is at historical crossroads today: whether to opt for the Partnership for Peace that implies radical transformation and acceptance of collective security system, or to stick to traditionalism, i.e. retain the model of individual defense and reliance on its own means. The Army is additionally

weighted by its warring mortgage. Incapable to face the past and cleanse its ranks, it seeks its new identity in the warring tradition of Eastern Orthodoxy. And this provides a seedbed of nationalistic ideas.

Establishment of the union of Serbia and Montenegro that implied the change in the Supreme Military Council's membership deprived the Army of its patron, Vojislav Kostunica, president of the FRY. Prior to Zoran Djindjic's assassination, it was Zoran Zivkovic who was supposed to become a new minister of defense. However, everything changed after Zoran Djindjic was gunned down – there was strong pressure on the Army from the international community with a view to preparing it for the Partnership for Peace. So a military putsch planned in the aftermath of Djindjic's murder was prevented, but putschists did attain their goal. However, the Army has been under the international community's control ever since.

In the fourth year of transformation of the *police and secret services* – i.e. "brooming" the strongholds of Milosevic and post-Milosevic's (underworld) regime – "joint" forces made up of Columbian-like Mafiosi, war profiteers and criminals openly stood up against the reformist and pro-European wing in the police and Serbia in general headed by Zoran Djindjic. By outstripping the forces in the police (majority) and the Security Information Agency (a minority) that were loyal to Djindjic's cabinet, they murdered the Premier as the first and major step aimed at creating a chaos that would result in a coup d'etat. The government had to fight back by calling the state of emergency and launching the Saber operation – the biggest police campaign in Serbia's modern history.

The Saber operation demonstrated what the police could do when not "tied up" but also revealed most of their professionally weak points (the entire chain of command was permeated with either unskilled officers of those taking sides, "old connections" with mafia were still alive, their equipment was outdated, etc.). It also disclosed the weak points (corruption) of other law-enforcement institutions and the judiciary. Over the Saber operation the police won the first round of the match against organized crime, but only at functional, i.e. police level. Results of combating organized crime in Serbia at the structural level are almost insignificant. The first and the second level – financial and political – of the failed coup d'etat remained out of the reach of the police and secret services. The circle was closed at the third level only, where just executioners are now at trial or still at large. Such outcome frustrated many policemen engaged in the Saber operation, who used to look forward to a final crackdown on the omnipotent mafia.

Seemingly, the police and secret service had their job "done." The transformation of these services (launched on October 5, 2000) was resumed and they are now heading for a public service – modern, European police forces. The Security Information Service and other services (such as the Army and the Foreign Ministry) also undergo changes, personnel "cleansing" and the process of parliamentary control. These changes are, however, still low-profile: everyone waits to see what course the new government will take. Actually, the

key problem remained unsolved: financial and political mafia is still out there, planning how to formally take over power in Serbia. Some of its plans have already come true.

In 2003, *the Kosovo issue* remained high on the agenda of Serbia's political rhetoric. Its role of an instrument, rather than a goal of the Serbian national program is once again in the limelight. In early 2003, Kosovo was once again used to open the question of borders in the Balkans. Responding to Albanians' insistence on independence, Serbian politicians threatened to call for "a new Dayton" and overall reshaping of regional borders. Vice-premier Nebojsa Covic said, "If they (Albanians) stand for independence, we (Serbs) will stand for the division of Kosovo." And responding to the hypothetical, though ever more realistic situation when Serbia will have to opt "either for Kosovo or for Europe," Covic adds, "If an independent Kosovo is the price to pay for joining the European Union, our answer is 'no, thank you,' we shall not join the European Union." Though impotent in the matter of Kosovo, Serbian political elites persist on the old pattern. What we actually have now are two confronting scenarios: the one of the international community that is still blueprinted but unavoidably takes a definite shape, and the Serbian one that denies to accept the new reality that will ultimately determine the final status for Kosovo.

During his visit to Belgrade, Mark Grossman, high-ranking American diplomat, announced a time-frame for the solution of the Kosovo issue. To all appearances the final status for Kosovo will be decided in 2005, given that the US is eager to reduce its military presence in the region. Belgrade is obviously unprepared for such tight deadline. For, it has been using the Kosovo question to veil its incapability of solving the problems Serbia proper is faced with.

*Judicial reforms* are major tasks any country in transition has to come to grips with. And, accordingly, governments must institute proceedings against people that have violated human rights. Dissolution of ex-Yugoslavia, the wars that have been waged and the necessity to remove the remnants of communism from the entire system, make this problem thrice as big for Serbia. Judiciary has been compromised as a part of totalitarian regimes that implemented their repressive policies veiled in law in almost all transition countries.

Milosevic's rule deeply scarred the entire system, judiciary in particular. The Ministry of Justice and Minister Vladan Batic himself are to blame, for sure, for absence of transition in the judiciary. Though more progress in the domain has been made than most judges and prosecutors would admit publicly (raises, technically equipped courts and renovated buildings, establishment of special anti-organized crime departments and war crime courts, etc.) the Ministry hardly contributed to the law-making reform or initiated drafting of some major laws, including almost all process laws. Further, efforts to have some laws consistently applied were meager, the same as to prevent adverse consequences of the enforcement of certain provisions that lacked either



technical or financial logistics. Twice was the Ministry of Justice caught unawares when new provisions stipulating courts' competences came into force.

A set of laws defining jurisdiction and position of judicial bodies was amended in 2003 (the Law on the High Judicial Council, the Law on Public Prosecutor's Office and the Law on Judges). These amendments just followed the trend of reducing the judicial branch's independence and increasing the influence of legislative and executive branches on the former. Authority vested in some state bodies on March 13, 2003, when the state of emergency was called, further boosted and exemplified this trend.

*Relations between Serbia and Montenegro* are still on the downward curve. The newly created union is *de facto* inoperational. Political parties that won the have a stand about the Belgrade Agreement that differs that taken by their predecessors, particularly after the Montenegrin census that showed that Serbs amount to 30 percent of Montenegrin population. It should be expected, therefore, that these parties would go for decentralization of the union. The Serbian Orthodox Church took an active part in the preparations for the census by mobilizing people to declare themselves as Serbs. Montenegrin opposition (pro-Serbian) parties interpret the census data as "collapse of separatism," while the ruling coalition takes that Montenegro "has always been a civil state and remained such regardless of ethnic origins ascribed to its residents." "Harmonization" figures as the union's major problem. Though the Serbian government approved the Draft Law on the Plan of Action To Harmonize Economic Systems of Serbia and Montenegro, small progress has been made and particularly so when it comes to harmonization of the two tariff systems.

*The process of regional normalization*, the international community kept insisting on, made considerable progress over the past three years. Even though Premier Djindjic was murdered, leaders in the region manifested exceptional solidarity with the Serbian government. Not only did most of them attend Djindjic's funeral, but also some indicated on a number of occasions that they took Serbia a significant factor of regional stability. In the aftermath of the assassination, for instance, the Croatian government suspended the visa regime – a motion that psychologically boosted relations between the two countries. The international community also manifested a high degree of solidarity with Serbia by speeding up its admission to the Council of Europe while the state of emergency was still in force.

Economic reforms were almost brought to a standstill after the Premier Djindjic assassination. And, that was actually what anti-governmental forces had an eye to. Though inciting much controversy, the government managed to make some progress in the economic domain. Some experts of the G17 Plus, who themselves had taken part in defining the former cabinet's economic policy – especially when it came to liberalization of foreign trade – turned into the fiercest critics of any governmental move from the standpoint of economic patriotism. The egalitarian-centralistic rhetoric that was in full swing over the

election campaign indicates that the state will figure as a solution to all social and economic problems.

The anyway strong tension between politicians and newspeople further sharpened in 2003. Pressure on *the media* from various interest groups, structures and institutions were in full view. Appointment of the Broadcasting Council invested with full competence when it comes to broadcast media brought about fieriest arguments between the two sides. Neither of the two would compromise in the Broadcasting Council crisis that lasted for months. The dispute revealed that certain interest groups outside governmental circles were intent to obstruct the establishment of this regulatory body. The Law on Free Access to Information – a major precondition to independent and investigative journalism – has not been passed up to now.

Media freedoms were somewhat limited at the time of the state of emergency. With a view to gathering information, editors had to attend governmental briefings held on daily basis. Two dailies, *Identitet* and *Nacional* were banned. Financiers of *Identitet* were charged with the Premier's murder, while the newspaper's editor-in-chief was arrested in the course of the Saber operation. The Public Information Act was passed during the state of emergency. Newspeople were revolted at the fact that no public debate about the amendments put forth by some MPs and supported by the government took place prior to the law's adoption in the parliament.

Though the "post-October 5" authorities took significant steps to promote *human rights* and apply relevant standards in practice, discrimination of and intolerance to people coming from minority communities are still there. Unlike in Milosevic era, such phenomena are manifested in less brutal forms and include fewer cases of extreme violence. However, they have taken more subtle and perfidious forms. As a rule, the Roma are targeted in almost all spheres of social life. A number of Chinese that temporarily work in Serbia are still discriminated, though no longer so overtly given that economic profit considerably neutralized open animosity. The general public, more often than not, do not perceive gender discrimination and that of national minorities, refugees, disabled persons, etc. as discrimination at all. This indicates an urgent need to raise public awareness about these issues, as well as the necessity for stronger reaction on the part of governmental institutions, public figures and non-governmental organizations. Further, devastated and weak state institutions are incapable to react promptly and adequately to protect overall human rights. Tied up with organized crime on one hand, and practically having little to offer on the other, they can hardly guarantee citizens' social and economic rights.

Transition in countries such as Serbia is limited due to the very character of its society reluctant to accept the values that are being promoted by the Council of Europe, the OSCE and the European Union. Seen as a Western implant, these values are adopted just mechanically. This is why any human rights monitoring cannot be effective unless it takes into account the sum and

substance of the Serbian society, its values, limitations and bias. And unless it takes into account the Serbian society's resistance to anything coming from the West, its proneness to negate Western values, to self-isolation and, moreover, glorification of its own ethnicity.

The media and culture may play a crucial role in the promotion of a new Balkans only if societies boost intellectual freedoms and discussions on all key issues. Inner forces – true, very weak at this point – might greatly contribute to the endeavor. For they could promote, from the inside, the same values that have been imposed only from the outside so far. And, for sure, The Hague Tribunal is unavoidable in any strategy for the future that simply cannot be built on lies. In this context, the Serbian media that actually mirror Serbia as a whole, along with its problems and delusions, are not up to this significant task at this point.

In spite of its endeavor to stabilize Serbia and turn it into a leader in the Balkans, the international community has failed to perceive the character of the October 5 change in its true light, the same as of that that took place after the Premier Djindjic assassination. Accordingly, it failed to help reformist forces to get consolidated. Till the end of 2003 these forces remained factionalized and totally marginalized. By accepting the thesis about "democratic nationalism," the international community practically gave green light to normalization of conservative, ethnic nationalism that, as a rule, obstructs any liberalization. What marks the Serbian nationalism is absence of economic thought – therefore, it has never opted for economic growth and development. In addition, the Serbian nationalism is in its very nature contrary to political pluralism, perceives democracy as anarchy and is xenophobic.

## Conclusions:

- The Premier Zoran Djindjic assassination stalled reforms in Serbia. The outcome of the early parliamentary election of December 2003 threatens to invalidate the progress made as of October 5, 2000;
- Developments in 2003 once again enthroned traditional conservativeness as a predominant political option; this is about an anti-European option, disinclined to global mainstream and values;
- Top army officers are the major stumbling bloc on the way of reforms in the Army; in tandem with the Army, the Serbian Orthodox Church is the stronghold of conservative forces; strong ties between the Church and the state fuels the former's political and social aspirations;
- Electoral triumph of the Democratic Party of Serbia and the Serbian Radical Party indicate that conservativeness in politics will have the upper hand; this is mirrored in the debate on a new constitution, solution to the issues of Kosovo and Vojvodina and cooperation with The Hague Tribunal, as well as in the perception of the union of Serbia and Montenegro and denial to face the past;
- The winning policy goes for destruction of the alternative and chokes intellectual freedom;
- An institutional framework as such is contrary to the concept of human rights and thus to all relevant international conventions; therefore, it narrows the scope of civil, political and minority rights in practice;
- Cooperation with The Hague Tribunal is an imperative that not only drives to social accountability and justice, but also to acceptance of the values the Tribunal and the entire UN system promote;

## Recommendations:

- Bearing in mind that anti-European and anti-reformist conservativeness triumphed in 80s, there is an imperative need now to intensively educate people and raise public awareness, particularly that of younger generations, so as to start changing the predominant cultural model and value system;
- A new reformist coalition of all liberal forces upheld by shared objectives and program should be formed;
- All social and political forces that answer to the values of modern civilization and moral constants should join together to develop a comprehensive program of facing the past for the entire society;



## **Overcoming the Past: Normalization and Relativization of Crime**

Unreadiness to face the recent past, wars and war crimes figures as a major problem of the Serbian society. Facing the past is a premise of political freedom and thus of democratization, given that only awareness of guilt leads to the awareness of solidarity and accountability. Apart from hindering a breakthrough in terms of European civilization's values, this is a stumbling block in the way of stabilizing neighborly relations and regaining regional trust. To be efficient a project as such must be turned into national policy that would be backed by nationwide consensus. For the time being, Serbia is incapable of carrying out such project. For, the Serbian society and its elite in the first place, are unwilling to accept their own responsibility for the developments that took place over the last decade of the 20<sup>th</sup> century. This is best illustrated by Serbia's attitude towards The Hague Tribunal and, moreover, the trial of Slobodan Milosevic. Findings of one of the most comprehensive surveys conducted in 2002 by sociologist Vladimir Ilic, professor at the Belgrade Faculty of Philosophy, show that only 17 percent of citizens in Serbia acknowledge The Hague Tribunal, 19 percent are undecided, while as much as 64 percent, i.e. two-thirds, are antagonistic to it.

Military defeat and the past developments that never resulted in a bottom line, persistence in the Greater Serbia program, identity crisis and overall frustration revived traditional conservativeness. The December early parliamentary election contributed, in a way, to an insight into the state of affairs in Serbia. To better understand such electoral outcome, one should analyze not only developments ensuing the October 5 overthrow, but also Serbia throughout the 20<sup>th</sup> century - its attitude towards "both" Yugoslavias and, especially, its perception of fundamental values of the Western democracy such as free market, the rule of law and minority policy. An analysis as such will for sure demonstrate that, the same as throughout the 20<sup>th</sup> century, today's Serbia is deeply antagonistic to the West. Namely, Serbia opposes reforms that have been turned down twice in 15 years only. Firstly, when the so-called anti-bureaucratic revolution led to deposal of Prime Minister Ante Markovic.

Secondly, when Premier Zoran Djindjic was assassinated. Today's Serbia moves about without a definite destination, without a vision, without a policy to The Hague Tribunal, without perception of its recent past and without the idea about how to build its social system.

Ten years of The Hague Tribunal's functioning and almost two-year trial of Slobodan Milosevic changed Serbia's perception of the Tribunal in terms of its relevance. In spite of a collective amnesia they had orchestrated, Serbian elites failed to prevent the inflow of devastating information about the way Milosevic's regime operated all over ex-Yugoslavia. Therefore, Serbian nationalism, aspiring to make the issue of responsibility a relative category and deprive crimes of ethnic motives, turned to a new form of struggle – *reinterpretation of history*. The Serbian alternative, morally and financially supported by the world for its anti-war stance over the past decade, nowadays pursues the same goal.<sup>1</sup> However, its performance is more sophisticated, given that it claims that Serbs are responsible for some crimes, but the other parties committed crimes as well.

A smaller part of this anti-war alternative (some NGOs and individuals) actively comes to grips with the recent past. The difference between the two groups was probably best reflected in the polemic carried by the *Vreme* weekly. The polemic was prompted by the thesis that Serbia was daily facing two problems – "The first is generalization and relativization of crime, while the second is the attitude towards The Hague Tribunal. As the crime turns more and more obvious and evidence more and more available, the elite gets more and more consolidated in an effort not only to make crime a relative category, but also to deprive it of ethnic motives." A number of organizations of the so-called patriotic bloc deal with the same subject. This primarily refers to those set up with a view to standing up for The Hague indictees such as Slobodan Milosevic, Veselin Sljivancanin, Ratko Mladic, Radovan Karadzic, etc.

A battle of arguments about the past is welcome. However, the thesis advocated by a part of the alternative is a permanent target of well-organized campaigns. There are many ways to tackle the problem of overcoming the past. Silence about it, amnesia, denial or admission, relativization of crime, the feeling of shame about it, traumatic revival, the crime that haunts, etc.<sup>2</sup> Overcoming the past or lasting remembrance could be effective in the Balkans. Todor Kuljic takes that "national crimes should remain an open wound." According to him, "Overcoming the past is not the process that should lead to making a truce with crime and forgiveness, but to the process of learning how to live with the fact that crimes are embedded in our history and our collective identity, and that actually nothing can make up for such acts."<sup>3</sup>

<sup>1</sup> This refers to a number of NGOs, outstanding public figures, the Belgrade University and the so-called independent media dating back to the Milosevic era.

<sup>2</sup> "Justification of 'Fresh Starts'" by Todor Kuljic, *Danas*, September 22, 2003.

<sup>3</sup> "Justification of 'Fresh Starts'" by Todor Kuljic, *Danas*, September 22, 2003.

Several Belgrade-seated organizations deal with the recent past. *The Documentation Center "Wars in 1991-99"* is among them. Founded in 2002 by the B92, the Center soon became an independent organization focused on gathering and classifying various documents related to causes of the wars in the ex-Yugoslavia and the way they have been waged. Up to now, the Center has organized a number of round tables in Belgrade and four regional centers in Serbia. The Humanitarian Law Center that has recently set up its Documentation Center is also among major organizations that have been gathering evidence and testimonies about the breaches of humanitarian law from the very beginning. For several years now, the Helsinki Committee for Human Rights in Serbia has been engaged in projects under the common title "Facing the Past." So far, over 80 books have been published and the documentary serial "A Look into the Past – Serbia: 1965-91" has been produced within such projects. The TV B92 has been broadcasting live the trial of Slobodan Milosevic, and airing a special program "Truth and Reconciliation" on Mondays. The Center for Cultural Decontamination is among few institutions open to programs that deal with facing the past. In addition, the Committee To Gather Information about the Crimes against Humanity and Humanitarian Law, working within the Ministry of Justice, aims at determining factual events as of 1990.

The *Commission for the Truth and Reconciliation*, established in 2001 by the then president of the FRY, Vojislav Kostunica, was supposed to act as a major instrument of reshaping the recent past. Instead of bringing face to face different insights – a process that would eventually clarify the truth – the Commission set its goals along the lines of the Serbian Academy of Arts and Science's project, i.e. the program that brought about the wars. Grounding their stands on the same argument and theses, members of the Commission were mostly focused on turning responsibility into a relative category. In Svetozar Stojanovic's view, the Commission was, first and foremost, supposed to ascertain the truth about the key issue – the very disintegration of the ex-Yugoslavia, then about its forcible disintegration, and at last tackle moral, political, legal and criminal aspects of the story.<sup>4</sup> However, the Commission never implemented the initial plan to base its work on testimonies of the victims from all sides in the conflict. "We are not sure whether victims' organizations in Bosnia-Herzegovina, primarily those assembling Bosniaks sufficiently trust us, so as that we could count on their cooperativeness," said Aleksandar Lojpur, the Commission's coordinator. Apart from academicians, the project involves the Belgrade University, especially the Faculty of Law, the Faculty of Political Sciences and the Faculty of Philosophy, as well as a part of the anti-war alternative, the media and the Serbian Orthodox Church.

The so-called patriotic bloc – and, especially, the media under its control – are now focused on reinterpreting the developments in the post-October 5

<sup>4</sup> *Borba*, June 3, 2002.

Serbia and the outcome of the early parliamentary election. They deny radicalization of the electorate, while criticizing those who "provincially servile to major world powers" speak of "predominant extremism" in Serbia. According to Svetozar Stojanovic, this is all about "troubled brains" who are a kind of "(meta) extremists" themselves. Stojanovic also takes that "because of its threat and ultimatums that turned counterproductive" the West is also responsible for the present state of affairs in Serbia. "Should the West continue to pursue the policy of blackmails, it would hardly manage to avoid political and moral responsibility for domestic electorate's anti-Western feelings," says Stojanovic. In addition, as he puts it, "because of the mistakes made by others, rather than our own only, our country has lost its Premier," while the fact that the great majority of Serbs "have negative attitude to The Hague Tribunal and utterly bad opinion about its Prosecution" also influenced the outcome of the election.<sup>5</sup> As propagated by Vojislav Kostunica and Tomislav Nikolic, "normalization" of nationalism blurred the actual state of affairs in Serbia. And Belgrade's policy was to make it blurred for the world public. What we have now is that the past is "rationalized" in a way. This ranges from denial of crimes, through negation of the Greater Serbia project to blaming communists for everything that happened in the past. Such tendency indicates that the concept of ethnic state has not been given up.

Ljiljana Smajlovic, presswoman for the *NIN* weekly, probably best defined what this is all about. "There is a crucial misunderstanding between Serbs and The Hague, i.e. between any nation the history, future and policy of which would be, in a way, decided on in some faraway place," quotes Smajlovic. This, as she puts it, refers to Serbs' perception of the event over the past 15 years and that of the West or major actors of the international community. "The two perceptions are fundamentally different, and, no matter of the court in charge, there is no chance to have them mutually adjusted to Serbs' benefit."<sup>6</sup>

The international community wanted to believe that Serbia has changed after October 5, 2000 and had a democratic potential. The European Union and the United States invested huge funds just to make reforms viable. However, the international community failed to get an insight into the state of affairs in the Serbian society and thus initiate its facing the past. The Hague Tribunal's potential for placing on the table the issue of the Serbian society's morality as well was not put to use. Serbia cooperated with the Tribunal only under outside pressure, while the cooperation itself was commercialized: indictees were exchanged for financial support. Such attitude aroused cynicism that actually stood in the way of raising the question of the recent past. Any attempt to raise the issue, even when coming from "marginals," was the target of

<sup>5</sup> Svetozar Stojanovic, "Challenges Facing New Authorities," *Politika*, January 20 and January 21, 2004.

<sup>6</sup> Ljiljana Smajlovic, Radio Free Europe, February 1, 2004.

campaigns, defamation and denouncement. The outcome of the failed presidential election caught the international community unawares. But then it opened its eyes to things it used to turn a deaf ear to. This refers to Serbia's nationalism, conservativeness and a kind of archaism. It was only the early parliamentary election in December 2003 that manifested the depth of Serbia's radicalization. So Secretary General Walter Schwimer told the Parliamentary Assembly of the Council of Europe that nationalistic, radical and anti-Semitic parties had taken the upward curve in Serbia.<sup>7</sup> Discussing the issue some parliamentarians also noted that "the Church considerably meddles in politics," while a number of them said they were concerned with the fact that The Hague's indictees were on candidates' lists, which, as they put it, "indicates deficient sense of responsibility on the part of political factors."<sup>8</sup> Interestingly, some representatives of the Jewish community in Serbia denied anti-Semitism, while just a few overtly spoke of such phenomena.

The academicians who vested Milosevic's warring program with their authority now set the tone when it comes to interpretation of the 1991-99 wars. Academician Veselin Djuretic takes that "the World War II is not over yet," adding that "another international conference on Yugoslavia is, therefore, unavoidable." "If the international community wants to put an end to this war, it shall call Germany and ex-Yugoslav republics to sign a peace treaty, i.e. create conditions for Germany to pay its part of reparations, while the rest shall be paid by its satellites, including Shiptars from Kosovo." The bottom line here is that Croatia and the Muslim-Croat Federation in Bosnia-Herzegovina are unable to pay reparations to Serbs, but can instead "follow in the footsteps of Italians and pay off through territories." This "territories" primarily include Republika Srpska, Dubrovnik, Dalmatia and Istria. For, according to Djuretic, this would "finally end the longstanding 'bark' aimed at confusing Serbs by entangled causes and consequences."<sup>9</sup> Some academicians systematically endeavored to minimize the role the Academy played in Milosevic's enthronement, especially after the infamous Memorandum was indicated as the source of the warring ideology in The Hague courtroom. Academician Mihajlo Markovic, once member of the Socialist Party of Serbia's Main Committee and the party's ideological bigwig, takes that the Tribunal utilized the Memorandum to "prove an alleged plan to make Serbia dominate other republics and carry out ethnic cleansing in the territories that it allegedly wanted to seize." According to Markovic, "It's hard to believe that, against today's international backdrop, such immoral methods could be put to use so as to defame not only one institution, but also a government and the entire

<sup>7</sup> "Schwimer: People in Serbia Disappointed in Politicians," headline run in the issue of January 28, 2004 of the *Danas* daily.

<sup>8</sup> *Ibid.*

<sup>9</sup> Interview with Veselin Djuretic, headlined "The American Formula for Kosmet: K=K," *Ogledalo*, No. 10, October 22, 2003.

nation."<sup>10</sup> The media have resumed the arguments that have once stirred the war. So the once again revive the thesis saying that "disintegration of Yugoslavia was planned way back, a scheme that secret services of Germany, the US and Vatican have kept hush-hush and elaborated for long." Further, "Yugoslavia did not dissolve, but was smashed."<sup>11</sup>

Such *reinterpretation of the recent past*, accompanied by organized marginalization of any discordant note, certainly adds to the perception of The Hague Tribunal as an anti-Serb institution. In the forefront of the endeavor is the elite that planned and promoted the very project, largely backed by the Serbian diaspora tasked with "improving the Serbian image" in the world once Milosevic was ousted. Slobodan Galeb, California businessman, says, "The diaspora absolutely disapproves that all fighters for Serbian interest and all symbols of this struggle are extradited to The Hague." For, as he puts it, "I would never send even a Serbian dog to The Hague, not to mention a general. That's a crime against people and against Serbian history. But this government is eager to help The Hague, rather than our people."<sup>12</sup> This grouping has never forgiven Zoran Djindjic for having extradited Milosevic to The Hague. Djindjic's resoluteness to also extradite some members of military, police and political elite cost him his life. The groupings' strategy was to save the institution of the Army as much as possible and make paramilitary troops and, probably, lower ranks accountable.

Slobodan Milosevic's extradition to The Hague was the point of differentiation within the DOS itself, but also within the society as a whole. Once intensified, the cooperation with The Hague firstly led to a rebellion in the Unit for Special Operations (JSO) that was backed by Vojislav Kostunica, and then to protests of a variety of committees to defend The Hague indictees such as Milosevic, Karadzic, Mladic and Sljivancanin. After Djindjic's assassination and lifting of the state of emergency the cooperation was *de facto* ended, while the December parliamentary election in particular enabled the political comeback of the so-called patriotic forces. The fact that four indictees figured on four candidates' lists for the parliamentary election was in itself a kind of "normalization" of the crime. Not only were these indictees treated as equals in the run for the parliament, but also a belief that it was wrong to cooperate with The Hague Tribunal grew deeper. Therefore, this election was almost a referendum on The Hague. Apart from being scandalous, Slobodan Milosevic's address to the Serbian public via phone illustrated a widespread indifference to crime and the tendency to rationalize it. Milosevic's message reminding the Serbian people of its "historical obligation to opt for the truth" and of his warning, uttered before October 5, about what would happen "should

<sup>10</sup> Interview with Mihajlo Markovic, headlined "Stop Destruction of Serbia!" *Ogledalo*, No. 11, November 5, 2003.

<sup>11</sup> Dejan Lucic, "The Strategy of Economic Nationalism," *Ogledalo*, No. 14, December 17, 2003.

<sup>12</sup> "Motherland Is Written with One's Heart," *Ogledalo*, No. 12, November 19, 2003.

exponents of foreign powers come to power" was a public call for the overthrow of the DOS government "on its way to fragmentize Yugoslavia and victimize Kosovo with a view to placing the Balkans under the control of some Western powers."<sup>13</sup>

According to the patriotic bloc, in parallel with Milosevic overthrow a campaign aimed at "crushing the spirit of the nation" is being staged against Serbs. Here The Hague plays the crucial role, as they put it, since this is where "almost the entire political and military leadership it taken to, charged with war crimes." To make things worse, "highly qualified officers are pensioned, so as to create a gap in knowledge and experience," "state and military security services are dismantled and turned into branches of NATO's structures," while "the system of education is systematically destroyed, so as to bring down the educational level of the Serbian population to the "socially admissible one, like in America."<sup>14</sup> Anti-globalism advocates in Russia use the same theses. Jelena Guskova, Russian historian, called the outcome of Serbia's election people "protest against the decisions imposed by the West, which the government accepts meekly due to endless and degrading conditioning and limited sovereignty, a protest against upcoming protectorate, bad standard of living, unemployment and cruel privatization, reforms that follow Western models, destruction of the Serbian army and hundreds of 'Western advisers posted all over the administration."<sup>15</sup>

The stand that the major reason behind setting up The Hague Tribunal was to "profit from its bias and thus discourage any potential resistance to Washington's interventional and parasitic policy" dominates the public opinion. Painter Dragos Kalajic says, "Domestic collaborationists of the Atlantic occupation shamelessly lye that the indicted Serbs extradition to The Hague Tribunal saves the people from collective guilt."<sup>16</sup> The patriotic forces all the time accuse non-governmental organizations dealing with the recent past of "turning into a new institutional factor that influences the role of the state and its conventional institutions against the background of the new supra-national and supra-governmental structure of Western societies." Writer and academician Dobrica Cosic deems that in "the countries in transition, non-governmental organizations have become factor that manipulate, corrupt and destroy a nation's autochthonous identity, especially when it comes to small, poor and backward countries such as Serbia." NGOs are, in his view, "in most cases nothing but branches of American and Western centers of power. It is

<sup>13</sup> "There Is No Such Thing as a Rich Beggar or a Wealthy Colony," *Ogledalo* No. 14, December 17, 2003.

<sup>14</sup> Dejan Lucic, "The Strategy of Economic Nationalism," *Ogledalo* No. 14, December 17, 2003.

<sup>15</sup> Jelena Guskova, "Europe Shocked by Serbian Election," *Politika*, January 21, 2004.

<sup>16</sup> Dragos Kalajic, "Patience and Self-Strengthening," *Geopolitika* No. 13, December 22, 2003.

reasonable to cooperate with some of them, but also to resist those that are just transmissions of spiritual and political subjugation."<sup>17</sup>

Non-governmental organizations are perceived as mercenaries indent to "de-Nazify" Serbia. To support this thesis, an unidentified report of some foreign services is being quoted. Allegedly, NGOs have dashed their mentors' high hopes. Further, the same report says that the people tasked with "de-Nazifying" Serbia were selected by almost incredible criteria – they are "awfully fat or awfully thin women, frustrated and spiteful, occasionally filled with uncontrollable hatred, and utterly charmless; anemic men with hormone disorders, the type that stands no chance among Serbs; mediocre and overambitious youth, mostly coming from the circles of urban subculture, either naive or resolute to sail the 'big world water' down the wind and thus attain what they would never be able to in a fair game."<sup>18</sup> NGOs are assaulted through the media, particularly those aspiring to defend the alleged Serbian national interest such as *Ogledalo (Mirror)*, *Geopolitika (Geopolitics)*, the diaspora paper *Zbilja (Reality)*, and sensationalist dailies *Centar*, *Nacional*, *Balkan*, *Kurir*, *Glas Javnosti*, *Ekspres Politika*, etc. However, such campaigns mostly influence the public when carried in *Politika*, a true opinion-maker in Serbia. For instance, by recently running an article by Svetozar Stojanovic, president of the Society of Serbian-American Friendship, this newspaper practically formalized such stand about NGOs.

The patriotic bloc is notably concerned with *the charge for genocide and aggression against Serbia and Montenegro that Bosnia-Herzegovina and Croatia brought before the International Court of Justice in The Hague*. Along with outstanding jurists that used to be in the anti-war movement, even the new authorities joined the campaign to have the charge withdrawn. Tibor Varadi, legal adviser to the Foreign Ministry, says, "The International Court of Justice is not competent to decide on the Bosnian charge, because the FRY was not in the UN membership at the time this charge was pressed."<sup>19</sup> Croatia and Bosnia-Herzegovina, as well as some international circles, disapproved of such action taken by the Foreign Ministry. Some attempts to strike hands failed due to a much too arrogant manner in which the action was pursued. Tibor Varadi still believes that the charge is groundless and says, "The very fact that the International Court of Justice has to cope with genocide only, makes it impossible for it to consider the entire range of developments. There were human dramas, tragedies, and all nations suffered though probably not to the same extent. So, should the International Court of Justice proclaim the judgment that, as we believe, no genocide was committed, that would put an end to everything. Which, of course, means not that nothing happened."<sup>20</sup>

<sup>17</sup> "Cooperating with Europe and Maintaining Identity," excerpt from the book "The Serbian Question II," *Geopolitika*, No. 11, June 28, 2003.

<sup>18</sup> "Trojan Horses against Nationalists," *Ogledalo* No. 15, December 31, 2003.

<sup>19</sup> *Glas Javnosti*, November 4, 2002.

<sup>20</sup> *Nedeljni Telegraph*, September 17, 2003.

Others, however, believe that "the International Court awaits The Hague Tribunal's decisions that will provide it with signposts in the matter of Bosnia and Croatia's charges against Yugoslavia, i.e. Serbia and Montenegro, so that is might rule reparations amounting to some 80 billion EURO."<sup>21</sup> In spite of the fact that the two courts function independently, many take that "the two cases are connected, particularly in the matter of genocide," i.e. "It is common knowledge that if the ICTY convicts Milosevic of genocide that may influence the outcome of Bosnia-Herzegovina's charge against Yugoslavia before the International Court of Justice."<sup>22</sup>

*Lustration Law*, as an instrument of overcoming the past, was also harshly criticized by the patriotic bloc. The underlying argument was that the law was "so planned to thoroughly purge governmental agencies, public services, the media, the University and the judiciary in particular." "The hue and cry raised about lustration was inspired from abroad, while several domestic non-governmental organizations were adamant in their request for it," said those opposing the law, adding, "These circles primarily perceive it /the law/ as a natural follow-up of the play about the Serbian crime and collective responsibility, performed by local actors and with much ardor." According to some academicians, the law is "legally inadmissible, morally distorted and politically unacceptable," and "insulting to true victims of communism," given that it provides punishment of "insignificant hirelings of Milosevic's regime, while amnesties the biggest culprits from the era of communist terror."<sup>23</sup> Lustration in the Army with the assistance of NATO representatives after the Premier Zoran Djindjic assassination was particularly condemned. "Patriotic" circles took that was the way to "amputate the Army and throw it into the jaws of incompetent politics that would eventually put it to death." Lt. Gen. Radovan Radinovic claims that the first to be lustrated were those that used to be "in the forefront of defense, whereby the Army was deprived of dignity, patriotism and professionalism."<sup>24</sup>

Responsibility is often relativized by calling the war "an evil that befell us." Therefore, goes the argument, "we shall be aware that we are unfortunate people who went through an unfortunate era wherein we wagged an utterly unnecessary war, destroyed ourselves and killed many people on all sides, but such crime has nothing to do with their ethnic origin." Accordingly, as Nebojsa Covic puts it, "All who have committed crimes should be called to account. However, as a nation, we should not be euphoric. I want us to sober up, I want us to awaken." "This means not that we should go on recounting our sins," he

<sup>21</sup> Dragos Kalajic, "Patience and Self-Strengthening," *Geopolitika* No. 13, December 22, 2003.

<sup>22</sup> Ljiljana Smajlovic, Radio Free Europe, February 1, 2004.

<sup>23</sup> "Lustration - A Way to Totalitarianism," an interview with Professor Mirjana Stefanovski of the Faculty of Law, *Ogledalo* No.2, June 25, 2003.

<sup>24</sup> Radovan Radinovic, "Revenge to Defenders of the Motherland," an excerpt from his address to the Belgrade Forum, *Ogledalo* No.15, December 31, 2003.



adds, "and this means not that I should be ashamed of anything just because I am a Serb. Of course, I should always be aware of all or good and bad sides, and of every wrong done. Of course, some other people did wrong, but to a large extent did it as they wanted to help us."<sup>25</sup>

*Biljana Plavsic's confession* was a turning point in effort The Hague Tribunal has been exerting for years. Biljana Plavsic's statement, "I've come here to face all accusations and save my people, as I became aware that it would be they who would pay dear anyone's failure to come" was yet another opportunity for the Tribunal to strengthen its position as the key institution in the process of facing the past in the Balkans. Her claiming awareness and acknowledgment that "several thousand innocent people were victims of an organized and systematic operation to expel Croats and Muslims from territories Serbs considered their own," topples down "the wall" the Serbs have built around them and breaks the vow of silence about crimes. Her testimony that Milosevic was a key actor in making and implementing the plan of ethnic cleansing in Bosnia-Herzegovina, and the role the Army and the police played in such scheme is highly significant. In Serbia, her confession was either hushed up or strongly criticized as treason. Not a single media outlet has run the indictment against Plavsic. Only the *Danas* daily carried a letter by Natasa Kandic, president of the Humanitarian Law Center, quoting this indictment. At that point, hardly anyone assumed that the Tribunal would manage to reach plea bargains with another 16 indictees who later on pleaded guilty. Ever since – and regardless of all the criticism against it – the Tribunal has rooted itself as an institution that neither Serbia could ignore. The Radicals take that what causes "more and more frequent cases of the Serbs in the dock, who all of a sudden plead guilty" are plea bargains, financial support to the families of indictees and commutation. Therefore, as they put it, it is in the US interest to speed up the Tribunal's functioning, given that the cost of trials is enormous.

The once commissioned officer of the Republika Srpska army (VRS), *Dragan Obrenovic*, accused of the Srebrenica crime of July 1995, pleaded guilty of persecution as a crime against humanity. In keeping with the plea bargain reached with the indictee, the Prosecution withdrew other counts of the indictment such as genocide.<sup>26</sup> His colleague, *Momir Nikolic*, pleaded guilty of war crimes in Srebrenica. Among other things, Nikolic confirmed that the VRS attacked Srebrenica with a view to permanently expel Muslim; that over 7,000 Muslim men 16-60 years old had been killed; and that civilians had been treated in an inhuman manner, while their property was plundered and destroyed.<sup>27</sup> Retired admiral of the Yugoslav People's Army (YPA), *Miodrag Jokic*, pleaded guilty of war crimes in Dubrovnik in 1991. Namely, having reached a plea bargain with the Prosecution, Jokic pleaded guilty of shelling the Old City in

<sup>25</sup> Nebojsa Covic, Serbian vice-premier, Radio Free Europe, September 14, 2003.

<sup>26</sup> *Danas*, May 22, 2003.

<sup>27</sup> *Danas*, October 20-21, 2003.

Dubrovnik.<sup>28</sup> This was the first confession related to the YPA's actively siding the Serbian side – something that official Belgrade persistently denies. During the sentencing procedure on a guilty plea, *Predrag Banovic* said, "It's a lie that The Hague is a place for silent killing of Serbs. I was enlightened in the prison and screwed up my courage to face myself and thus changed my plea. I curse my hands that have in any way inflicted pain to innocent people."<sup>29</sup>

*Milan Babic*, ex-premier of the so-called Republic of Srpska Krajina, is probably one of the most important insider witnesses when it comes to the indictment for Croatia. His confession and statement in the court is even more important as the first repentance ever. Babic pleaded to "Croatian brothers to forgive their Serbian brothers," and asked Serbs "to let bygones be bygones." His confession attracted great attention in Croatia – for, it confirmed "joint criminal enterprise" that implied forcible change of borders and ethnic cleansing. In his statement Babic says, "Innocent people were persecuted, expelled and killed. The remorse I feel is a pain I'll have to suffer for the rest of my life. I could only hope the truth I told in my guilty plea and my repentance would be an example to be followed by those that still believe that such inhuman acts could be justified."<sup>30</sup> Like in all previous case of guilty pleas, Serbia reacted by either ignoring or devaluating such acts. Zdenko Tomanovic, legal adviser to Slobodan Milosevic, takes that Babic's confession is nothing but remorse motivated by a personal gain," and, therefore, "a bigger sin than the one he repents."<sup>31</sup> However, Babic's confession indicated that Milosevic played a crucial role in planning the ethnic cleansing, along with the YPA and the police, and that all those actors were directly connected with the RSK army and the police in field.

## Trial of Slobodan Milosevic

The attitude towards The Hague Tribunal is best illustrated by *the trial of Slobodan Milosevic*. The opening of the trial (the indictment for Kosovo) incited optimism in Serbia as to its outcome. For, the media were those that kept fueling a general belief that Milosevic was a winning party. That was when the *Vreme* weekly commented the trial by calling it "a grouping of immature and bad players someone dressed in the uniforms meant to be worn by the world champions of legal profession. There are no champions in this team – or they skillfully conceal their legal talent for the time being, or need at least several years to warm up for the show they long ago proclaimed the most important trial on this planet, for which they were allegedly fully prepared. Or, they are probably blocked by the fact that by disclosing mass crimes and ethnic

<sup>28</sup> *Borba*, August 28, 2003.

<sup>29</sup> *Danas*, September 4, 2003.

<sup>30</sup> *Danas*, January 28, 2004.

<sup>31</sup> Zdenko Tomanovic's interview with the B92, [www.b92.net](http://www.b92.net).

cleansing committed by one side they must simultaneously hush up some other crimes. Actually, they don't have to, but they have assigned themselves the ungrateful task of sweeping under the carpet some pieces of the bloody ex-Yugoslav mosaic they will be setting for months and years in The Hague. It is below him (Milosevic), used to talk to Holbrooke, Albright or Lord Carrington, to try conclusions with some anonymous witnesses who are occasionally so easy to outwit even when they speak about human suffering."<sup>32</sup>

Domestic public welcomed Milosevic's arrogant behavior and his strategy of humiliating and degrading witnesses. For many, such stance was highly significant, given that Milosevic "unavoidably symbolizes the attempt to put a badge of infamy on the entire Serbian nation." Accordingly, "by taking such stance he managed to somewhat rehabilitate himself for numerous mistakes and failures over his 13-year rule." Further, "one can precisely foresee the judgment to be proclaimed to Milosevic, given that such sentence is necessary for a retroactive verification of the Western policy in ex-Yugoslavia at the time of its disintegration." Everything Milosevic is doing in The Hague is "extremely valuable for future analysts willing to scrutinize all developments in this region during his rule from a reasonable historical angle."<sup>33</sup>

Milosevic's initially successful performance in the courtroom was greatly due to detailed information about each witness he had. All information he needed for the trial he used to obtain from "friends, associates and party comrades." In addition to a special commission set up in the Ministry of Defense to collect and process information, he daily communicated by phone with his *Committee for Liberation*.<sup>34</sup> During the state of emergency, the newly appointed defense minister, Boris Tadic, abolished the army Commission for the Cooperation with The Hague Tribunal, explaining that, under the Constitutional Charter of Serbia and Montenegro, it was not in the Army's jurisdiction to cooperate with international institutions.<sup>35</sup>

One of Milosevic's associates and follower, Brana Crncevic, used to say, "I passionately watch The Hague trial. Milosevic is back in the saddle and plays better than ever." "In my dreams I see irritated Justice May who says in Serbian, 'I'll no longer discuss this matter,'" wrote Crncevic.<sup>36</sup> Some took that a plea bargain between Milosevic and the West would put an end to "the trial of

<sup>32</sup> *Vreme*, February 28, 2002.

<sup>33</sup> "Kostunica's Last Chance," *Ogledalo* No. 16, January 21, 2004.

<sup>34</sup> The Commission had at its disposal some 14,000 military files. Twenty-eight retired generals, members of the Commission, were paid 350 dinars per hour from the federal budget, released the Radio B92. According to the same broadcaster, only the Commission's chair, Zlatoje Terzic, was an active officer. The Commission's membership included, among others, Geza Farkas and Milan Gvero, ex-deputy commander of Ratko Mladic's VRS. The Commission was set up on the strength of decisions of March 26 and April 24, 2001, signed by the then federal minister of defense, Slobodan Krapovic, and the then head of the General Staff, Nebojsa Pavkovic.

<sup>35</sup> "Army Commission Abolished," *Borba*, April 12-13, 2003.

<sup>36</sup> *Nacional*, November 18, 2002.

century," with Milosevic not only acquitted, but, as an opposition leader, back in Serbia to contest the DOS coalition in the next election."<sup>37</sup>

The Serbian media mostly powwowed whether the court would manage to find insider witnesses to testify about the chain of command and command responsibility. So a commentary run in the *Politika* daily concludes, "Unless the Prosecution finds such insiders pretty soon, it is disputable whether the Trial Chamber will manage at all to connect actual events with the detained indictee who conducts his own defense so energetically."<sup>38</sup> Many media advocated the following thesis: "Since the West was in conflict with Milosevic, victims were also perceived from the angle of their ethnic origin. Therefore, non-Serbs were in focus, while Serbian victims were mostly ignored.<sup>39</sup> Most taking the stand felt ill at ease, while others were either afraid or embarrassed to show up before the court that has been labeled evil and anti-Serbian for years. Richard Dicker of the *Human Rights Watch* takes that witnesses' reluctance to take stand is only natural when one bears in mind the things said about the Tribunal at the time of Milosevic's rule."<sup>40</sup>

However, more and more Serbian insiders have been laying bare and expounding the strategy and the Greater Serbia program and Milosevic's role in it. In addition, testimonies of high officials from ex-Yugoslav republics (Stipe Mesic, Milan Kucan,<sup>41</sup> Ante Markovic, etc.) threw light on the political context and the Serbian leadership's unwillingness to reach any compromise. The Tribunal counts the most on a true insider capable of providing undeniable evidence in all matters. For, as Geoffrey Nice puts it, when one from the circle of indictees starts to speak, probably everything can be proved with one witness only.<sup>42</sup>

As The Hague Tribunal became more and more efficient, so did various experts, primarily jurists advocating anti-war stands at the wartime, display more and more understanding for Milosevic's defense. So did well-known professor Vojin Dimitrijevic say, "The state should help Slobodan Milosevic, the same as any other citizen accused by the Tribunal," adding, "Our governmental agencies should not impart information that are classified as military and state secrets."<sup>43</sup>

The Serbian public strongly reacted at the testimony of the historian from Harvard, Professor Audrey Budding, who spoke about the Serbian

<sup>37</sup> *Borba*, March 1, 2002.

<sup>38</sup> *Politika*, February 2, 2002.

<sup>39</sup> *Blic*, April 22, 2002.

<sup>40</sup> *Danas*, June 8-9, 2002.

<sup>41</sup> Kucan said that over a private conversation after a meeting in Kranj in April 1991 Milosevic told him, "If Slovenia wants to be independent, we will not oppose it though under some preconditions. However, this refers not to Croatia, as many Serbs live in Croatia." *Danas*, May 22, 2003.

<sup>42</sup> *Danas*, June 1-2, 2002.

<sup>43</sup> *Blic*, February 28, 2002.

nationalism throughout the 20<sup>th</sup> century. Critics questioned her expertise and accused her of manipulating science. Because of her case study, the Tribunal was accused of putting "the entire Serbian nation in the dock, though they tried to convince us this was about individual, rather than collective guilt." Momcilo Djorgovic, editor of the *Nedeljni Telegraf* daily, wrote, "What a prank! The world that used to recommend Serbs to get rid of the surplus in their history now utilizes this Harvard to augment this surplus with the surplus of the worst historical baseness."<sup>44</sup> Similar were the arguments laid down by lawyer Ivan Jankovic who said, "To all appearances, in its overall performance the Prosecution begins with the policy of getting to the crime, rather than the from policy of getting to the facts." According to him, the Prosecution was intent to "ascertain a nationalistic, expansionary policy symbolized in Milosevic, so as to prove that he enjoyed massive support." Jankovic agrees that this support was massive, but says, "One cannot put a policy in the dock, no matter how vile it might be, but try concrete, individual crimes." The *Vreme* weekly drew the following conclusion: "If the Tribunal, supposed to ascertain the truth about crime, needs any study at all, it can only rely on a fair and comprehensive analysis of all causes that brought about disintegration of ex-Yugoslavia; an analysis that reveals 'fingerprints' of everyone involved in the enterprise, including gunpowder traces on the hands of those from abroad that have provided arms to interested parties."<sup>45</sup>

The Hague testimonies continually lay bare Milosevic's plan. A protected witness said, among other things, that Italian businessman Giovanni de Stefano and the Karic brothers had been the biggest sponsors of the Serbian Volunteer Guard. The State Security Service, the Serbian Interior Ministry and the Yugoslav Army also occasionally financed the Guard, she said. However, according to her, the Guard mostly made its living on smuggling cigarettes and luxury alcoholic beverages, the operations Arkan relied on the then head of Federal Customs Service, Mihalj Kertes.<sup>46</sup> These information or reports such as that of the Norwegian financial expert, Morten Torkildsen, who testified before the court that armies of Republika Srpska and Srpska Krajina had been fully financed by the Central Bank of Yugoslavia, i.e. from money printing, hardly ever prompted the Serbian media to dig deeper or attracted public attention.<sup>47</sup> Minister of Justice Vladan Batic came public with the information that the Prosecution had over 90,000 documents telling of Milosevic's regime foul play and would hand them over to Serbian judiciary. He also said, "Things we learned from Carla del Ponte exceeded all our expectations."<sup>48</sup>

Milosevic's trial gradually disclosed the *role of some EU member-states* such as Greece and Cyprus, particularly in the matter of financial malversation.

<sup>44</sup> *Nedeljni Telegraf*, June 13, 2002.

<sup>45</sup> *Vreme*, June 13, 2002.

<sup>46</sup> *Politika*, April 17, 2003.

<sup>47</sup> "FR Yugoslavia Pays for RS's and RSK's armies," *Blic*, April 11, 2003.

<sup>48</sup> "Thousands of Files on Affairs," *Politika*, September 26, 2003.

The UN even expressed doubts that Greece blocked the proceeding of The Hague Tribunal by avoiding to hand over all the required documents indicating breaches of sanctions in its territory. According to *The Financial Times*, companies from the FRY, registered in Cyprus under foreign names, used their bank accounts opened in the Cyprus Central Bank and its Greek counterpart to transfer money necessary for arms, fuel and spare parts supplies, which stood for violation of the UN sanctions imposed against the FRY. Foreign owners of those disputable companies claimed they knew nothing about illegal transactions, while Greece, according to *FT*, supported ex-president Milosevic and Radovan Karadzic, leader of Bosnian Serbs.<sup>49</sup> According to the Greek newspaper *Eleftherotipia*, in early July 2003, the US protested with the Greek government requesting it to take steps against persons financing Radovan Karadzic and Ratko Mladic. The US, said the paper, claimed that the Greek Republic not only failed to meet its obligations to The Hague Tribunal, but also allowed a network of financial and material support to Radovan Karadzic, Ratko Mladic and other people accused of war crimes to be set up in its territory. Though official Athens denied it all, Carla del Ponte, continued the paper, demanded prosecution of Greek businessmen that helped or were still helping Karadzic, Mladic, Slobodan Milosevic and his associates, as well as proceedings against Greek citizens who either supplied arms to Bosnian Serbs or by fighting shoulder to shoulder with them committed war crimes, the 1995 Srebrenica massacre included.<sup>50</sup>

A news story run by the Athens paper *Espresso* said that Carla del Ponte herself paid an incognito visit to Athens where Greek bankers and businessmen provided her with information about Slobodan Milosevic's business connections. She also wanted some specific banks to impart specific information about transfers made at specific bank accounts from, to all appearances, bank accounts in Belgrade at the time Milosevic's bossism. The paper wrote, "A considerable number of Milosevic's associates came to Athens once he was ousted, mostly thanks to the support of Serbian and other mafias." According to *Espresso*, while in Athens Carla del Ponte "also contacted some persons who told her about Milosevic and his bigwigs' ties with Greek businessmen."<sup>51</sup>

In his testimony before the Tribunal, Zoran Lilic, one of Milosevic's closest associates,<sup>52</sup> said that "not a single decision could not have been taken unless approved and authorized by President Milosevic," adding that major decisions had actually been made by Milosevic himself, his wife Mirjana and "a small circle of his party comrades."<sup>53</sup> "A small circle of people was decision-

<sup>49</sup> "Greece Avoids Carla del Ponte," *Danas*, April 16, 2003.

<sup>50</sup> "Greeks Assist Karadzic," *Novosti*, September 2, 2003.

<sup>51</sup> "Del Ponte in Athens Incognito," *Danas*, September 7-8, 2003.

<sup>52</sup> "Last in Date," *Glas Javnosti*, June 18, 2003.

<sup>53</sup> The "small circle" included Mirko Marjanovic, Nikola Sainovic, Gorica Gajevic and Uros Suvakovic.

maker. All decisions were planned at Milosevic's home, while the Executive Committee of the Socialist Party of Serbia just legitimized them. Occasionally, decisions were directly released to the media without the Committee's confirmation," said Lilic. Another witness for the Prosecution, Budimir Babovic, said that Milosevic, *de jure*, could influence the police leadership in Yugoslavia. "He was legally entitled to command the police in wartime and in the time of peace... Milosevic and some agencies of the Ministry of the Interior communicated directly, which means that he could influence security service," said Babovic. To illustrate his statement Babovic quoted the decision whereby Milosevic directly communicated with the head of the State Security Department, though, under the law, only the Minister of the Interior was entitled to directly communicate with the President. The decision was not publicized, said Babovic, and regardless of the fact that only a small circle of people knew about it, everyone was aware of its implementation.<sup>54</sup> At the time ex-Yugoslavia's disintegration was well underway (April 4, 1991), Milosevic issued the order regarding the establishment of the Unit for Special Operations. People tasked with the job were people he trusted – Jovica Stanisic, head of the Serbian security services, Frenki Simatovic, his deputy, and Radovan Stojicic-Badza, commander of the Ministry's anti-terrorist unit.<sup>55</sup> Another witness for the Prosecution, former assistant defense minister of Srpska Krajina, said that whenever he had carried arms and uniforms to the territory of Eastern Slavonia he had been under the command of the YPA.<sup>56</sup>

As evidence of his involvement in major war decisions grew stronger, Milosevic was more and more feeling too bad to appear in the courtroom. And this was particularly the case when his closest associates were supposed to take the stand. On such occasions his brother, Borislav Milosevic, used to come public with statements such as that his brother "has just several months of life left, as he is on the verge of a cardiovascular crisis, and, unless treated properly, he may suffer fatal consequences." Usually, the trial was adjourned whenever the defendant said he was tired or had suffered from hypertension for days. The Trial Chamber would rule several days of rest. Due to Milosevic's illness, the trial was adjourned over ten times. According to Justice May, 50 workdays were thus wasted.<sup>57</sup> Once the Interpol issued an arrest warrant for his wife, Mirjana Markovic, and she stopped visiting him, Milosevic's morale spiraled down. Therefore, he took to sending open letters to the Serbian public, emphasizing, among other things, that "a brutal persecution" of his wife and son was a scheme to break him down, though unworkable because he was a moral winner.<sup>58</sup> Due to the defendant's impaired health, i.e. the diagnosis of an

<sup>54</sup> "Serbian Police Operated Beyond Serbia's Territory," *Danas*, June 14-15, 2003.

<sup>55</sup> "Commanding Secret Police," *Novosti*, May 7, 2003.

<sup>56</sup> *Danas*, October 15, 2003.

<sup>57</sup> "He Feels Tired," *Novosti*, September 24, 2003.

<sup>58</sup> "They Do Everything to Break Me Down," an excerpt from Milosevic's letter, *Novosti*, April 25, 2003.

impending heart attack, stress symptoms and exhaustion, the Trial Chamber decided to hold proceedings on Mondays, Tuesdays and Wednesdays, while he would remain in the detention unit for the rest of the week.<sup>59</sup>

In parallel with Milosevic's obstructions, a number of committees to defend The Hague indictees acted along the same lines. The "Sloboda" (Liberty) organization and the Socialist Party of Serbia called for "freedom for Milosevic and the continuation of the struggle for the truth." Among the events that prompted their actions was the visit "the US citizen William Clinton" paid to Prishtina and "The Hague Tribunal's attempt to hamper President Milosevic's defense, endanger his life and isolate him from his family and friends."<sup>60</sup> Ex-president of Montenegro Momir Bulatovic also appealed to Milosevic to persevere. He said, "He is guilty of many things, but not for a single one the indictment imposed on him." Therefore, according to Bulatovic, everything should be done with a view to saving him and the nation from awful consequences that threatened from The Hague.<sup>61</sup>

In their anti-Hague argumentation many jurists claim, "The Tribunal provides different interpretations of its decisions and thereby influences to a considerable extent the change in the Statute. Articles laid down in 1993 and present developments are a different story." Therefore, they advocate that "friendly" countries such as Russia and China should initiate reconsideration of the Tribunal's functioning. They insist on the thesis that The Hague trials "make the issue of national interest, rather than of policy or petty politics."<sup>62</sup> They miss no opportunity to impose the topic of the character of the war and persistently label it as a civil war so as to bypass the unenvied attributes such as severe war crimes. Each statement before the court is used to illustrate that "some counts of the indictment for Croatia and Bosnia have turned rather disputable." So, after the testimony of Gen. Imre Agotic, ex-colonel of the YPA and chief commander of the Croatian People's Guard, *amicus curiae* Branislav Tapuskovic asked the latter whether he had been aware about two Croatia's plans for the YPA – either to provoke the ex-Yugoslav army so much that it could not but attack Croatia first, or to launch the offensive against the YPA immediately. Justice May warned him that this was not "his job," given that he acted as if he was a defense attorney. Tapuskovic replied he believed that was his job, since his duty, as he put it, was to indicate all relevant documents the Trial Chamber should take into account in making its decision. He said, "It is my duty to raise all major questions dealing with the circumstances that preceded the events referred to in the indictment. A state disappeared overnight and it is on the

<sup>59</sup> "Three Days in Court," *Politika*, October 10, 2003.

<sup>60</sup> "Freedom for Milosevic," *Politika*, September 21, 2003.

<sup>61</sup> "The Hague Blueprints Our History," *Novosti*, September 29, 2003.

<sup>62</sup> "International Justice Between The Hague and Kosovo," an interview with lawyer Toma Fila, *Glas Javnosti*, September 29, 2003.

court to decide whether that was about a plan to commit a crime or a civil war. And I believe it was about the latter."<sup>63</sup>

The "Sloboda" Citizens' Association kept on accusing the DOS coalition of "direct and shameless help to the Prosecution" through providing it with documents that were not available to Slobodan Milosevic and his associates.<sup>64</sup> Milosevic's supporters persistently protested, particularly with the Foreign Ministry of Serbia and Montenegro, demanding that the cooperation with The Hague Tribunal should be stopped, all politicians advocating such cooperation called to account and Milosevic released. At the same time they demanded that the government should be deposed and early parliamentary election called.<sup>65</sup> To mark the 2<sup>nd</sup> anniversary of Milosevic's extradition, the Committee to Defend Slobodan Milosevic assembled Serbs living in the West and staged a rally in front of the Tribunal in The Hague. In a letter to the Tribunal, the protesters asked Milosevic's release, quoting he had been "abducted and illegally detained" and had already managed to "negate all counts of the fabricated indictment against him and thus given the biggest contribution to the truth about the Serbian people." They also demanded that the Tribunal should be closed down as "an instrument of the protracted aggression against Yugoslavia and systematic assaults at the Serbian people."<sup>66</sup> On its part, the Socialist Party of Serbia organized petitioning for the release of Slobodan Milosevic and other Serbs detained in The Hague.<sup>67</sup> Similar protests were staged in Moscow. Under the auspices of the Russian Communist Party, hundred-odd citizens called for Milosevic's release in the front of the UN Information Center and shouted slogans such as "Free Milosevic!" or "Send Blair and Bush to the Tribunal!"<sup>68</sup> Russian parliamentarian Nikolay Rizkov, ex-prime minister, paid a private visit to Milosevic. Rizkov presently chairs the Commission to Help Serbia and Montenegro in Overcoming the Consequences of NATO Aggression.<sup>69</sup>

Slobodan Milosevic asked the Tribunal to grant him a provisional release and a period of 2 years at freedom so as that he could prepare his defense. Judges turned down both requests.<sup>70</sup> The Trial Chamber released that Milosevic would be accorded three months for the preparation of his defense, once the Prosecution was over with the presentation of evidence in early 2004. Presiding Judge Richard May said the Trial Chamber considered the three-month period sufficient for the preparation of defense, given that the defendant was assisted

<sup>63</sup> "Civil War, Rather Than Crime," *Novosti*, July 1, 2003.

<sup>64</sup> "Sloboda' Against DOS," *Novosti*, October 12, 2003.

<sup>65</sup> "Milosevic's Supporters Insist on Breaking the Cooperation with The Hague," *Politika*, May 21, 2003.

<sup>66</sup> "Close Down the Tribunal, Set Milosevic Free!" *Blic*, June 29, 2003.

<sup>67</sup> "4,000 Signatures for Sloba by Noon," *Novosti*, June 29, 2003.

<sup>68</sup> "Protests in Russia," *Danas*, June 30, 2003.

<sup>69</sup> "Rizkov Visits Milosevic," *Danas*, June 7-8, 2003.

<sup>70</sup> "Milosevic Asks for Two Years, Court Says 'No'," *Politika*, September 3, 2003.

by two legal advisers and had manifested over cross-examination that he had detailed information at his disposal.<sup>71</sup>

Most witnesses coming from Belgrade, actually forced to take the stand, seemed to have two points in common: to minimize the YPA's role in the war and hamper the evidence of genocide Milosevic is accused of. Judging by the statements made up to now, not only by witnesses, but also persons from academic elite and the media, this is about a national strategy. Testifying before the court, Zoran Lilic said, "Slobodan Milosevic was very angry and deeply shaken when he learned about the Srebrenica crime." That was when Milosevic, according to Lilic, said "only lunatics could have done something like that."<sup>72</sup>

As the stage of testifying for the Prosecution comes closer and closer to its end, there is more and more speculation about whether the court will have a sufficient number of valid witnesses able to prove that Milosevic is guilty. So the *Srpska Rec* magazine carried a story saying, "The finale of the Prosecution's presentation of evidence leaves one more under the impression of a confusion, than a successful pinpointing Milosevic's guilt over the trial 'of the century'." Such impression is even stronger, says the paper, when one bears in mind the number of parliamentary seats won by the Radicals with Seselj at the top of their candidates' list, and the electoral threshold the Socialist Party of Serbia – with Slobodan Milosevic at the top of the list – managed to pass.<sup>73</sup>

*The arrest of Radovan Karadzic* is still an enigma, especially now that Saddam Hussein has been captured. Hardly anyone pays much attention to what international representatives say about the issue, given that the general public is under the impression that they actually do not want him captured. This gives rise to the theses saying the Karadzic stroke "a deal" with Americans. On several occasions, his brother, Luka, said, "Radovan Karadzic made a gentleman's agreement with Richard Holbrooke stipulating he would not be arrested if he withdrew from politics." Luka Karadzic also claimed he had taperecordings that could prove that Holbrooke had offered Radovan immunity.<sup>74</sup> "Radovan intends not to give himself up, for he would thus let down his family and friends."<sup>75</sup> Posters and graffiti supporting Karadzic make part of the scene. They are particularly characteristic of Foca and Banjaluka, where he, allegedly, often shows up. President of the Committee to Liberate Karadzic says, "They will never capture him. But if some traitors disclose his whereabouts, he will kill himself, rather than surrender."<sup>76</sup>

<sup>71</sup> "Three Months To Prepare Defense," *Danas*, September 18, 2003.

<sup>72</sup> "Milosevic Knew Nothing about Srebrenica and Never Ordered the Crime," *Danas*, June 18, 2003.

<sup>73</sup> "After Earthly and Celestial Serbia, The Hague Serbia Becomes More and More Interesting," *Srpska Rec* No. 337, January 21, 2004.

<sup>74</sup> *Politika*, March 7, 2002.

<sup>75</sup> *Novosti*, March 3, 2002.

<sup>76</sup> *Nacional*, March 7, 2002.

The media raise the question whether European forces, supposed to replace NATO in Bosnia-Herzegovina soon, would be able to capture Karadzic. A representative of the EU said it was too early to say anything with certainty, but added, "On its part, the Union has been clear-cut about the necessity to bring to justice all the accused of war crimes." However, the EU permanently pinpoints local authorities' responsibility to efficiently meet their obligations.<sup>77</sup> George Robertson also confirmed that the international community expected local authorities to take a more active part in Karadzic's arrest. He said, "President of Republika Srpska Dragan Cavic told me he felt personally responsible for Radovan Karadzic's arrest and transfer to The Hague."<sup>78</sup> According to Dragan Cavic, the police of Republika Srpska have issued an arrest warrant for Radovan Karadzic and other persons The Hague Tribunal had indicted of war crimes, but denied he had ever promised Secretary General of NATO that he would arrest Karadzic.<sup>79</sup>

On the other hand, Adil Osmanovic, vice-president of Republika Srpska, says top officials of RS army and police are engaged in the operation of keeping Karadzic undercover, while the financial lobby from Banjaluka takes care of providing him with funds. To support his claim, Osmanovic says that the RS police have never partook in any action aimed at tracking down and arresting Karadzic or other people accused of war crimes, because there is no political will for his arrest among topmost officials. He also says that the RS army is "a branch of the Yugoslav army."<sup>80</sup>

The media in Serbia and Bosnia-Herzegovina often claimed the deadline for Karadzic's arrest was set at the end of 2003. For instance, a senior intelligence officer of Bosnia-Herzegovina said a special unit of the German Defense Ministry, tasked with arresting Karadzic, was stationed in the village of Pilipovici nearby Foca. At an earlier date, said the source, SFOR had searched the RS Telecom and the RS army center and barracks in Foca in order to track down communication centers assisting Karadzic to hide out. Allegedly, Karadzic uses a road built through the woods in the aftermath of the war in Bosnia, in 1995. The road was constructed so as to enable him and other fugitives to safely travel between Foca and Pilipovici without having to cross the Federation's territory. According to the *Dnevni Avaz* daily, Karadzic's supporters have installed protective devices at existing transmitters for the purpose to prevent bugging of the three channels used by Karadzic's security guards. Should these devices break down, says the paper, Karadzic's followers would use field messengers to inform them about troops' movements via cell phones.<sup>81</sup>

<sup>77</sup>"Unless NATO Arrests Karadzic, European Army Will Do It," *Danas*, February 4, 2003.

<sup>78</sup>"Cavic Promises to Capture Karadzic," *Novosti*, April 11, 2003.

<sup>79</sup>"RS Police Issue Arrest Warrant for Karadzic," *Danas*, April 14, 2003.

<sup>80</sup>"Army and Police Take Care of Karadzic," *Blic*, May 11, 2003.

<sup>81</sup>"Radovan To Be Captured for Sure," *Novosti*, February 19, 2003.

The media in Serbia and RS keep cherishing the myth of Radovan Karadzic as a great Serbian leader who is not corrupted. So, his brother Luka says, "One cannot buy people's love. Radovan has never trafficked narcotics nor smuggled arms. He was at the head of a nation with collective memory of centuries long hardship. Even Carla del Ponte said during her visit to the US that it was the army, the police and people that protected Radovan Karadzic in Republika Srpska. She just forgot to mention God who controls, supervises and determines it all."<sup>82</sup> However, the international community more and more turns to "financial exhaustion" of The Hague indictees. On request from UN High Representative in Bosnia Paddy Ashdown, bank accounts of 14 people in Bosnia-Herzegovina have been frozen, including those of four members of Karadzic's family. This step affected Ljiljana Zelen-Karadzic, Aleksandar Karadzic, Luka Karadzic, Sonja Karadzic -Jovicevic, Zvonko Bajagic, Bogdan Subotic, Zarko Nikolic, Jovan Djogo, Slavko Roguljic, Dragan Lalovic, Dragan Spasojevic, Milenko Vracar, Dragomir Vasic and Djoja Arsenovic.<sup>83</sup>

Karadzic is omnipresent in Republika Srpska. For instance, a wreath made of fresh flowers with Serbian tricolor on it and inscription saying "Last post to his General from Dr. Karadzic" was laid on Gen. Momir Talic's grave in his birthtown of Piskavica near Banjaluka. Another wreath sent to Gen. Talic from "his friends in Sheveningen" was laid beside Karadzic's one.<sup>84</sup>

*The arrest of Ratko Mladic* has been haunting all Serbian officials particularly since the Premier Zoran Djindjic assassination. Over the meeting with Carla del Ponte in February 2003 in Belgrade, Zoran Djindjic promised that Mladic would be arrested and extradited to The Hague in the course of "this spring." After Djindjic was murdered, del Ponte said she would ask "the government to meet this promise."<sup>85</sup> And that was what she reiterated in a number of interviews in January 2004.

Governmental officials consistently denied the Tribunal's repeated statements about Mladic being in Belgrade at a specific address. Minister of Defense of Serbia and Montenegro Boris Tadic said on several occasions he knew not whether the ex-commander of the Bosnian Serbs' army was under the auspices of the union's army or those of some "uncontrolled centers of power." "We shall investigate the matter thoroughly. So, when I come public with a statement about whether or not Mladic is under the Army's auspices or those of some uncontrolled centers of power, I shall be staking my political credit," said Tadic.<sup>86</sup> So even Secretary General of NATO George Robertson said over an

<sup>82</sup>"Radovan Had Nothing To Do with Criminals - No One from Serbia Involved in His Hideout," *Svedok*, July 1, 2003.

<sup>83</sup>"Ashdown: Last Loop around Mladic and Karadzic Grows Tight," *Balkan*, July 8, 2003.

<sup>84</sup>"Karadzic Lays Wreath at Talic's Grave," *Kurir*, April 6, 2003.

<sup>85</sup>"Djindjic's Promise about Mladic," *Danas*, May 19, 2003.

<sup>86</sup>"I Don't Know Who Protects Mladic," *Glas Javnosti*, April 6, 2003.

interview, "We definitely know now that General Mladic was protected by your army in the past."<sup>87</sup>

The world clearly messaged that Belgrade had to "finally make up its mind about such requests." In brief, Belgrade should either arrest Mladic soon or present the Tribunal with irrefutable evidence that he was not to be found in Serbia. And, unless Mladic is extradited, there are no chances for Belgrade's admission to the *Partnership for Peace*. The Hague Prosecution's investigation relies on information obtained from best intelligence services worldwide. And, for some time already, these services repeatedly claim that Mladic is in Serbia. The official Belgrade takes no clear-cut stand about such claims and mostly denies these stories. However, its denials are rather tepid and unconvincing, as if it is unaware that buying time place so many major issues at stake.<sup>88</sup> Unless Mladic is arrested, the US will put an end to all financial assistance to Serbia as of March 31, 2004. The consequences of the US decision might be catastrophic for Serbia, given that it is to be expected that the EU and the World Bank will follow in its footsteps and freeze their assistance as well.<sup>89</sup>

When it comes to Mladic's arrest the bottom line in Serbia is that "not a single governmental official is capable of deciding either on the General's protection or his arrest, particularly against so complex political backdrop." "Not a single politician," says Obrad Kesic, "is willing to take upon himself such responsibility, as everyone is afraid of public reaction at home and abroad. Mladic's arrest is an extremely complicated and potentially bloody enterprise that might dangerously affect Serbia's stability."<sup>90</sup> Marko Nicovic, ex-chief of the Belgrade police, takes that Mladic is probably surrounded by 10-15 highly trained and utterly devoted people. In his view, Mladic is certainly not short of the support from military structures in spite of the official stand the Army has taken. Further, Mladic will most probably be arrested either by special police forces or mercenaries eager to collect five million US dollars. "I think army officers would not get involved in the operation as they are bound by tradition. On the other hand, policemen cherish no such emotions. Therefore, it is more probable that the police would carry out the task. Even individuals, i.e. manhunters may try their hand at it. It is also possible the Ministry of the Interior would let them arrest Mladic."<sup>91</sup>

Some media outlets such as Kurir, Balkan, Internacional and the like hypothesize about Mladic's whereabouts. Namely, by quoting anonymous sources close to Mladic, these media contribute to the illusion that he is at some faraway place, rather than in Serbia. As one of such sources put it, "Preparation of special police units to arrest the ex-commander of Republika Srpska army is

<sup>87</sup> "Everyone Must Arrest Karadzic," *Novosti*, June 30, 2003.

<sup>88</sup> "March 2004 - A Deadline for Mladic," *Kurir*, June 25, 2003.

<sup>89</sup> "Mladic To Be Arrested by March 2004," *Novosti*, October 16, 2003.

<sup>90</sup> "It's High Time for Authorities To Arrest Mladic, if They Can," *Balkan*, October 18, 2003.

<sup>91</sup> "Army Protects Mladic - The Police Will Arrest Him," *Balkan*, July 1, 2003.

nothing but propaganda of the Serbian regime. All it wants is to demonstrate to the international community its good will to cooperate with The Hague Tribunal, especially now that Veselin Sljivancanin has been arrested. The only problem is that General Mladic is simply not in the territory of Serbia." Allegedly, Ratko Mladic is far away from Serbia and, therefore, not under the jurisdiction of the Serbian police. "Mladic is not that naive," said the same source, "to hide in the neighborhood and thus risk being trailed and arrested. Two cases are quite different, since Sljivancanin did not have bodyguards. The General is protected by highly trained guys who have been close to him for over ten years. This is why, at the time he was actually here, our police did never attempt to arrest him, as, according to estimates, tens people would be killed and wounded in such operation." The Serbian Ministry of the Interior, allegedly, once tried to haul him in, but it all ended up in an agreement that was actually a Hobson's choice at that point. After that Mladic withdrew from the area.<sup>92</sup>

Foreign Minister Goran Svilanovic probably best illustrated why Mladic's arrest was such insurmountable problem for the Serbian government. "If the Army protects Mladic, we cannot arrest him as that would result in a conflict between the Army and the police." On the other hand, Svilanovic explained that the General Staff claimed Mladic's arrest was not in its competence but something the police should do. Svilanovic also reminded that Zoran Djindjic was ready to have Mladic arrested, but had to reorganize the Army and the police beforehand. And necessary steps had been taken just before he was gunned down, according to Svilanovic.<sup>93</sup>

The international community also demanded that the so-called Vukovar troika should be arrested. The operation of *arresting Veselin Sljivancanin* was a pompous one indeed. Though Sljivancanin's supporters were announcing they would defend him at any price, no serious incident between them and the police took place. Actually, the special anti-terrorist unit of the Ministry of the Interior handcuffed Sljivancanin after sieging the building he lived in for almost ten hours. The crowd of his supporters tried to stop police jeeps from leaving the scene shouting, "Ustashi!" and "What kind of Serbs are you?" A man even assaulted reporters at the top of his lungs, "Scums! No one is going to arrest Sljivancanin as long as I am here!"<sup>94</sup> Strongly criticized by the Committee to Defend Sljivancanin, Lt. Col. Goran Radosavljevic, gendarmerie commander, went public with the statement saying, "The operation of arresting Veselin Sljivancanin was carried out professionally. We had an arrest warrant and a search warrant. Along with other units included in the operation, we acted by

<sup>92</sup> "Mladic Far Away from Serbia," *Kurir*, June 25, 2003.

<sup>93</sup> "Two Lumps in Throat, Djindjic's Portrait on the Wall," *Ekspres Politika*, July 30, 2003.

<sup>94</sup> "Sljivancanin Arrested," *Danas*, June 13, 2003.

the book. Did we enjoy it or not? Emotions are unwelcome in such units. Our duty is to work according to the rules.<sup>95</sup>

Once in The Hague, Sljivancanin pleaded not guilty for shooting over 200 Croatian captives in Ovchara nearby Vukovar in November 1991. The Serbian Police Minister said the government would guarantee for him and organize his defense so as to prove that Sljivancanin was not responsible for the crime.<sup>96</sup> "The Serbian police have thoroughly cleared up the massacre in Ovchara. According to the investigation, YPA officer Veselin Sljivancanin, accused by The Hague Prosecution of war crimes in Ovchara, is entitled to the state's protection for the purpose of proving his innocence."<sup>97</sup>

The public was most surprised at *Vojislav Seselj's* allegedly voluntary departure to The Hague, just a few days before the Premier Djindjic assassination. At his initial appearance before the Tribunal, Seselj attempted to arrogantly deny the court's competence. However, short-lived was the show he made by saying, for instance, "The moment I set my eyes upon Wolfgang Schromburg I recall Auschwitz, Mauthausen and Jasenovac. He brings with him into the courtroom the stench of crematoriums and gas chambers. How can a German try a Serb for war crimes?"<sup>98</sup>

Given that Seselj opted to conduct his own defense, the court decided to assign him Aleksandar Lazarevic from Belgrade as a standby lawyer. According to his party's vice-president, Tomislav Nikolic, "A standby lawyer was invented in Seselj's case only, since neither the Statute nor the Rules provide that a lawyer can be forced on a person wishing to conduct his own defense. And Vojislav Seselj will have a good defense only if he conducts it by himself."<sup>99</sup> Maja Gojkovic, high party official, was denied the right to act as Seselj's counsel, since the Prosecution claimed she was "a suspect" and "a possible accomplice" in the case. According to the Prosecution, the protected witness C-047 said over the trial of Slobodan Milosevic that Gojkovic, in late 1991, attended the meeting at which Seselj and local members of the Serbian Radical Party and the Serbian Tchetnik Movement discussed expulsion of Croats from the village of Hrtkovci in Vojvodina – which figured as a count of the Radical leader's indictment.<sup>100</sup> Maja Gojkovic denied the claim. She said, "I am under no investigation whatsoever. As for certain protected witness' statement about my presence at a meeting addressed by Vojislav Seselj, that's quite unusual and unconvincing."<sup>101</sup>

<sup>95</sup> "Djindjic Trusted the Police," *Danas*, June 21-22, 2003.

<sup>96</sup> "Government Guarantees for Sljivancanin and Radic," *Danas*, April 16, 2003.

<sup>97</sup> "Sljivancanin Does Not Have to Avoid The Hague Any Longer," *Danas*, April 7, 2003.

<sup>98</sup> Instead of Sweet Smelling Cakes, the Stench of Crematorium," *Srpska Rec*, June 4, 2003.

<sup>99</sup> "Seselj Assigned a Standby Lawyer," *Novosti*, September 10, 2003.

<sup>100</sup> "Maja Gojkovic, Potential Accomplice," *Danas*, September 18, 2003.

<sup>101</sup> "The Hague Tribunal Shows Overt Discrimination," *Svedok*, September 30, 2003.

President of the Tribunal Theodore Meron ruled out Seselj's request to have an appointed judge excluded – actually one of the latter's deliberate obstructions – by calling his move light-minded, ungrounded and contrary to the Rules.<sup>102</sup>

The day after the *Premier Zoran Djindjic assassination*, the Serbian government released through informal channels that the plan had been to paste posters saying "Stop to The Hague!" all over Belgrade and simultaneously launch a media campaign with a view to "prove the late Premier's ties with organized crime." According to the story, "The Hague 'brotherhood' included army officers, the so-called Vukovar troika, some police officers and those of the Security-Information Agency (BIA), members of the JSO, the Zemun clan mobsters, as well as certain politicians, parties and businessmen who fell from grace after October 5, 2000."<sup>103</sup>

*Jovica Stanisic* and *Frenki Simatovic* were extradited to The Hague on request from the Serbian government in the course of the state of emergency. Namely, the government asked that the indictments against the two should be sped up, so as to enable efficient investigation against several thousand of the arrested in the Saber operation. An analysis of the London-based Institute for War and Peace quotes that protected witnesses for The Hague Prosecution in the Milosevic trial are by far less endangered "ever since former JSO chiefs, Jovica Stanisic and Franko Simatovic were detained as suspects in the case of Zoran Djindjic's murder." Citing reliable sources from The Hague Tribunal, the analysis said that a team had been engaged to threaten known and potential witnesses in the trial of Milosevic. Most members of the team were arrested during the Saber operation.<sup>104</sup>

The Law on Cooperation with The Hague Tribunal was amended during the state of emergency. Namely, the Article 39 was annulled so that persons accused of war crimes could be extradited to the Tribunal regardless of when indictments against them were submitted and advertised.<sup>105</sup> Svetozar Marovic, president of the union of Serbia and Montenegro, said on the occasion, "Any suspect, no matter how important and influential he might be, cannot be more important than millions of people expecting that all doubts as to Serbia and Montenegro's cooperation with relevant international institutions are dismissed."<sup>106</sup>

During the state of emergency the EU decided to ban in its territory all persons from the Balkans that "assist the individuals on The Hague's indictments." At their Luxembourg meeting, the EU ministers said the measure banning "entry or transit" of such persons was taken "with a view to helping the countries in the region in their efforts to fully cooperate with The Hague

<sup>102</sup> "The Hague: A Response," *Danas*, June 13, 2003.

<sup>103</sup> "Complot of 'The Hague Brotherhood'," *Danas*, April 12-13, 2003.

<sup>104</sup> "A Team for Threats," *Politika*, April 16, 2003.

<sup>105</sup> "Article 39 Erased," *Danas*, April 15, 2003.

<sup>106</sup> "New Extraditions to Come," *Blic*, April 15, 2003.



Tribunal." According to sources, this primarily referred to "the network of Ratko Mladic and Radovan Karadzic's accomplices and helpers," as well as to all those indicted by the Tribunal.<sup>107</sup>

## National Courts

The US backed the Serbian government in its insistence on trying the accused before national courts. Once Karadzic and Mladic are arrested, as Ambassador Rishard Prosper put it, the others should be brought before domestic courts. Frequently revoking this statement, Vojislav Kostunica claimed, "After October 5 the State Department and The Hague Prosecution messaged that Milosevic should not necessarily be extradited but could be tried before domestic courts instead." However, given that this opportunity was missed, according to Kostunica, one cannot avoid cooperation that implies extradition, though this means not that all individuals must be extradited to The Hague Tribunal. He was quite resolute that he would never "appeal to Ratko Mladic and Veselin Sljivancanin to surrender at their own free will."<sup>108</sup>

Main Prosecutor Carla del Ponte said the Prosecution would readily hand over some trials of the accused of war crimes to the Serbian judiciary, adding that would boost the process of reconciliation. Matias Hellmann, information coordinator of the Tribunal, said, "High-profile accused of major war crimes will be tried in The Hague. The rest may be in the competence of domestic courts. We have already transferred the documents related to the Ovcara case."<sup>109</sup>

I was unnecessary to have any special law passed in the parliament, given that domestic courts have always been obliged to try the accused of war crimes. It goes without saying that a period of ten years was sufficient for initiating investigation, prosecution and proceedings against such persons. However, this never happened. Small progress in this domain cannot be justified by non-existent special judicial institutions. The only explanation here is the lack of political will. Were it not for The Hague Tribunal, the situation would be even worse. Instead of domestic courts, the Tribunal has made a breakthrough by opening the door to the truth and accountability. Now that this is done, it is much easier for individual countries to follow in its footsteps and pursue the same process. Over 2,000 people have taken stand before the Tribunal. Piles of documentation have been gathered, numerous facts asserted and relevant laws and conventions to be applied have been interpreted in detail.

<sup>107</sup> "A Ban on Helpers," *Glas Javnosti*, April 15, 2003.

<sup>108</sup> "I Would Never Appeal to Sljivancanin and Mladic To Surrender," *Blic*, April 10, 2003.

<sup>109</sup> "Commander of VRS Mladic in The Hague by the End of Year," *Balkan*, August 4, 2003.

However, The Hague Tribunal will not hand over a single person detained in Sheveningen or an indictee that is still on the run. National courts will try the people who used to be under The Hague's investigation, but are no longer due to the fact that the international community has neither time nor resources to prosecute all crimes against humanity and violations of the laws or customs of war before an international court. This refers not to high-profile cases, but also not just to "the rest." According to the findings of a survey conducted by the American Republican Institute, 64 percent of population in Serbia favors the trials before domestic courts.<sup>110</sup>

## Cooperation with The Hague Tribunal

To mark the tenth anniversary of The Hague Tribunal its President Theodore Meron spoke about "significant accomplishments,"<sup>111</sup> but also said the Tribunal would fail to meet its major task unless high-profile indictees such as ex-president of RS Radovan Karadzic and ex-commander of VRS were brought to justice.<sup>112</sup> According to Carla del Ponte, "the arrest of the two fugitives, Karadzic and Mladic, would symbolize the international communities resoluteness to definitively establish the rule of law, as a precondition to joining European integrations, in Bosnia-Herzegovina and other 'traumatized' countries of the region."<sup>113</sup>

Given that submittal of archives and documents figures as the biggest stumbling bloc on the road of cooperation, The Hague Tribunal was forced to order the government of Serbia and Montenegro to provide it with minutes of the FRY Supreme Defense Council's meetings in 1992-2000 within a month. Prosecutor Geoffrey Nice said some 60-70 meetings had been held in that period and the relevant minutes were "of major importance" for the trial of Slobodan Milosevic. Nice also said that in late May the Belgrade administration provided the Prosecution with some 300 pages of proceedings, but not the minutes taken at the Council's meetings at the time of the war in Bosnia, when the then FRY president, Zoran Lilic, chaired the Council.<sup>114</sup> The Foreign Ministry kept on claiming, "Documents are being sent all the time, the same as they are to defense attorneys. We have been delivering them for considerable time now. We have met the Tribunal's requests to a large extent."<sup>115</sup>

Minister of Justice Vladan Batic has insisted for two years that The Hague Tribunal should submit indictments against members of the KLA as well. Carla del Ponte replied on several occasions that the Prosecution has not

<sup>110</sup> "No One Leave Sheveningen," *Politika*, September 26, 2003.

<sup>111</sup> "Tenth Anniversary of The Hague Tribunal," *Danas*, May 26, 2003.

<sup>112</sup> "Everything Is of No Avail Unless Mladic and Karadzic Are Extradited," *Glas Javnosti*, May 25, 2003.

<sup>113</sup> "Del Ponte: Mladic Under Authorities' Nose," *Politika*, June 22, 2003.

<sup>114</sup> "A Month Deadline," *Novosti*, June 13, 2003.

<sup>115</sup> "We Shall Keep Some Secrets," *Novosti*, April 15, 2003.

gathered sufficient evidence against them, but accepted Minister Batic's offer to provide all the evidence in his possession. Once the evidence reached The Hague, a representative of the Tribunal said that was not enough "to submit an indictment against any person referred to in the documents."<sup>116</sup>

In the course of the state of emergency the issue of joining the *Partnership for Peace* was placed on the table as a top priority. However, the US set preconditions to having Serbia and Montenegro in NATO's program – full cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia; assistance in the arrest of Gen. Ratko Mladic; assistance in the arrest of the remaining two members of the so-called Vukovar troika; assistance in capturing other persons indicted by The Hague Tribunal; and, withdrawal of the charge against NATO member-states accused for the crime against peace and other crimes before the International Court of Justice.<sup>117</sup> The is about the same what Bruce Jackson, president of the American Committee for NATO and president of the Transitional Democracy Project, messaged Belgrade. Extradition of Ratko Mladic is a precondition for speedier integration, said Jackson, adding "Only once this historical legacy is behind us, we can admit Serbia and Montenegro to Euro-Atlantic integrations."<sup>118</sup>

According to information of August 2003, 50 persons from the territory of the former Yugoslavia are in the UN detention unit in Sheveningen. Over 30 of them are Serbs. Out of this number, eleven, including Slobodan Milosevic, Veselin Sljivancanin, Franko Simatovic, Jovica Stanisic, Predrag Banovic and Milomir Stakic have been arrested by the Serbian police. Out of 19 persons arrested by international forces (SFOR and KFOR), as many as 16 are Serbs. This refers to Momcilo Krajisnik, Radislav Krstic, Momir Nikolic, Miroslav Kvocka, Dragan Nikolic, Stanislav Galic, etc. Among 20 persons who have gone to The Hague voluntarily are Nikola Sainovic, Milan Milutinovic, Vojislav Seselj, Dragoljub Ojdanic, Milan Martic, Mile Mrksic and Miroslav Radic. Only six detainees have served their sentences up to now – Dragan Kolundzija, Milojica Kos, Drazen Erdemovic, Zlatko Alekovski, Damir Dosen and Zdravko Mucic. Among seven persons standing trial while free are Miodrag Kocic, Momcilo Gruban and Pavle Strugar. Accused Djordje Djukic, Milan Kovacevic, Momir Talic, Mehmed Alagic and Slavko Dokmanovic, who was found dead in his cell on June 29, 1998, have died before judgments were pronounced to them.<sup>119</sup>

<sup>116</sup> "Will Suspects Become Negotiators?" *Glas Javnosti*, September 16, 2003.

<sup>117</sup> "Arrest of Ratko Mladic and Disappearance of RS a Ticket to NATO," *Svedok*, July 15, 2003.

<sup>118</sup> "Extradition of Mladic - A Precondition to Joining Partnership for Peace," *Politika*, July 15, 2003.

<sup>119</sup> "Thirty Serbs in Detention Unit," *Svedok*, August 12, 2003.

Most of Slobodan Milosevic's establishment is on The Hague Tribunal's list. Apart from Gen. Nebojsa Pavkovic, ex-chief of the Yugoslav Army General Staff, and Gen. Vladimir Lazarevic, ex-commander of the Prishina Corps, the list includes members of the former SFRY Presidency, Branko Kostic of Montenegro and Borisav Jovic of Serbia, former defense minister and head of the YPA General Staff, generals Veljko Kadijevic and Blagoje Adzic respectively, as well as Gen. Tomislav Simovic, allegedly tasked with setting up a Serbian army at the time of ex-Yugoslavia's disintegration. The same list may also encompass Gen. Aleksandar Vasiljevic, once head of the powerful counterintelligence service, Mihalj Kertes, former chief of the Customs Administration, and Radmilo Bogdanovic, ex-chief of the Serbian police. Police Gen. Vlastimir Djordjevic who disappeared after Milosevic's downfall is also on The Hague list.<sup>120</sup>

Carla del Ponte's last visit to Belgrade once again caused alarm, as she presented Premier Zivkovic with new indictments against four generals accused of crimes against humanity committed in the 1999 war in Kosovo. These novel indictments were submitted against Gen. Nebojsa Pavkovic, Lt. Gen. Vladimir Lazarevic, Head of the Public Security Department Lt. Gen. Sreten Lukic and Police Gen. Vlastimir Djordjevic. Refusing to accept the four indictments, the government accused Carla del Ponte of having "humiliated the Serbian government and the entire state."<sup>121</sup> Serbian Minister of the Interior Dusan Mihajlovic said, "Neither I nor the Serbian government would accept the indictments against four army and police officers, who are accused just because they have been commanders in Kosovo." He added this was about a public stand.<sup>122</sup> One of the accused, Lt. Col. Vladimir Lazarevic, said he would behave as "a professional soldier and accordingly accept any investigation" against him, while Defense Minister Boris Tadic put forth Lazarevic's deposal because "there is a reasonable doubt in The Hague Tribunal to believe that he has taken part in war crimes."<sup>123</sup>

Once Stanisic, Simatovic and Sljivancanin were extradited, the cooperation with The Hague Tribunal was actually put to bed. Addressing the UN Security Council, Carla del Ponte accused Belgrade authorities of "insufficient cooperation with the Tribunal," and particularly of "keeping to themselves the documents that are important as evidence material." She was under the impression, as she put it, that when it came to the trial of Slobodan Milosevic, as well as other trials, official Belgrade was intent to "retain key documents that might prove the former regime's involvement in the crimes

<sup>120</sup> "Mladic Is Not in Serbia," *Novosti*, October 5, 2003.

<sup>121</sup> "The Hague Tribunal Wants Pavkovic, Lukic, Lazarevic and Djordjevic," *Balkan*, October 8, 2003.

<sup>122</sup> "Mihajlovic Would Not Let The Hague Have His General Lukic," *Balkan*, October 11, 2003.

<sup>123</sup> "Gen. Lazarevic: I Accept Investigation," *Blic*, August 27, 2003.

committed in Bosnia-Herzegovina."<sup>124</sup> This is officially explained by reasons of national security, i.e. that such documents might be used in the charges Bosnia-Herzegovina and Croatia pressed before the International Court of Justice.<sup>125</sup>

Bearing in mind the unwillingness to have Mladic and Karadzic arrested, Carla del Ponte announced the possibility of a police unit established by the Tribunal, which would be charged with making these arrests. In her view, the accused would be more efficiently arrested should the Tribunal dispatch the police of its own to the territory of the former Yugoslavia.<sup>126</sup>

The Security Council Resolution 1503 prolonged Carla del Ponte's term of office, set the time-frame for the termination of the Tribunal's functioning and, in this context, guidelines for speedier proceedings. American Secretary of State Collin Powell said the US were specially interested in "bigwigs" such as Karadzic and Mladic - "a topic of ongoing talks with NATO commanders, notably those in the region." He pinpointed that the same question was being raised over meetings with Serbian political leaders.<sup>127</sup> The EU foreign ministers also warned that "noncooperation with The Hague Tribunal would seriously endanger the Western Balkan states' road to Brussels," meaning that cooperation was "still the key element of stabilization and association process."<sup>128</sup>

The Council of Ministers of Serbia and Montenegro decided to financially assist the union's citizens who have voluntarily surrendered to The Hague Tribunal, as well as their families. As compensation for their detention, indictees get 200 EURO each per month, while members of their families are entitled to three free airfares to Amsterdam bimonthly, along with 250 EURO per person to cover other travel expenses. The decision, enforced in June 2003, provides that the indictees on provisional release while awaiting the beginning of their trials, who live in the territory of Serbia and Montenegro are also entitled to financial assistance.<sup>129</sup>

<sup>124</sup> "Against SMG and RS," *Politika*, October 11, 2003.

<sup>125</sup> "13 Under Investigation, 30 Suspects," *Novosti*, October 12, 2003.

<sup>126</sup> "Special Police," *Glas Javnosti*, August 7, 2003.

<sup>127</sup> "Time Runs Out, Speed up Work," *Novosti*, October 12, 2003.

<sup>128</sup> "Some Countries Still Uncooperative," *Danas*, October 14, 2003.

<sup>129</sup> "Indictees Who Surrendered Voluntarily Get 200 EURO per Month," *Danas*, June 3, 2003.

## Conclusions:

- Serbian elites - those from political, cultural, intellectual, military and Church circles in particular - are apparently unwilling to partake in the process of facing the past and, especially, presenting the recent history in its true light;
- Cooperation with The Hague Tribunal was prompted by the pressure from the international community and the need to obtain its financial assistance; the issue of cooperation and facing the past was thus fully commercialized;
- The fact that Slobodan Milosevic has been actively conducting his own defense, as well as the assistance provided to him mobilized almost all strata, ranging from Milosevic's own structures, new authorities, and the media to the alternative. The major motive here was to renounce the count of the indictment against Milosevic related to genocide in Bosnia-Herzegovina;
- The society as a whole still supports the Army as traditionally most outstanding institution; thus, huge social potential is funneled to have the Army amnestied, regardless of ever more undeniable evidence of its crucial role in the past wars that are coming from The Hague;
- The Serbian Orthodox Church significantly backed Milosevic's project and was actively involved in many developments, particularly in Bosnia-Herzegovina; So far, no major criticism has targeted this institution that, the same as other institutions, shows no readiness to conduct differentiation within its own ranks. This is the more so important since other key institutions are under the pressure from the international community; speaking about the pressure, the international community has spared the Church that has now to a great extent overtook the role of the Army, particularly in Montenegro and Macedonia;
- Given that the point of differentiation has gone together with Milosevic's overthrow, the situation of the media has turned much worse; financially and professionally devastated for many years, the media are now incapable of overtaking their major role not only in the process of transition, but also that of facing the past;
- As the Law on Educational Reform has been passed, major changes in this domain are underway; however, due to strong resistance of the so-called conservative-patriotic bloc, it is only natural to expect that the Law would not be smoothly implemented, especially when it comes to the curricula dealing with the recent past;
- The University still figures as one of the most conservative institutions that resist modernization and generates nationalism; at the same time, the University is the key institution when it comes to reinterpretation of the recent past.

## Recommendations:

- The European Union, the Council of Europe and other international organizations should insist on the process of facing the past as a precondition to reconstructing the society into a modern one and having it democratized, with a view to accelerating the union of Serbia and Montenegro's global integration;

- A process as such calls for a long-term national strategy, but also that of the international community. This is the more so important since it turned out that the very existence of The Hague Tribunal was not sufficient. For the purpose of changing the society's value system, these strategies should be focused on the system of education, the media and culture.



## Serbian Orthodox Church and Politics

In 2003, the Serbian Orthodox Church (SPC) pursued the same course of action in public life as in previous years. The Church seized the occasion of the Premier Djindjic assassination to grab more limelight and, in the legal interregnum that ensued, begun to interfere even more in governmental affairs. The Church's opposition to reforms was clear-cut, and particularly so when it came to education, free market and the cooperation with The Hague Tribunal. In addition, the Church dominated manifestations to mark the 200<sup>th</sup> anniversary of the modern Serbian state, the event it stamped with archaism and anti-modernism. The SPC continues to delude the public that it is possible to set up a nation-state within ethnic borders in the Balkans, while insisting on nationwide (ethno-confessional) unity as a solution to national problem.

Metropolitan Amfilohije Radovic's speech at the memorial service to Premier Djindjic best illustrates the way the Church interferes in governmental affairs. The speech's messages are not only the attempt to interpret the murder, but also a manifestation of anachronous discourse promoted by the Church. Metropolitan Amfilohije's phrases such as those that the late Premier Djindjic will be remembered "primarily for having - in the days of the deepest humiliation for his people and in the manner of one Milos Obrenovic - offered a brotherly hand of peace and reconciliation to Europe and the world" and did this "at the point when the sword of Pilate's justice hangs over his people" are in reverse proportion to Serbia's interest to get its relations with neighbors in the region harmonized and begin to meet its obligations to the international community without hesitation. In addition, the comparison he made with Vozd Karadjordje "who has also been beheaded by a godfatherly and brotherly hand" insinuated the Premier's ties with those who have devised the murder and pulled the trigger, let alone the lack of good taste and elementary human decency in the hour of mourning evident in phrases such as "Zoran Djindjic will go down in history and be remembered by this nation for his eagerness and concern to see the construction of this sacred and divine temple of the

Serbian orthodox people completed" whereby he openly appealed to possible donors to the fundraising campaign.<sup>1</sup>

Rather than preaching evangelism as a Christian church's top priority, the Serbian Orthodox Church attempts to boost clericalism. Such tendency is most evident in the media sphere. Moreover, the media themselves considerably promote the SPC's aspirations. Throughout 2003, the SPC was in the limelight as an authentic political force – and, literally acted, on a number of occasions, as a political party. Such role is contrary to its doctrines that factually place it beyond or outside any politics. However, the SPC's ambition in real life has nothing to do with its doctrines. Its ambition corresponds to that of some political structures. So the SPC's pastoral-missionary role was given back seat, while its political engagement top priority. A number of facts back such statement. The government decided to introduce religious training in public schools. Though still unofficially, the Church elbowed its way in the Army as a recognizable political force. Within the Church itself the question of such doctrinal discrepancy has never been raised. However, fully aware of its role and influence, political structures shape public life accordingly and, moreover, against the background of unfinished reforms launched after October 5, 2000. Among other things, this half-finished enterprise resulted from the alliance between the Church and political structures.

The impression about the Church's power and aggressiveness has the other side of the coin that the Church itself has not placed on the table up to now. Namely, the SPC is shaken by "*affairs*" and *schisms* it is unable to cope with. In early 2003, the Vranjske Novine newspaper came public with the case of Bishop of Vranje Pahomije charged with sexual abuse of children attending courses of religious training. Most embarrassing details of the affair were shaking the public and the Church throughout 2003. Instead of solving the problem, it was already on January 11, 2003 that the Synod pronounced it was none of its business and accused the media of "maliciously dragging the Church in the mud prior to a court's judgment." Though having already and almost in the same manner hushed up the case of the Mt. Fruska Gora monk, the SPC continued to claim it was all about "a witch-hunt" aimed at disgracing it.

The media raised a great hue and cry about "bishopric sex-gate." Both secular and religious circles were on foot. While the Spiritual Court of the Eparchy and the SPC kept its own counsel, the public was showered with "explanations," provided, among others, by Bishop Pahomije himself. He ascribed the affair to political motives. According to him, that was a fabrication of the Albanian lobby and "mercenaries coming from the ranks of journalists." However, when priests such as Arsic took stand, things became too complicated for the Church. It was only under the pressure from the media that the Synod reacted by expressing its concern over "the mass media that off-

<sup>1</sup> *Glas Javnosti*, March 16, 2003.

handedly and without any legal justification accept and publicize ungrounded insinuations as facts." The Synod even said, "Some anti-Church circles bothered by the revival of religious life and people's attraction to the Church now once again call for godless hunt, persecution and defamation of the Church that has been characteristic for past decades."<sup>2</sup> On their part, the media run stories about "more and more eye-witnesses testifying about the affair."<sup>3</sup> According to some news stories, "residents of Vranje are petitioning against Bishop Pahomije, intent to demand Patriarch Pavle to depose him."<sup>4</sup> Weighted by so much publicity, the Synod was forced to replace Pahomije with Bishop Ignjatije who was assigned to administer the Vranje Eparchy.

Once the investigation was conducted, a relevant court took about the same attitude towards the case of Bishop Pahomije. Church dignitaries and the Synod membership kept on saying the whole fabrication was aimed at "breaking the Bishop's backbone to serve the KLA's goals," though they never supported their claim by a single evidence. In tandem with the judiciary and political structures, the SPC decided to thwart having cards on the table. In spite of the pressure from the media and mostly from public opinion in Vranje, the case remained more or less unsolved throughout the year and still waits for the Supreme Court's judgment. Though persistently hushed up with the helping hand from the state, the Pahomije affair threw negative light on the Church.

The influence of the so-called para-church formations (labeled so by Bishop A. Rakita), giving trouble to the Church itself, was notable in 2003. So a group of extremist monks prevented the Christmas Eve service organized for Anglicans and authorized by Patriarch Pavle himself. The scandal attracted worldwide attention since the British Ambassador was among the people gathered for the service. This influential extremist wing within the Church cooperates closer with political structures than with the SPC, a phenomenon the media reported as well.<sup>5</sup> What also marked 2003 were dissenter-monks who resisted the Church's opening to other religions. These monks even publicly invited the Patriarch to "come face to face with them in front of TV cameras."<sup>6</sup> Some bishops such as Lavrentije of Sabac-Valjevo tried to provoke the Church to discuss the matter, but failed, as they were not consistent enough. For, while strongly criticizing extremists, Bishop Lavrentije reiterated that the people should "protect their heroes," Karadzic and Mladic.

Bearing in mind all these schisms and the SPC's overall behavior in 2003, one can hardly predict whether some major changes will take place in near future. For, the examples given in the paragraphs above indicate that the Church is closely tied with the state with which it actually interacts. Further,

<sup>2</sup> *Nacional*, January 11-12, 2003.

<sup>3</sup> *Vecernje Novosti*, January 15, 2003.

<sup>4</sup> *Danas*, January 16, 2003.

<sup>5</sup> *Svedok*, January 28, 2003.

<sup>6</sup> *Danas*, January, 29, 2003.

the SPC hardly displays any readiness to seriously and dispassionately analyze the defeated national program wherein it played a crucial role – by inciting nationalism in the first place. Since the SPC is the only constant of Serbs' national identity, Serbs will never be able to join the family of modern nations unless the Church's role is thoroughly scrutinized.

## Relations between Churches

By its overall attitude over the past years, the SPC has manifested that it is closed to other churches and laicity, though growingly emerged in its own problems and those of the society. The Church as a whole constantly fears "unification" and proselytism, regardless of the fact that such threats are groundless and mostly politically motivated. Among the Church's feeble attempts to open the door to other religions was the visit State Secretary of Holy See Monsignor Thoran paid to Belgrade. Taking the occasion to put forth a dialogue between the two churches, Msgr. Thoran said his visit to Serbia "opens a new chapter in the relations between Holy See and the Union of Serbia and Montenegro, as well as between the Roman Catholic Church and the Serbian Orthodox Church."<sup>7</sup>

At the same time, the SPC Synod delegation's visit to Vatican gave raise to dissenting opinions. This primarily refers to seemingly "marginal" problems dealing with ecumenism and fellowship of churches that directly affect the SPC's questionable membership in the World Council of Churches. The SPC is quite touchy when it comes to ecumenism. It keeps on saying that "relations with Anglican and Catholic churches are brotherly" but "ecumenism takes time," since "a dialogue should precede any theology and love." For, as Bishop Lavrentije put it, "Unless you love your brother, you cannot openly talk to him."<sup>8</sup> Such rigid stands are imposed by the SPC's "the hard-core national wing" that sets the tone to its overall policy.

Patriarch Pavle renounced the possibility of the Pope's visit to Serbia that was often on the public agenda by saying the time was still "not ripe." The SPC discretely signals Vatican that the relation between the two churches is still "burdened with problems of the past, primarily by Vatican's role in the W.W.II in the territory of the Independent State of Croatia, but also with today's troubles with Roman Catholic dignitaries in Kosovo and Metohija, and in Montenegro."<sup>9</sup> Though also indicating that "the Pope's visit is not planned for the time being," Vatican called the SPC delegation's visit "a memorable event."<sup>10</sup> According to theologian Salvatore Issa, who has been accompanying the Pope for 16 years, the Pope has been wishing for long to pay a visit to Serbia, and is

<sup>7</sup> NIN, February 27, 2003.

<sup>8</sup> Nedeljni Telegraph, February 5, 2003.

<sup>9</sup> Danas, February 1-2, 2003.

<sup>10</sup> Danas, February 10, 2003.

in friendly relations with Patriarch Pavle. What stands in the way, as he put it, is "the Serbian Orthodox Church's solidarity with the Russian Orthodox Church and Patriarch Aleksey who does not want the SPC to invite the Pope."<sup>11</sup>

## SPC's Influence on Neighborly Relations

Once the Greater Serbia project suffered both military and political defeat, the Church, as an institution symbolizing the idea of nationwide unity, took upon itself to spiritually, culturally and politically round off the region blueprinted by the nationalistic project. The SPC's political aspirations affect in particular neighborly relations. This is probably best illustrated by the ever more complex relationship between the SPC on the one hand, and the Macedonian and Montenegrin orthodox churches on the other. Denial to recognize the two churches is *de facto* nonrecognition of the two states and identity of relevant nations. Therefore, connotations of the conflict over the two churches' auto-cephaly are overtly political.

Relations between the SPC and the Macedonian Orthodox Church (MPC) aggravated in 2002 when the so-called Macedonian question was placed on the agenda. A dispute broke over the SPC's initiative to have the issue of the Macedonian church's canonical status solved in a mutually agreeable way. The Macedonian church separated for the SPC in 1976 and proclaimed auto-cephaly. Actually, the SPC proposed to the Macedonian church to renounce auto-cephaly and get autonomy in return. When the Synod of the Macedonian Orthodox Church turned the proposal down, Patriarch Pavle indicated the SPC's readiness to accept under its auspices some individual MPC's eparchies. At its meeting in May 2003, the SPC Synod "took canonical measures and made relevant decisions so as to set up the Synod of the Autonomous Ohrid Archbishopric." Simultaneously, the SPC Synod set a deadline whereby the Macedonian Church should resume its "ecclesiastic and canonical unity" with its "mother" church and thus with all other Eastern Orthodox churches worldwide by September 1, 2003. The Synod's decision to appoint its mandatory in the territory of Macedonia caused problems in the relations between the two states. The Macedonian Orthodox Church decided to depose Metropolitan Jovan of Raska-Povardarje, the Serbian Patriarch's mandatory of the Ohrid Archbishopric.

Metropolitan Timotej of Debar-Kicevo, spokesman of the Macedonian Orthodox Church (MPC), said, "The MPC replied negatively long ago." According to him, the MPC "has no intention whatsoever to give up its name" and condemns "the SPC's decision to establish a parallel eparchy in Macedonia."<sup>12</sup> Having failed to secure auto-cephaly for its church in the Constantinople Patriarchate that recommended canonical solutions to be

<sup>11</sup> Danas, November 15-16, 2003.

<sup>12</sup> Vecernje Novosti, November 17, 2003.

reached together with the SPC, Macedonia turned to the Russian Orthodox Church. For this purpose, President of Macedonia Boris Trajkovski also met with the Russian Patriarch in 2003.

The conflict culminated when Serbian Patriarch Pavle addressed his Christmas epistle to all Eastern Orthodox believers and clergy in Macedonia. The epistle spoke of "historical truth" according to which "in 1967, in a putsch and without a blessing from the Mother Church or any other Eastern Orthodox church, the Macedonian Orthodox Church proclaimed auto-cephaly" and thus turned into an institution "created by communists to meet their needs." In addition, contrary to civilizational attainments, the Serbian Patriarch referred to unfounded argument that "any nation, just because it is different from another one, should have an auto-cephalic church." However, the Patriarch offered no counterargument for the SPC's authority to arbitrate the issue. The epistle fully displayed that the SPC would not give up the illusion about Macedonia being nothing but "South Serbia," and thus continued the adverse policy of nonrecognition not only of the Macedonian Church, but also of Macedonian state and nation. The Macedonian government and general public strongly criticized the epistle and called it not only "anti-canonical, but also an anti-state act."<sup>13</sup>

By appointing its "mandatory" of the Ohrid Eparchy, the SPC overtly renounced Macedonia's independence. Its attempt to define its stand about the Macedonian Church by differentiating it from the Macedonian state failed as the SPC perceives the problem from political angle. Besides, the very term associates the time of the Bulgarian Church's mandate in Macedonia, and, therefore, of territorial aspirations. The attempt to set up autonomous Ohrid Archbishopric with its own synod and bishops was also of no avail, but complicated both inter-church and neighborly relations. After unsuccessful negotiations in Nis in 2001, the issue of the Macedonian Church's auto-cephaly has been involving more the two states than the two churches.

The SPC's pugnacity in Montenegro grew in parallel with pro independency option symbolized by Premier Milo Djukanovic's government. Here Metropolitan Amfilohije Radovic practically plays the oracle. His engagement in Montenegro is marked by radical nationalism and hate speech that hardly suit a church dignitary. Strongly opposing separation of Serbia and Montenegro, Amfilohije Radovic says, "Any separation that is contrary to people's will can only result from violence, theft, blackmail or threats. This is why the SPC will ignore any independence related measure Montenegro might take." According to him, the Montenegrin Orthodox Church is "an offspring of Titoism" that never stopped "harassing the SPC."<sup>14</sup> Relations with the Montenegrin Church further aggravated when on the Day of St. Peter of Cetinje the Montenegrin parliament acknowledged Miras Dedeic "head" of the

<sup>13</sup> *Glas Javnosti*, January 6-7, 2004.

<sup>14</sup> *Vecernje Novosti*, January 10, 2002.

Montenegrin Orthodox Church. Metropolitan Amfilohije of Montenegro-Coast accused the parliamentary speaker, Ranko Krivokapic, of turning the parliament into "a kitchen cabinet of his kitchen cabinet and thus provoked new schisms among people and embarrassed Montenegro in Europe and the world." Amfilohije also blamed Krivokapic for "spitting on the Serbian Orthodox Church, and negating its canonical hierarchy and historical order, acknowledged and renowned all over the world, while simultaneously trampling on the Montenegrin Constitution."<sup>15</sup> Krivokapic replied that the SPC was no longer privileged to decide on who should be invited to the parliament and that Amfilohije came from "the side that suffered civilizational defeat in the World War II and the last Balkan war, presently tried before The Hague Tribunal."<sup>16</sup>

The examples quoted in the paragraphs above are telling of the extent to which the church and state are intertwined in the Balkans, and of the manner in which clerical nationalism, i.e. philitism, turns into a political problem. In specific situations the SPC often forces philitism upon the laical public, which additionally complicates its relationship with this segment of the society it mostly refuses to communicate with at all.

For the time being, the attempt to have the Mt. Fruska Gora proclaimed a holy ground that would connect the Eastern Orthodoxy from Mt. Sinai to Greece has been of no avail.<sup>17</sup> Actually, it was about the attempt to have Vojvodina perceived as an exclusively Serbian province, which would support the claim that Vojvodina, "now ethnically rounded off," has always belonged to Serbs only. The initiative was launched by the Srem Eparchy, and it was Bishop Vasilije who announced the sanctification for October 12, 2003. However, an unexpected turn of events displayed not only weak points of the SPC's strategy, but also its aptitude to adjust itself to daily political needs. Prompted by the announced sanctification, Patriarch Pavle issued a release that indicated the actual state of affairs within the SPC.<sup>18</sup> Namely, the Patriarch "fatherly counsels and brotherly pleads" for a binding solution that would "postpone this sacred act for some time." Though a true political spectacle had been in prospect, the sanctification was postponed. Obviously, the struggle over the Patriarch's succession is already on. The media more and more speculate the issue, but no official stand has been taken or anything released about the issue so far.

<sup>15</sup> *Vecernje Novosti*, November 7, 2003.

<sup>16</sup> *Danas*, November 10, 2003.

<sup>17</sup> *Vecernje Novosti*, November 3, 2003.

<sup>18</sup> *Vecernje Novosti*, November 3, 2003.



## Serbian Orthodox Church and Kosovo

Aspiring throughout 2003 for an even stronger political role, the SPC probably best displayed its ambition in the case of Kosovo, i.e. by issuing its *Memorandum on Kosovo*.<sup>19</sup> The document carried all the Church's well-known and characteristic stands, politically inconsequential and blurred as usual. For, there is Bishop of Raska-Prizren Artemije who declared on April 4, 2003, "Kosovo will no longer, can no longer and should no longer be exclusively Serbian... And, Kosovo will no longer, can no longer and should no longer be exclusively Albanian... Kosovo must either belong to all its residents or there will be no Kosovo at all." For his part, "outgoing" Bishop Atanasije Jevtic, well-known SPC's ideologist, claims the contrary by saying, "The Serbian Constitution must include a provision stipulating that no one shall ever be allowed to give up Kosovo and Metohija."<sup>20</sup> According to the *Memorandum*, the SPC is morally entitled to deal with the status for Kosovo.

In Bishop Amfilohije's view, ethnic cleansing that is underway in Kosovo has taken an opposite course.<sup>21</sup> However, he provides no further explanations but just refers to air raids against "a sinful, but Christian people that have been humiliated in a Calvary way. He neither provides reasons for such "humiliation" nor speaks of Milosevic's regime that brought it about. Rather than face the facts, the SPC ritually chants well-known phrases about "a holy Serbian land." Patriarch Pavle stresses that the SPC "is responsible for the situation of the society," but never defines this responsibility.<sup>22</sup>

The SPC strongly opposes any dissonant tone when it comes to the problems facing Kosovo. Extensively covered by the media, the SPC's activity in Kosovo is aimed at mobilizing the public along its lines and suppressing different views that are, as a rule, labeled as treacherous. When M. Djordjevic, outstanding sociologist of religion, said that the media's focus on the Church, including the case of Bishop Pahomije, were not "a hunt against the Church," the SPC responded by reiterating its stereotype about "a godless hunt." The same as Bishop Pahomije who countered allegations against him by claiming, "God is my witness, so let the court take its decision,"<sup>23</sup> the SPC fails to react properly or present well-grounded arguments. All in all, statements given by the Church's dignitaries and its official releases indicate that the SPC has neglected its role of the society's moral factor and focused itself on gaining the best possible political position.

What also indicates that the Church opted for politics are some *newly coined documents*. In May 2003, the *Studenica Declaration* of the Serbian

<sup>19</sup> *NIN*, August 21, 2003.

<sup>20</sup> *NIN*, August 21, 2003.

<sup>21</sup> *Vecernje Novosti*, September 4, 2003.

<sup>22</sup> *Politika*, September 16, 2003.

<sup>23</sup> *Nedeljni Telegraf*, January 15, 2003.

Orthodox Youth Summit came out of press, along with another document titled *A Letter to Haralampi on St. George's Day*. Both documents are brimming with radical and vulgar anti-Western stands. Followers of Vuk (Karadzic), (Svetozar) Markovic and (Jovan) Skerlic, as well as communist ideologists and modernists" are called "Euro-snivelers," while Dositej (Obradovic) is damned as a progenitor of the Western "godless school," as his followers were "looking for the sun where it sets down," i.e. in the West.

The Declaration, wherein the Church presented itself as the only integrative force, was addressed to the governments of "all Serbian lands," i.e. to the Serbian government, the Council of Ministers of Serbia and Montenegro, the government of Republika Srpska and to *de facto* non-existent government of Republika Srpska Krajina. Two bishops signed it – Artemije of Raska-Prizren and "outgoing" Atanasije Jevtic, ideologist of the SPC's extremist wing. Some circles within the Church welcomed both documents as the most significant ones "in the past 200 years of the Serbian culture." Comments from laical circles were scarce. So, the claim about "the godless school of the West that has been destroying Serbian culture for 200 years now" went without any serious opposition from the public, given that hardly anyone dared to overtly contradict the Church.

The two bishops that signed the Declaration deliberately presented *the role of St. Sava* in false historical and scientific light. They proclaimed St. Sava as the only backbone of the Serbian culture – something the SPC never used to claim before, let alone that Sava Nemanjic's work does not factually back such claims.

The "second Serbian letter to Haralampi" comes out with theses that violate religious freedom as they severely and impermissibly distort the teachings. Accordingly, the Serbian nationalism is "the oldest in Europe," which is in line with the address Nikolaj Velimirovic delivered in 1935 when he praised Adolph Hitler. Then, the Serbian nationalism is labeled as "gospel and organic nationalism." This is supposed to help the Church to advocate the political theses originating from the monks, including Atanasije Jevtic, whose political influence in Serbia is enormous. Motivated by nothing but ideology and politics, the SPC's bishops deliberately misrepresent even the Gospel. Namely, no one has ever managed to prove that nationalism can be derived from Synoptic Gospels. So, the purpose of such claims is to negate the alternative – the one that marked the modern Serbian society by advocating close ties with Europe and European enlightenment.

## Church, Society and Politics

The SPC aggressively promotes the concept of state and society that draws on the ideas known as "new Serbian right." The main ideologist of such ideas is Nikolaj Velimirovic who stood for organicist concept whereby an individual functions just within social organism as a whole. The so-called new

Serbian right advocates a patriarchal model of the society that implies "the spirit of colligation" and "Eastern Orthodox ethics of good husbandry." *Canonization of Nikolaj Velimirovic*, an event that gave rise to public tensions, further boosted and gave more publicity to such concept of the society. The very act of declaring Nikolaj Velimirovic a saint was more of political than religious manifestation, given that Velimirovic, both in canonical and dogmatic terms, hardly meets relevant preconditions laid down by canonic law. In addition, his historical role has not been sufficiently clarified so far, the same as his teachings have not been subject to impartial scientific study and evaluation. Moreover, acts of official canonization are not to be found in the Church's tradition. A precedent as such was politically motivated and thus raised a great hue and cry.

Patriarch Pavle explicitly preaches organicism. He imbues the values of parliamentarianism with relativism by posing rhetorical questions such as, "Are political parties up to the organicistic concept that equals human organism where each organ has the function it is meant for while bearing in mind the benefit of the entire organism? And all an organism is concerned about is the benefit of each organ... The Church has always advocated such organic arrangement of the society."<sup>24</sup> Amfilohije Radovic is by far more radical when standing up for the same idea. He says, "From time immemorial Serbs have been solving all their problems through colligation... Therefore, it would be good to have this spirit of colligation revived today. Much shorter is the history of political parties that have been imported from the West, the fact that in itself may endanger us who take metaphysical approaches. Decisions should be made from the head of the entire nation - and only such decisions are farsighted and far-reaching."<sup>25</sup>

It is growingly manifest that the Church hierarchy is closed to the public. Eager to have reporting on the Patriarchal see under its control - which is most evident in the case of Jelena Tasic, presswoman for the *Danas* daily<sup>26</sup> - the SPC behaves as a "commissar" when it comes to the media. Due to the SPC's in-house situation, the media mostly lean on unofficial sources. This manner of communication makes it possible to reasonable people within the Church to speak to the media and journalists.

The latest step the SPC took in the matter of social order was *Patriarch Pavle's letter to "crown prince" A. Karadjordjevic of November 28, 2003*. In the letter, the Patriarch opts for monarchy as the best form of government that was, as he put it, "illegally and brutally" abolished. The fact that the letter was publicized a month before the parliamentary election, carrying such specific messages, overtly shows the Church's support to the political parties that advocate monarchy such as the Serbian Renewal Movement and the New

<sup>24</sup> Interview with Patriarch Pavle, *Danas*, January 5-7, 2002.

<sup>25</sup> An excerpt from the open letter to Mirko Djordjevic.

<sup>26</sup> *Danas*, May 29, 2003.

Serbia. The thesis that monarchy is the most progressive form of government is unfounded when one bears in mind that only 15 percent of the population want it restituted. However, the SPC and monarchist parties delude the public that monarchy can be introduced through back doors. On February 2004 while guesting the show titled "Impression of the Week," Bojan Dimitrijevic, member of the Serbian Renewal Movement Main Committee, said the new government would proclaim a constitutive assembly as soon as it gained the simple majority of 126 parliamentary votes so as to establish monarchy.

So, the Patriarch took a political move contrary to the Church's teachings and unprecedented in modern times. The SPC explicitly called for "introduction" of monarchy that would not be preceded by a referendum. Such overt meddling in politics is also telling of the Church's political power and its role of an interpreter of national interests that ignores the present state's multiethnic and multireligious character.

Authorities turned a deaf ear to the Church's interference in matters beyond its jurisdiction, the same as they ignored attempts of some political parties to misuse the Church through manipulation of citizens' religious feelings. It is common knowledge that, on the eve of parliamentary election, the delegation of the Serbian Radical Party paid a visit to the Milesevo and Bishop Filaret who blessed the party's election campaign. According to the deputy president of the Serbian Radicals, Tomislav Nikolic, Filaret "said openly and clearly that the SPC backed the party, but would rather not come public with it." The SPC did not comment Nikolic's statement. Then, Miroljub Labus of the G17 Plus visited the Vavedenje Church in Nova Varos. On the very same day Vladan Batic of the Democratic Christian Party of Serbia went to St. Dimitrije Church in Lazarevac, Nebojsa Covic of the Democratic Alternative set foot on the Prohor Pcinjski Monastery, while Borislav Pelevic of the Party of Serbian Unity paid a visit to Djurjevi Stupovi in Novi Pazar.<sup>27</sup>

In late 2003, the Serbian government made a decision whereby the *Faculty of Theology was restituted under the auspices of the Belgrade University*. The move was taken without taking into account that the Serbian government's decision of 1952 guaranteed the SPC the right to set up its own schools and the Faculty of Theology that functioned independently within the SPC and made part of its autonomous education system. The said decision was additionally backed by the Law on Belgrade University passed in 1956 and amended in 1967. The SPC itself accepted the position laid down for it in the Constitution. The latest decision of the Serbian government came into force in January 2004.

Representatives of the Belgrade University strongly criticized this governmental decision. As Deputy Minister of Education Srbijanka Turajlic put it, "The manner in which the Faculty of Theology is administered resembles that of a police or military academy, and it would be difficult, therefore, to

<sup>27</sup> *Vreme*, December 18, 2003.

adjust it to the University's functioning." Rector of the Belgrade University Marija Bogdanovic takes that both institutions should remain autonomous and cooperate "whenever necessary." In her view, the very fact that there are numerous religions in Serbia might raise the question of each having a faculty of its own. In Bogdanovic's view, the election of professors and other educators will also pose a problem, given that "it is the Educational-Scientific Council that elects professors of the Belgrade University, while the Synod is fully in charge of the Faculty of Theology." It is disputable, therefore, whether professors appointed by the Synod "can meet the criteria laid down by the University."<sup>28</sup>

Now that the Faculty of Theology has been incorporated into the Belgrade University, autonomy of the SPC's system of education is automatically annulled. The arguments in favor of the relevant decision mostly pinpoint that the one made by the government of the People's Republic of Serbia in 1952 was politically motivated, though the same applies to the decision they are supposed to support. There is no telling whether the faculties of other religious communities such as Roman Catholic, Anglican and Islamic will also be included in the Belgrade University. By totally ignoring the latter issue in its release, the government practically gave one religion the status of a privileged educational institution. This turned out to be a problem in the process of drafting the *Law on Religious Freedom*. The government's decision, however, opens the door to an even bigger problem, as it ushers in the Belgrade University one ideology in its most aggressive, rightist, conservative and totalitarian form. Nikolaj Velimirovic and Dimitrije Ljotic personify this ideology in the historical context, while Atanasije Jevtic in the present time.

The SPC's attitude towards people accused of war crimes gives rise to concern. The SPC takes that "the entire Serbian nation" is at trial in The Hague. Bishop of Sabac-Valjevo Lavrentije considers Karadzic and Mladic "national heroes sheltered by the people." As for Milosevic, he says, "He is not a communist, but a man in trouble. Visiting and helping a captive manifests the biggest love for a human being"<sup>29</sup> The Church thus denies to face the past, while the state is faced with a paradoxical situation. For both the Church and the society as a whole are at the same time guardian angels of and hostages to those fugitives. Judging by Church dignitaries' public stands, nothing indicates that the attitude to war crimes has changed for a bit. Moreover, there was no hint of any progress in this matter in 2003.

\* \* \*

Things are obviously not that simple to be explained by an "escape to monastery," i.e. St. Sava's retreat to monastery. For, this is how the Church's ideology typically phrases St. Sava teachings. The problem is in yet another

<sup>28</sup> *Vecernje Novosti*, October 29, 2003.

<sup>29</sup> *Nedeljni Telegraf*, February 5, 2003.

escape, but that from a monastery – when Dositej Obradovic left the Hopovo monastery at Mt. Fruska Gora, thus marking the birth of a modern Serbian culture looking up to the West. St. Sava's teachings, the way the Church wants it perceived, insist on a unified cultural model and thus diminish the Serbian cultural heritage. This explains why the Baroque architecture of Serbian churches throughout Vojvodina are now reconstructed to fit in Raska-Byzantium style. And this is probably behind the revolt in some SPC's monastic communities that resist any opening to other religions, particularly with Roman Catholics.<sup>30</sup>

In 2003, the SPC faced serious *financial problems*, i.e. its regular income was undermined. It was unable to pay salaries to Patriarchal see's officers and professors at the Faculty of Theology. The Church lost the monopoly on the sale of candles. As Bishop of Nis Irinej put it, "Even eparchies no longer buy candles from the church factory."<sup>31</sup> To keep the Patriarchal see going, every eparchy should set aside 4 percent of its income (which is not the case) in favor of the Patriarchal see. Further, eparchies are supposed to take 1 percent of their budgets and allocate it to the central patriarchal budget. According to media reports, in 2003 the Church received subsidies of 30 million, while the government promised to double the amount in 2004 and pay it in 12 monthly installments.<sup>32</sup> In 2003, the SPC also got money from Pope John Paul II. Namely, the Pope sent the Patriarch 100,000 US dollars when the SPC's delegation was in the visit to the Holy See. Though the Holy See provided assistance to the SPC on several occasions, that was for the first time, reported the Vatican-seated media, that Patriarch Pavle wrote to the Pope to express thanks.<sup>33</sup>

The state obviously approved that the funds necessary to finalize the St. Sava Temple in Belgrade should be collected through postal charges as well. And funds for construction of Eastern Orthodox churches are being raised through public utilities as well.

A number of manifestations have been organized to mark *the 200<sup>th</sup> anniversary of the modern Serbian state*. The SPC, i.e. the Assembly of Eastern Orthodox Youth and similar organizations, held manifestations in parallel with those staged by the government. The so-called spiritual academy in the Trade Union Center in Belgrade was not on the jubilee's agenda. It was staged rather as an opposition to the official celebration in the village of Orasac, organized by "the servile government of Mr. Zivkovic and Zarko Korac," as historian Rados Ljusic labeled it on the occasion.<sup>34</sup> Atanasije Jevtic, Rados Ljusic, Col. Rade Rajic, Serbian Minister of Religions Dusan Antelj and Branimir Nestic of the Assembly of Eastern Orthodox Youth addressed the academy. Nestic presented the Draft Serbian National Program for the 21<sup>st</sup> Century to be adopted by the

<sup>30</sup> *Nedeljni Telegraf*, October 15, 2003.

<sup>31</sup> *Vecernje Novosti*, 02.11. 2003.

<sup>32</sup> *Danas*, November 18, 2003.

<sup>33</sup> *Danas*, November 18, 2003.

<sup>34</sup> *Danas*, February 12, 2004.

Transfiguration Assemblage on August 19, 2004. The Draft draws on "St. Sava's teachings," the pledge of Kosovo, reconsideration of the Serbian culture, education, history and relations with other countries, creation of the Serbian elite, safeguard of the Serbian language and Cyrillic Alphabet, and renewal of the Serbian village, patriarchal family, parochial community, church-popular colligation, democracy and monarchy. Addressing the audience, Amfilohije Jeftic accused Europe by saying, "They /Europe/ would not let us set free and put in order this Balkan house of ours, not a pub as they call it, as that would put an end to their meddling over here." And he promised, "It might probably take another two centuries to free ourselves from it /Europe/, but we shall ultimately free ourselves."<sup>35</sup>

### Recommendations:

- Ambitious to dominate the society, the Church turns more and more aggressive. Moreover, its ambitions benefit by political developments – this primarily refers to defamation of the outgoing government, its overthrow and the outcome of the December early parliamentary election. The winning coalition has anyway promoted the Church as its ally in ousting Slobodan Milosevic and fueled its aspiration;
- There are two ways in which the Church manifests its political role: firstly, it takes itself responsible for the overall situation in the society; secondly, it doesn't beat about the bushes that it wants to play the oracle in politics. As an ideological force, the SPC is omnipresent in political structures and in the society as a whole.



<sup>35</sup> *Danas*, February 16, 2004.

## Slow Overhaul of the Army of Serbia and Montenegro

In recent past the Army of Serbia and Montenegro through its propaganda-informative apparatus as a rule responded in a most unrestrained fashion to even mild public criticism of its work or any alleged shortcomings of its military organisation. But in 2003 it restrained itself from openly floating its opinions on the political and public developments, even when the Ministry of Defence and Chiefs of Staff were taken to task

At this stage it is difficult to assess if at play is a lasting trend in relations between the army and society. There are no arguments supporting a more reliable answer, only indications pointing to hypothetical conclusions. The international community immediately responded to the early 2003 brutal assassination of Prime Minister Zoran Djindjic and an attempted coup, by placing the Yugoslav Army under strict control and subsequent paving of the way for its accelerated inclusion into the *Partnership for Peace*. After taking office as the new Defence Secretary, Boris Tadic<sup>1</sup> immediately embarked upon pacification or rather neutralisation of the most vocal opponents of reforms and rabid anti-Europeans among the higher military echelons. The post of the army spokesman was scrapped without any public announcement and explanation,<sup>2</sup> and some posts in the Information Department of Chief of Staff, Department for Ethics and Moral, and the publishing house "Vojska" met with identical fates. All those Tadic-inspired moves were backed by Head of Chiefs of Staff, General Branko Krga, who, at least, publicly, pledged his loyalty to the new Defence Secretary. The new practice was introduced: Head of Chiefs of Staff and the Defence Secretary became the exclusive spokesmen of the army, that is, communicated with public at large on behalf of the military.

---

<sup>1</sup> *Politika*, 18 March 2003, B. Tadic was appointed the new Defence Secretary at the session of Parliament of Serbia and Montenegro on 17 March.

<sup>2</sup> Long-standing spokesman Colonel Svetozar Radisic is a proven "patriot" and a typical representative of the conservative faction in the officers corps.

Last year was marked by reforms in the army and the Defence Ministry. But in that regard one can speak only of verbal "achievements" that is bragging of colonels and generals, and note rather contradictory stances of the officers on the key issues of reforms. The practical extent and results of reforms were bit – visible.<sup>3</sup> The reform process evolved in a slapdash and not in a comprehensive and fundamental manner, while the security system at the level of the state community of Serbia and Montenegro was not reformed. In 2003 admission to *Partnership for Peace* and civilian control over the army were the oft-cited objectives, whereby generals and military experts of civilian provenance equalized democratic control, as one of the civilian control models, and civilian control as a principle in civilian-military relations.

The Hague Tribunal is still a sticking and controversial point among the military. In 2003 a strong resistance to the genuine co-operation with the Hague Tribunal prevailed. It became very manifest during the arrest of the third member of the Vukovar Threesome, Veselin Sljivancanin and the issue of Hague Tribunal indictments of four generals, notably of Nebojsa Pavkovic, and Vladimir Lazarevic, still in active military service.<sup>4</sup>

In the late summer the news that a unit of special forces, comprising professional soldiers from the Army of Serbia and Montenegro, could be deployed within the international forces in Afghanistan, but under the US and not UN command/flag, was leaked.<sup>5</sup> That scoop along with an irresponsible demand of some politicians from so-called patriotic block, that an army and Serbian police unit, allegedly in keeping with the SC UN 1244 resolution, be sent immediately to Kosovo, have added to public confusion.

Social-political and psychological mind-set of the Army of Serbia and Montenegro is still under a heavy influence of nationalistic ideology, although there are thinly disguised attempts to cover up that fact. On the other hand, representatives of the official policy, embodied by duo Tadic –Krga, at international meetings tend to portray the army as a military organisation no longer chained by traditionalism, and well latched on the collective security system.

## Assassination of Prime Minister of Serbia

The army and assassination of prime Minister of Serbia are still a taboo topic. Many public assurances were given that "no army structure had anything to do with liquidation of the Serbian reformer." But despite such publicly voiced assurances, informal speculations as to an alleged involvement of the army were rife, and the reasons thereof were twofold.

<sup>3</sup> *Vojska*, 6 February 2003, S. Radisic, "Benign fear".

<sup>4</sup> *Economist magazine*, no. 182, 17 November 2003, Generals-related developments.

<sup>5</sup> *Helsinki Charter*, no. 69, October 2003, Zivkovic's boat.

Firstly, in numerous domestic analysis of Djindjic's liquidation the thesis prevailed that Zoran Djindjic was the victim of "internal gangland showdown". Few bold analysts however floated the thesis that Prime Minister was assassinated by those centres of power bent on preventing the start of process of de-criminalization of Serbia and of a clean break with the Milosevic era policy riddled with corruption and crimes. Added to that gangland and various "patriots" orchestrated a media campaign supporting the afore-mentioned thesis of "the gangland showdown" (speculations about the existence of the two guns). The start of trial of Djindjic's assassins was rife with efforts to turn the trial into a sheer farce.

Having in mind circumstances surrounding the Prime Minister's assassination, it is quite manifest that the army had motives to oppose the reform-minded Prime Minister. It bears stressing that large part of Chief of Staff, that is the top brass, is still loyal to Slobodan Milosevic, and considers Vojislav Kostunica Milosevic's worthy successor. Added to that the top military echelons, and notably Department for Military Purchases were embroiled in various corruption and criminal scandals, namely illegal arms deals and arms trafficking, the topic widely covered by local media. For example, in the first months of 2003 the following headlines were frequent: "Djindjic and Djukanovic Preparing Shake-Up of the Yugoslav Army", "Djindjic Replaces Generals", "Army Shake-Up and Reforms in the Offing", "Army To Lose its Best Generals," etc. Montenegrin Prime Minister Djukanovic, considered a vile separatist, was oft quoted as Djindjic's accomplice in that unpopular operation. Among the generals who were most fearful of such a purge, was a problematic General Aca Tomic, Head of Counter-Intelligence Services, that is Head of the Security Department of the then Yugoslav Army.

Secondly, Zoran Djindjic was not liked by the top brass. Added to that he showed no propensity for commanding the army (lower-ranking officers through an internal propaganda network were intimidated by the following message: If Djindjic embarks upon the army reform, you shall not get pays and pensions!). Then Kostunica took control over the Army. The army's animosity towards Djindjic became manifest during the Prime Minister's funeral. Through the army could not avoid participation of its unit in a funeral ceremony, General Branko Krga sent very dry condolences to family Djindjic. However the army's negative stance on Djindjic was most manifest in the weekly "Vojska".<sup>7</sup>

That weekly has never run a single article devoted to Prime Minister's activities, and after Djindjic's death ran only an editorial entirely dedicated to re-telling of speech by Montenegrin Mitropolit Amfilohije, that is Risto Radovic, notably the part thereof which was harshly criticised by democratic public opinion. That was a wily move by editorial staff and probably by

<sup>6</sup> *News Magazin*, 22 January 2003, *Politika* 10 February 2003, *Svedok* 18 February 2003.

<sup>7</sup> *Vojska*, 20 March 2003.

Department for Moral, controlled by the publishing company Vojska. That editorial made it manifest that large part of the top brass and military retirees, despite their formal condemnation of the heinous crime, were in fact pleased with Djindjic's liquidation.

### Difficulties in the Process of Army Reform

Generals and military circles assert that they have made much progress in the army reform.<sup>8</sup> What is however paradoxical is that while the military-political leadership is bragging about their success in that regard, officers corps are divided over that issue. Part of them are conservatives, who think that reforms should be carried out in line with "an age-old Serb warrior tradition". Thus, Colonel Dr. Svetozar Radisic in an article titled "Benign fear"<sup>9</sup> says: "Defence system should be designed in such a way to prevent extinction of people who have spawned luminaries like Djura Jaksic, Petar Petrovic Njegos, Lazar Hrebeljanovic, Radomir Putnik. But on the road to total war illusions and errors should be given a wide berth, for they had led us to grieving over history of loss of our religion, of our Serb roots, of territories and biological extinction...and have done nothing to prevent the latter..." Radisic goes on to note: "reform and new integration processes should help us solve terrorism and other problems...and only when allies leave our country we should help others within the framework of international forces."

An accelerated softening of traditional army conservatism is not a likely development in the near future, thus impacting negatively the process of army reform. Added to that the pro-reform faction of officers corps is not ready psychologically and socially for fundamental and comprehensive moves and turnaround in the army. They are more attuned to gradual changes, that is, some fragmentary, mechanical moves at the level of re-organisation. An elementary prerequisite for getting rid of prejudices and conservative layers in the army and elaboration of the strategic project of the army and defence overhaul is existence of a high-quality strategic doctrinal documentation and related/enacted legal and sub-legal regulations. Unfortunately, such a documentation is yet to come into being.

Since the state community of Serbia and Montenegro is an undefined and unstable creation, its defence and security system is consequently – unstable. Added to other weaknesses and unresolved/insufficiently defined issues in that area, the Constitutional Charter failed to meet the need for adopting a national security strategy. There is only a brief mention of strategy of defence although in the hierarchy of basic documentation it is an act of lesser

<sup>8</sup> *Vojska*, 28 August 2003, Contours of the new army, B. Kvruga's interview to TV Novi Sad.

<sup>9</sup> *Vojska*, 6 February 2003.

importance.<sup>10</sup> One cannot distinguish if at play is a mere omission, or a clear intent of constitution-maker. Moreover speculations that the forgoing was one of the swindles of the Montenegrin separatists are rife in Belgrade political circles. In the face of the above, the joint expert team of Chief of Staff and Ministry of Defence elaborated a draft strategy, called by some "strategy of national security", by some "strategy of defence" and by some "strategy of defence and security". That draft was however discarded in September 2003, at the first public vetting.<sup>11</sup> Currently the joint expert team is working on a new draft of defence strategy.

The new state community is yet to adopt a defence strategy, then a military doctrine, operationalize those documents through legal and sub-legal regulations and then on the aforementioned basis elaborate a strategic plan and operational projects of the army reform. As this process is evolving very slowly and the ticket for the inclusion into Euro-Atlantic integration may be obtained only if the process of transformation of armed forces has been visibly kick-started, the Supreme Defence Council, Ministry of Defence and Chief of Staffs of the Army of Serbia and Montenegro have opted for a parallel transformation of their ranks and elaboration of the afore-mentioned documentation. This means that reform was in fact unfolding according to a certain scenario, notably due to insistence and presence of NATO experts among the very military ranks.

At the session held on 6 May 2003, in Sveti Stefan, the Supreme Defence Council made one of its most far reaching decisions since its inception: it incorporated Chief of Staff of the Army of Serbia and Montenegro into the Defence Ministry.<sup>12</sup> This move was tantamount to a formal subordination of Chief of Staff to the Defence Ministry. But, practically there were no major changes, apart from retirement and down-grading of several generals. Department for the Military Procurement staffed by professional soldiers was set up within the Defence Ministry. Patriotic block among the military circles responded angrily to allegedly forced retirement of a group of "patriotic" generals, notably, Zlatoje Terzic, Milen Simic, Ljubisa Stojmirovic, Milivoje Bojovic, Dusan Stajic, while one of the principal "Kosovo heroes," Vladimir Lazarevic was withdrawn from the "first operational line" of the chain of command structure of Chief of Staff to "a reserve position"<sup>13</sup> in the Ministry of Defence.

The state community has neither elaborated strategy-doctrinal documents, nor come up with valid analysis of security risks and challenges, deemed of key importance in designing the size, set-up and structure of armed forces. Any announcement of downsizing of peacetime, and subsequently of wartime army, caused visible alarm among, and even vocal opposition of

<sup>10</sup> *Economist magazine*, no. 191, 19 January 2004, "Strategy of national (in) security".

<sup>11</sup> *Politika*, 5 September 2003.

<sup>12</sup> *Politika*, 7 May 2003.

<sup>13</sup> *Blic*, 8 August 2003, *Danas*, 11 August 2003, *Svedok* 19 August 2003.

members of so-called patriotic forces.<sup>14</sup> That military group is of opinion that "only a strong army may save and preserve Serb nation and state" and "shortage of state-of-the-art military hardware, may be compensated by quality and enormity of human resources!"<sup>15</sup> Probably due to such stand, in the late 2002 and 2003, the Yugoslav Army, that is the Army of Serbia and Montenegro was downsized to less than 100,000 soldiers. Peacetime army was reduced in the early 2003 to 78,000 soldiers, although Minister Boris Tadic was adamant in his claim that a weak economy of the new state community could not feed and maintain even the 50,000-strong army.<sup>16</sup>

A project envisaging the 25,000-strong peacetime army, put forward by Blagoje Grahovac, Military Issues Adviser to President of Serbia and Montenegro, Svetozar Marovic, was met with major resistance. Highly influential generals Radovan Radinovic, and Bosko Todorovic, think that any army downsizing to less than 60,000 soldiers would be "tantamount to a catastrophe."<sup>17</sup> Process of downsizing of armed forces is unfolding very slowly, not only because of petrified traditionalism of its top brass, but also because of objective reasons. Of current 78,000 soldiers, 48,000 are professional soldiers<sup>18</sup>, which means that for want of adequate social programs or re-training, a rebellion is possible. In view of a recent spate of statements favouring the current size of the army- Velimir Ilic declared that the army was sacrosanct, the Radical leader, Tomislav Nikolic stated that he did not recognize state borders with Croatia, and that Radicals did not renounce the concept of Greater Serbia... which required large armed forces<sup>19</sup> - a slow-down of the reform process in the army is very much on the cards in the course of 2004.

Fragile process of the army overhaul was slowed down also by a series of mishaps and setbacks,<sup>20</sup> which shook up Chief of Staff and the Defence Ministry. First the accidental death of a soldier Pavel Krajci, and wounding of a dozen of soldiers, caused by explosion of a manual missile launcher in the Kragujevac garrison Jovan Kursula, on 27 July 2003, then a soldier Dejan Andric, died in a military depot in village Mresac near Kraljevo, on 27 July when his fork elevator turned upside down, and on 6 August soldier Damir Ilic died of gun wounds in his border post, near Halovo-Bulgarian border, under not so clear circumstances. It was pretty clear that all those accidents were due to lack of professionalism in the military units.

In contrast to past practice, Minister Tadic made a radical move in keeping with the course of reforms: he ordered criminal investigation against

<sup>14</sup> *Economist magazine*, 15 December 2003.

<sup>15</sup> *Svedok* 23 September 2003, *Economist magazine*, 15 December 2003.

<sup>16</sup> *Danas*, 16 September 2003.

<sup>17</sup> *Vojska*, 13 February 2003, *Svedok* 19 August 2008, *Economist magazine* 15 December 2003.

<sup>18</sup> *Vojska*, 8 March 2003.

<sup>19</sup> *Economist magazine*, 15 December 2003.

<sup>20</sup> *Vojska*, 24 July 2003, *Helsinki Charter* no. 67, August 2003.

several low-ranking officers and suspended Commander of the Uzice Corps, General Miliwoje Bojovic, to later retire him. Such a move was not welcomed by the patriotic block for the replaced general was their favourite.

## Transformation or Makeover of Security Services

Transformation of Security Services is a very important part of comprehensive reform of armed forces. Moreover the announced reform resonated well among population at large. The 20<sup>th</sup> March retirement of the notorious Head of Security Services, Aca Tomic<sup>21</sup>, heralded the start of the first stage of that process. In April 2003, the Supreme Defence Council at its Meljine session<sup>22</sup> (15 April 2003) made one of its most far-reaching decisions-to incorporate both Intelligence and Counter-Intelligence Security Services into the Defence Ministry along the new lines/principles. In September 2003 Boris Tadic signed a decree on organisational and conscription changes in Security Services, and on 26 December "new services" ambitiously called Military-Security Agency<sup>23</sup>, were presented to public at large. They became operational on January the 1<sup>st</sup>, 2004. The general public was told that the Agency was of "defensive character" and that it would only deal in "counter-intelligence protection of Chief of Staff, Ministry of defence, units, institutions, facilities of the Army of Serbia and Montenegro" (contrary to yet- to- be- established Military Intelligence Agency's offensive activities).

Tomic's place was occupied by Colonel Momir Stojanovic. But that appointment was immediately questioned. Namely, Natasa Kandic, Executive Director of the Belgrade-based Fund for Humanitarian Law,<sup>24</sup> in a letter to President Marovic, demanded that the said appointment be put under the public scrutiny, by reminding Marovic that Niko Peraj, former officer of the Yugoslav Army, one of the witnesses at the trial of Slobodan Milosevic, had disclosed some facts heavily incriminating Stojanovic. Namely Peraj maintained that Stojanovic, as Head of Operations Department in the Pristina Corps Command, during the war in Kosovo, in 1999, breached the Geneva Conventions and norms relating to protection of civilians during armed conflicts. In a response to such claims Information Service of Chief of Staff immediately issued not so convincing colonel's disclaimer, which only added fuel to emerging suspicions.

One of the problems of the newly-formed Military-Security Agency is lack of legislation regulating specifically its work. Added to that in place have to be put efficient social and state mechanism effecting democratic control of its work. It is true that 60 old members of Security Services were retired prior to its

<sup>21</sup> *Danas*, 12-13 April 2003, *Danas*, 24-25 January 2004.

<sup>22</sup> *Politika*, 16 April 2003.

<sup>23</sup> *Glas javnosti, Blic, Politika*, 27 December 2003.

<sup>24</sup> *Danas*, 3 April 2003.



transformation, and that 37 apprentices were employed, but this does not mean that the new blood was educated in a modern way, attuned to the new needs, risks and challenges. Added to that files on citizens, accumulated over decades by Security Services are still not accessible to the general public. That is one of the issues that should be solved by democratic control mechanisms, and which moreover presupposes fundamental overhaul of Security Services/ Agency.

## Partnership and Democratic Control

Admission of Serbia and Montenegro in the program *Partnership for Peace* was best defined by Bruce Jackson (an activist of organisation Project of Democracy in Transition) at the Washington round-table titled "Transformed Serbia-Western Integration and Transatlantic Security", on 8 October 2003.<sup>25</sup> Namely Jackson said that the "biggest obstacle to the faster Western integration of Serbia is Serbia proper, which allowed itself to be 15 years late, and is still waiting for admission to *Partnership for Peace*. Belgrade must do its utmost and avail itself of this last chance to compensate in the next five or six years for all the things it has missed... It needs to embark upon shockingly radical measures... The biggest and the most difficult problem of Serbia and Montenegro on its road to European accession is process of facing up to its recent past."<sup>26</sup>

Vuk Jeremic, adviser to the Defence Secretary did not deliver on promises given at that round-table. In other words Serbia is yet to work out its strategy and military doctrine, and embark upon a full co-operation with the Hague. Boris Tadic, Defence Secretary, Goran Svilanovic, Foreign Secretary, and Branko Kvruga, Head of Chief of Staff, in the course of 2003 warned at many international meetings that the state and army were not yet ready for radical moves. In mid-October Tadic was told in the NATO Headquarters<sup>27</sup> that Serbia and Montenegro did not meet conditions for accession to *Partnership for Peace*. Retired General Milan Simic then stated that "the state and army should resist such blackmails!"<sup>28</sup>

As regards democratic control of the army, things, in principle, stand differently. Article 54 of the Constitutional Charter<sup>29</sup> reads: "Serbia and Montenegro now have the army which has been placed under the democratic and civilian control." Some expert circles interpret such control as a revolutionary change, for it is the first time in history of both Serb and Montenegrin Constitutions that such a control is clearly dictated by a constitutional article!

<sup>25</sup> *Danas*, 9 October 2003, *Glas javnosti* 9 October 2003.

<sup>26</sup> *Idem*.

<sup>27</sup> *Politika*, 21 October 2003.

<sup>28</sup> *Balkan*, 20 October 2003.

<sup>29</sup> *Danas*, 21 December 2003.

But in practice such "democratic and civilian control" starts and ends as a pure verbalism and it is widely believed that the control has been established for both Defence Secretary and members of the Supreme Defence Council are-civilians! Committee for Defence and Security in the parliament of the state community has not issued a single public statement or press release in the course of 2003.

## Co-operation with the Hague Tribunal

Despite enormous efforts to minimize involvement of the Yugoslav People-s Army in the 1991-1999 wars, members of the YPA can be increasingly found in the Hague dock, as war crimes suspects and persons most responsible for the war drama which had taken place in the former Yugoslavia. The army took a negative stand on that co-operation early on, and co-operation with the Hague, notably access to military archives, is still a thorny issue between Serbia and Montenegro and international community. In 2003 that co-operation was marked by three episodes, suspension of the Yugoslav Commission Army for Co-operation with the ICTY, arrest of the third member of the Vukovar Threesome, Veselin Slijvancanin, and civilian and military reactions to the indictments of two police and two military generals.

When he came to the helm of the Defence Ministry, Boris Tadic on 11 April 2003, passed a decree on dissolution of so-called the Yugoslav Army Commission for Co-operation with the ICTY<sup>30</sup>. That Commission was founded on 26 March 2001 by the decree of the then Defence Secretary Slobodan Krapovic and subsequent decree of the then Head of Chief of Staff, General Pavkovic issued on 24 April 2001. Active members of the Commission were 28 active and retired generals, and its President was Zlatoje Terzic. Commission s work was steeped in conspiracy, and little was known of its decisions. According to many sources the Commission was protected by Security Services of the Yugoslav Army that is of the Army of Serbia and Montenegro. The foregoing was confirmed by the fact that one of its most prominent members was former Head of Security Department, Geza Farkas, one of the most loyal Milosevic s collaborators.

After the Commission s dissolution it was disclosed that its safe-deposit boxes contained 14,000 military documents. President of the Committee for Co-operation with the ICTY, Goran Svilanovic did not have any insight into the Commission s work or access to military documents much-demanded by the ICTY Prosecution. It is obvious that the Commission serviced the defence of Slobodan Milosevic. Those documents were first sifted through, and then used in preparation of defence of all the Hague indicttees of Serb nationality.

<sup>30</sup> *Politika*, 14 April 2003, *Danas* 14 April 2003.

Arrest of Veselin Slijvančanin<sup>31</sup> (12 and 13 June 2003) was more or less incident-free, and took place in the face of claims of his fans that their hero would be never caught alive and would use a bomb to prevent the arrest. General Vladimir Lazarević was still in the active service, when the indictment was issued.<sup>32</sup> Organisation "Defenders of Homeland 1998/99" staged a series of rallies Serbia-wide in the support of four generals.<sup>33</sup> Some incumbent politicians also took part in those rallies. As those rallies coincided with the pre-election campaign and Vladimir Lazarević was even proposed to run on the Liberal ticket by the party president Dusan Mihajlović, the Interior Minister of Serbia. He refused that offer because military officers under the law were banned from participating in politics. Minister Tadić and General Kvruga said that it was a wise, and a true soldier's move. Nebojsa Pavković on the other hand agreed to head the list of an offshoot of the Socialist Party of Serbia.

### The Army of Serbia and Montenegro in International Forces

In mid-October 2003, following Prime Minister Zivković's<sup>34</sup> visit to Washington, the official Belgrade faced a dilemma: to form or not to form a unit to be deployed within the framework of international forces in Afghanistan.<sup>35</sup> That engagement was publicly discussed by Prime Minister Zivković, Defence Secretary Tadić, the Interior Minister Mihajlović and other Belgrade officials. But the backdrop of the engagement remained undisclosed.

It seems that Zoran Zivković acted single-handedly, that is offered to the US a military alliance, in the shape of 1,000 military and police specialists to be deployed at the risky border between Afghanistan and Pakistan. Some analysts assessed it as an excellent Zivković's move.<sup>36</sup> But it turned out that the engagement was much more complicated, for it presupposed a clearer definition of the military alliance with the US. Added to that such an engagement would have been riddled with many problems, like the selection of the top professionals. Many experts floated the thesis that Zivković by such a military and political trade with State Department and Pentagon wanted to "defend Kosmet at Hindikush".<sup>37</sup>

<sup>31</sup> *Glas javnosti, Blic, Politika*, 14 June 2003, *Danas*, 14-15 June 2003.

<sup>32</sup> *Helsinki Charter*, 70-71, November-December 2003, *Danas*, 20-21, December 2003.

<sup>33</sup> *Economist magazine*, 11 November 2003.

<sup>34</sup> *Politika*, 18 October 2003, *Danas*, 21 October 2003.

<sup>35</sup> *Glas javnost*, 4 October 2003, *Balkan* 8 October 2003, *Politika* 18 October 2003, *Danas*, 21 October 2003.

<sup>36</sup> *Helsinki Charter*, no. 69, October 2003.

<sup>37</sup> *Politika*, 30 November 2003, *Reporter* 27 December 2003.

Media lauded very much that Zivković's move<sup>38</sup>, as if Serbia and Montenegro had a well-trained, 1000-strong unit of specials which could be immediately sent to Kandahar! Some dailies went as far to claim that Serb specialists had a clear advantage due to their long-standing experience in combat with "Shiptari terrorists" in Kosmet and in South Serbia, and partnership with KFOR forces-sic!-in that area.

But when Pentagon's precise conditions for the Kandahar engagement were made public, it turned out that Serbia and Montenegro did not have the required number of professional soldiers<sup>39</sup>. At the same time New York Times disclosed that all soldiers applying for such engagement would be rigorously controlled and their files and track record thoroughly checked in order to establish whether they were involved in crimes against Muslims in Kosovo and Bosnia-Herzegovina.<sup>40</sup> This prompted nationalists to change their opinion and to state that "it would be better if our soldiers were commanded by the UN, and not the odious Americans", "why do they want to send recruits, and not professionals?" and "why would we send our soldiers to a place where they could easily become cannon fodder...we should instead deploy them in unprotected South Serbia."<sup>41</sup> This topic was also exploited in the end-2003 pre-election campaign.<sup>42</sup> Thus the Radical leader Tomislav Nikolić, the Serb Unity Party leader Borislav Pelević and Milan Paroski insisted that "our army be re-deployed in Kosmet", namely the unit envisaged under the SC UN 1244 Resolution. According to them in later stages other Serb and Montenegrin army units would be deployed successively, in parallel with the pull-out from foreign troops from Kosovo."

Nationalistic ideology permeated the social-political, psychological being of the Serb and Montenegrin Army in 2003. Military elite is still not capable and ready to face up to its recent past (like the political elite of Serbia) and to own up to its own responsibility in devastation of former Yugoslavia and involvement in war crimes.

Despite its principled adhesion to Euro-Atlantic integration, the top brass does not accept the reality that such an inclusion must be preceded by a thorough military, political, and moral -purge. Unfortunately results of presidential and parliamentary elections in Serbia do not give much reason for optimism. Therefore a major turnaround in the army and its transformation in the year 2004 shall be slowed down. Major discontent with the financial status of army and its ill fate alongside much gloating over of the patriotic block may be expected too, but also unwillingness to any downsizing of the rank and file.

<sup>38</sup> *Ekspres* 8 October 2003, *Vojska* 9 October 2003, *Politika*, 18 October 2003, *Vojska* 3 November 2003.

<sup>39</sup> *Helsinki Charter*, no. 69, October 2003.

<sup>40</sup> *Helsinki Charter*, no. 69, October 2003.

<sup>41</sup> *Glas javnosti*, 4 October 2003, *Balkan*, 19 November 2003, *Vojska*, 4 December 2003.

<sup>42</sup> *Danas*, 20-21 December 2003.



## Police and Secret Services in Serbia

In the fourth year of overhaul (read: great purge) of police and secret services of Milosevic and post-Milosevic era legacy, there came about an open showdown between "associated" Columbian-style gangland forces, war profiteers, and ordinary criminals with the reform-minded and pro-European faction in the police and other progressive forces led by Dr. Zoran Djindjic. Such a total showdown with organized crime financially and politically backed by "the patriotic circles" was not possible earlier because of the balance of power and key differences over that issue within the 18-party coalition DOS. Unfortunately, the "associated" gang prevailed over the loyal forces in the police and the Security-Information Agency and assassinated Prime Minister Djindjic, as the first step in their campaign of throwing the country into a turmoil and effecting a coup. The government responded by introduction of a state of emergency and launching of "Sabre", the most massive police action in the recent history of Serbia.

Government had no other choice but to react in a most drastic and controversial manner. Arguments that assassination of the Prime Minister (*as a prelude to the coup d etait*) could have been "soft-cushioned" without emergency measures, in emulation of measures taken in the past by the US and Sweden, after assassinations of President Kennedy and Prime Minister Palme, were not realistic. In contrast to the US and Sweden, in Serbia in March 2003, system institutions did not function, the state was knocked out, and the clash between "patriotic forces" with legally elected authorities loomed large.<sup>1</sup>

The "Sabre" action best demonstrated the strength of police, once their hands were free, but also many of its "professional" and other weaknesses (politicized top leadership of the Interior Ministry, many factions in all parts of command structure, "old ties" with mafia, outdated work methods, outdated technique, etc), corruption within ranks of other accompanying institutions and bodies, notably of the judiciary. Police won the first round in the showdown with the organized gangland, but only at the functional, police level.

---

<sup>1</sup> *Nedeljni Telegraf*, 4 February 2004.

As regards the structural showdown with mafia, its results are minor: firstly, -the financial -and secondly - the political level of a failed coup masterminds remained beyond the reach of police and secret services and the net was closed at the third level, covering mere executioners, who moreover accused the police of having physically and psychologically tortured them during interrogation. Such a performance disenchanted (demoralized) many policemen, participants in the "Sabre", those most hopeful of a final showdown with the omnipresent gangland and the mafia-infested ranks in the police and in the Security-Information Agency.

Added to the "Sabre" action, the overhaul of police forces into the pro-European forces geared towards protecting citizens, was continued. Cautious changes, mostly dismissals, new appointments, personnel purges, and parliamentary control of the legality of police work were and are carried out within the Security and Information Agency and other services (the army and the Interior Ministry). Now everyone first wants to see the new line of the government. Regardless of that new course the new cadres shall have to provide an answer to the crucial question: who assassinated Dr. Zoran Djindjic? And uncover also those who issued the assassination order, those funded that heinous crime, for the financial gangland was hatching a plot to establish total control over Serbia.

## Public Security

The year 2003 was a landmark in the recent history of the Interior Ministry of Serbia. In the face of some taboo topics (the "business" centre of the Zemun gang, the media centre in Siler street in Zemun, street clashes between the Zemun and Surcin gang, the phenomenon of a Special Operations Unit, a renegade faction of the Interior Ministry and authorities in general) the reform of the Ministry continued ("de-criminalization, de-politization, professionalization, and modernization" as termed by the police lingo). Police scored major results in all segments of combat against minor and medium criminal gangs, its image and reputation were improved, co-operation with the police of other countries and international police associations was established.

In evaluating the work and results of reforms in the Interior Ministry one should take into account the context within which they evolved: assassination of Prime Minister of Serbia, placing on the Hague list of war crime suspects, Colonel General Sreten Lukic, head of Public Security Departments of the Interior Ministry of Serbia, the Special Court indictment for the assassination of Prime Minister of mostly active and former policemen. There are many imponderables as to the real changes in the Interior Ministry, in view of a recent perception that its "best" cadres were engaged in criminal actions, and that criminals with the police badges are establishing law and order.<sup>2</sup>

<sup>2</sup> *Vreme*, 5 February 2003.

However it is worth stressing that the year 2003 was more successful in that anti-gangland combat than the previous years. It is an established fact, in the face of many controversies, that at the functional level many changes were effected with respect to the 90' s when the public and secret police were mostly a war-mongering-repressive apparatus of a criminal regime. The Interior Ministry Report on Activities and Reform during 1,000 Days of Mandate of the Government of the Republic of Serbia (2001-September 2003) best testifies to the changes effected.

## Results Achieved in 2003

In 2003 the Interior Ministry had only one Department (the one of Public Security), for its Department for State Security was in June 2002 transferred to competence of the authorities, and consequently renamed Security-Information Agency (SIA). The Ministry's activities in 2003 unfolded on a two-tier level, the horizontal-vertical one and the territorial one within the framework of Department of Public Security and territorial-organizational units - 33 secretariats of internal affairs (Secretariat of Internal Affairs) encompassing internal affairs sections (126 IAS) and 31 police stations (PS). Outside the competence of the Public Security Department in 2003 were: the cabinet's minister, Directoriat for Combat against Organized Crime (DCOC), Service of General Inspector of the Republican Public Security, Department for System-Legal Affairs, Higher School of Internal Affairs, Secondary School of Internal Affairs and the Police Academy. Public Security Department has 16 organizational units: 11 directoriats, 1 operational centre, a chopper unit, a special anti-terrorist unit, gendarmerie and training centre. Existing directoriats are as follows: Directoriat of Criminal Police, Police Directoriat, Traffic Police Directoriat, Border Police and Administrative Affairs Directoriat, Anti-Fire Police Directoriat, Analytical Affairs Directoriat, Information and Automation Directoriat, Communications Directoriat, Common Affairs Directoriat, Food and Accommodation Directoriat, and Security Directoriat. The Interior Ministry has a total of 53,580 positions, of which over 72%, or 38,187 are occupied.<sup>3</sup>

According to "The Interior Ministry of Serbia Activities Report for 2003", the trend of a decrease in criminal cases continued, in January to September period it was down by 7.2%, that is from 70,522 criminal offences in Jan.-Sept. period in 2002, to 65,435 offences in the same period of 2003; in the first 9 months of 2003 police filed criminal charges against 36,931 persons, which is 10,000 persons less than in 2002 (47,157)

<sup>3</sup> Report on Activities of the Interior Ministry of Serbia in 2003, page .6.

## "Sabre" and State of Emergency

In early 2003, Serb police continued its work on dismantling para-state centres of power, the swindle cases related to the state budget were solved, cigarette- and oil-smuggling networks were broken up, and the black market of those excise goods was nearly eliminated. Thus the mafia bosses received a severe blow. The Ministry's report for 2003 thus notes: "due to possibility of the gangland backlash and counterattacks we patiently, systematically and continually primed ourselves for the final showdown with the most important gang in this area- the Zemun clan and its offshoots Serbia-wide."<sup>4</sup> However, the Zemun gang got wind of government's intentions, and attacked the state by assassinating the Prime Minister. After Djindjic's assassination Serb police launched the action "Sabre", for which the groundwork had been laid much earlier, and the authorities introduced a state of emergency.

During "Sabre", "the most successful action of Serb police in its combat against organized crime", arrested was the executioner/assassin Zvezdan Jovanovic, Assistant of Special Operations Unit, organizers of assassination were uncovered, motives -'conspiracy'- and background of assassination were established, and political ambitions of Dusan Spasojevic, Milorad Lukovic Legija and Mile Lukovic Kum were detected (they were convinced that they would take over power in Serbia thanks to assistance of "patriotic and anti-Hague" forces in the country).<sup>5</sup>

During the "Sabre" action and state of emergency the Interior Ministry also clarified the following cases: disappearance and murder of Ivan Stambolic, failed assassination of Vuk Draskovic in Budva, abductions of Milija Babovic, Suad Music, Dragoslav Vukovic, Miroslav Miskovic... discovered new leads in the Ibar Highway case, and assassinations of journalists Slavko Curuvija in Belgrade and Milenko Pantic in Jagodina; solved was the case of diversion in "Defence Road" in Zemun polje, owned by Ljubisa Buha Cume; and solved were the cases of murders of Zoran Uskokovic, Milos Stevanovic, Sredoje and Zoran Sljukic, Nenad Batocanin, Zeljko Skrba and Branislav Lainovic Dugi... "Sabre" dealt a fatal blow to drug traffickers and organization of the notorious Zemun gang, one of the largest criminal gangs in South Europe.

During a state of emergency 11,665 persons were detained, 2,272 were remanded in custody and 861 were detained for a month.. 3,560 charges were filed against 3,946 persons. During the "Sabre" action 1,313 fire-guns, 14 machine-guns, 235 automatic guns, 466 other guns, 597 pistols and guns, 356 hand bombs, 30 tromblon mines, 7 hand-launchers of Zolja brand and 109,739 pieces of ammo were seized.<sup>6</sup>

<sup>4</sup> Report of the Interior Ministry, for 2003, pages 9 and 11.

<sup>5</sup> Report of the Interior Ministry for 2003, pages . 11, 12 and 13.

<sup>6</sup> Ministry's Report for 2003, pages 12, 13 and 14.

## South of Serbia and the Land Security Zone (LSZ)

In 2003 after the police concerted effort to root out organized crime, the number of terrorist attacks in municipalities Bujanovac, Presevo and Medvedja and in the Land Security Zone, decreased. However, after assassination of Prime Minister of Serbia, raids of Albanian armed terrorist groups from the area of Kosovo-where they rendered armed support to forest looters -into the LSZ were stepped up. Members of multi-ethnic police and gendarmerie foiled two terrorist actions: in early March a 2,5 kg of plastic explosives were discovered and 2 terrorists were thwarted in planting a 20 kg. explosive device in Presevo. There were other cases of seizure of large quantities of firearms and explosives in illegal possession of citizens and members of the "Liberation Army of Presevo, Bujanovac and Medvedja".

In those terms the Ministry's Report took note of the following: "thanks to efforts of Serb and Montenegrin authorities, and full backing of international community, notably, OSCE, and good co-operation between the Serb and Montenegrin Army and the Interior Ministry of Serbia, the spread of violence was stopped, and conditions created for repatriation of 12,000 internally displaced persons from Kosovo to this region." The Report also highlighted that "a successful kick-off of operations by multi-ethnic police was ensured by that peaceful action of police in the LSZ and municipalities of Bujanovac, Presevo and Medvedja..."<sup>7</sup>

## Classic Crime Cases

In January-September period of the last year, when compared to the same period in 2002, number of the gravest criminal offences fell: murders from 126 to 116, attempted rapes from 58 to 41, heavy burglaries from 20,284 to 15,153, thefts from 2,161 to 2,055, those of stolen vehicles from 3,533 to 2,396 and abductions from 27 to 16. Police in its report highlighted the fact that since the launching of the "Sabre" action, there were no liquidations in criminals showdowns, which the general public found specially troubling.<sup>8</sup>

## Human Trafficking

In the course of 2003 police discovered several groups (or 105 persons) who illegally tried to enter or exit the Union of Serbia and Montenegro and several human trafficking channels were severed. According to police assessment by those actions the flow of illegal human trafficking was stemmed, that is the entry of over 1,000 illegal immigrants headed for Western Europe

<sup>7</sup> Report on the Ministry's activities for 2003., pages. 23, 24 and 25.

<sup>8</sup> *Idem*, page 32.

was prevented. In the first 9 months of 2003 charges were filed against 10 human traffickers. In continuation of a successful regional co-operation, the Bucharest-based SECI centre for combat against cross-border crimes, organized the action "Mirage 3" aimed at detecting traffickers and preventing trading in women and children. During the police raids into 1,868 night clubs, restaurants and cafes- haunts of prostitutes and victims of traffickers, identified were 784 trafficked women: 592 citizens of Serbia and Montenegro, 103 from Romania, 27 from Bulgaria, 9 from Russia, 9 from Moldavia, 8 from Ukraine and 8 from Austria.<sup>9</sup>

In 5-15 May in Novi Sad, Pancevo and Vranje area counter-trafficking, pan-European operation, "Leda" was carried out. The operation was carried out by Interpol, ministries of internal affairs of EU countries, SECI member-states and Serb police forces. IDs of 2,548 persons, that is, of 2, 229 citizens of Serbia and 319 foreign nationals, were checked. Detained were 68 persons, 40 citizens of Serbia and Montenegro and 28 foreign nationals, 113 misdemeanour charges and 2 criminal charges were filed. All charges were related to human trafficking and abetting prostitution. It is also worth mentioning that during the "Sabre" action Belgrade police arrested Milivoj Zarubica, head of a trafficking gang supervising the flow of trafficked East European women to Western Europe.<sup>10</sup>

## Conditions and Modernization

Modernization of the Serb Interior Ministry was partially carried out in 2003; strategy of development of telecommunications system was elaborated and partially implemented and the state-of-art informative and telecommunication equipment was bought. The new IBM central computer became operational. The foregoing accelerated the work of users, increased their number, and created preconditions for integration of a central computer with other platforms within the Ministry' s Information System. In 2001-September 2003 period computer equipment worth 10 million Euro was bought and installed. In the course of 2003, the Ministry still faced shortage of highly expert and specialized cadres, was technologically underequipped, and did not have enough premises. In Serbia 2.9 uniformed policemen cover 1,000 citizens, which is not enough in view of the given security conditions, and below the average foreseen for European countries of nearly Serbia's size and population number. In an effort to solve this problem, the Interior Ministry focused on recruitment of new members of criminal and operation units, and setting up expert and specialized services. However, in parallel with employment of new uniformed policemen, 3,096 employees left the Ministry.<sup>11</sup>

<sup>9</sup> *Idem*, pages 53 and 55.

<sup>10</sup> *Idem*, pages 54 and 56.

<sup>11</sup> Report on Activities of the Interior Ministry for 2003, pages 67 and 69.

During 2003 pays of the Ministry's employees were still inferior to those of other budgetary users. The basic pay was increased only once, by 16%, so that it amounted to 883,14 dinars in September. The ministry was also plagued by a shortage of flats, for about 23,000 (of a total of 38,187 employees) is without flats or living in inadequate ones.<sup>12</sup>

## Media Coverage of Police Work

It bears saying that the police image crafted by the media, and impacting public opinion, in the wake of assassination of Prime Minister of Serbia, "Sabre" action, state of emergency, current security situation, dismantled top leadership of organized crime in Serbia, depolitization and decriminalization of police and the Security -Information Agency has been vastly improved. Although the aforementioned Report for 2003 contains just minor controversies, the Parliamentary Committee for Security, at its 1 March 2004 session refused to adopt it. The new authorities failed to accept that Report because of "its omissions, and failure to comply with human rights standards during the "Sabre" action and state of emergency in early 2003."<sup>13</sup>

As regards the key event in 2003, assassination of Prime Minister, the related police activities may be divided in four stages: a) period of priming the public mood (from early 2001 to March 2003) for the assassination, of which the police, as it turned out later, was aware; b) the very act of assassination, which is yet to be clarified; c) police investigation in the wake of assassination, during "Sabre" and state of emergency, and d) omissions (unprofessional work) and use of illegal methods (torture) by the police, the topic frequently discussed at trial of Djindjic's killers, and also in other trials taking place in the Special Court in Belgrade.

## Police Corruption

Professor Dobrovoje Radovanovic, Director of Institute for Sociological and Criminological Research, maintains that policemen are not convinced of success of reforms in the Interior Ministry, and that currently even policemen don't have a clear picture of situation within the ministry. Radovanovic underscored that half of police force were backers of the Socialist Party of Serbia and the Yugoslav Associated Left, large number of them had connections with various criminal gangs, (as it surfaced at various trials held in a Special Court in Belgrade) and that those police factions foiled a comprehensive overhaul of the police ranks.<sup>14</sup>

<sup>12</sup> *Idem*, pages 72 and 75.

<sup>13</sup> *Dnevnik RTS*, prime time news at 8 p.m. on 2nd March 2004.

<sup>14</sup> *Nedeljni Telegraf*, 28 January 2004.

When the DOS cadres took over the Interior Ministry after 5 October 2001, the old police cadres joined the new parties. Those turn-coats opposed a comprehensive purge among policemen with the gangland ties, in order not to dismantle the system within which they safely worked and lived for over a decade. But new authorities were also reluctant to carry out a total purge. Hence, Director of Institute for Sociological and Criminological Research is sceptical of depolitization among the top police leadership. He also disbelieves decriminalization of police, for his proposal relating to amnesty of all minor police offenders during the Milosevic era, was flatly rejected by the Serb authorities. Radovanovic went on to note: "the acceptance of my proposal would have led to dismantling of an inner network of blackmails and ties between policemen and criminals. That network contributes to stalling of internal reforms." Radovanovic then explained the background of government's refusal to effect major changes: "the authorities said that a complete overhaul of police entailed dismissal of 70% of corrupt and ideologically biased policemen, that is a total of 20,000 persons. As there are no prompt substitutes for them, Serbia would be left without policemen for several months, until a full training of the new ones was effected. And no country would accept such a situation. That is why the authorities decided to silently tolerate political and criminal corruption within the police ranks, and hoped it would gradually disappear from the Interior Ministry".<sup>15</sup>

### **Morphing of the State Security Services Into the Security-Information Agency (SIA)**

Over the past three years secret services were officially massively purged and overhauled. In the last, and most comprehensive stage of secret services transformation, in June 2002, the State Security Department was re-named the Security- Information Agency and the Interior Ministry of Serbia lost institutional and formal control over the newly-formed services, though some long-standing ties were maintained.<sup>16</sup> SIA was transferred to competence of government and Parliament of the Republic of Serbia. Andrija Savic, a long-standing employee, once criticized for being too close to the Associated Left and Mira Markovic, was named Head of SIA. Savic was tasked with carrying out the transformation, that is purging the services from the war-criminal legacy or downsizing them to the format suitable for a new democratic society. But when that task turned out to be impossible, Milorad Bracanovic, former agent of the Special Operations Unit ("Red Berets"), was named Savic's Deputy.

<sup>15</sup> *Nedeljni Telegraf*, 28 January 2004.

<sup>16</sup> Helsinki Committee interview.

### **SIA and the "Zemun Gang"**

Milorad Bracanovic has successfully (as the investigation into Djindjic's assassination proved) maintained ties between "the Red Berets" (the unit was after it 2001 armed mutiny under control of Department of Public Security), its former commander Milorad Lukovic Legija and Dusan Spasojevic, boss of "Zemun gang". According to the indictment, the gang was accused of organizing and carrying out assassination of Dr. Djindjic. Milorad Bracanovic was arrested during the action "Sabre" and was detained in the Belgrade District Police for several months. His participation in very grave crimes (assassination of General Bosko Buha, staging of the Ibar Highway incident in which four persons died, assassination of Ivan Stambolic...), and in assassination of Prime Minister Djindjic is being proved in a Special Court in Belgrade.

In early 2003 Andrija Savic was replaced by Misa Milicevic, a state security agent, and his deputy became Goran Zivaljevic, also an agent of the former Department for State Security. According to some SIA circles, the naming of Zivaljevic was a compromise move, for the authorities failed to demonstrate their genuine intent to "thoroughly read" biographies of some former, and current members of state security. According to those circles, the goal of re-examination of biographies of some state security members is not demonisation of and vendetta against those secret policemen, but clarification of the gravest crimes in this country.

### **SIA and Prime Minister's Assassination**

Top officials of SIA, notably its director Misa Milicevic, repeatedly maintained that "BIA was not involved into assassination of Prime Minister Djindjic". Two former members of Department for State Security, Branislav Bazarevic and Toni Gavric, are also charged with Djindjic's murder. They were arrested during the "Sabre" action, and were suspected of acting as accomplices to assassination. Bazarevic and Gavric were for a while members of a security team guarding Prime Minister's villa in Dedinje. The police disclosed that Bazarevic got 1,200 Euro from the Zemun gang for informing the assassins of the timing of Prime Minister's departure for the government building. After dismantling of State Security Services Bazarevic and Gavric were not transferred to SIA. SIA officials defended them by maintaining that "some politicians stubbornly try to incriminate Bazarevic and Gavric, and misinform the public", for "SIA is tasked with intelligence activities, and the Interior Ministry is in charge of physical and technical activities. When State Security Department became independent from the Ministry, security affairs remained under control of the Interior Ministry, that is of the Ministry's Public Security Department, and SIA was tasked with collection of intelligence and counter-intelligence information".



After the failed attempt at Djindjic's life in the vicinity of Hall Limes, SIA informed Djindjic and police that it was "a classic attempt at assassination." After arrest of Dejan Milenkovic Bagzi two SIA inspectors were seconded to the Internal Affairs Ministry to help the pertinent investigation. However, Inspector of Criminal Police Slobodan Pazin was then against SIA's involvement in the case. It is maintained that Pazin was a close associate of the leaders of "Zemun gang" Dusan Spasojevic and Mile Lukovic.<sup>17</sup> Perhaps the trial of Djindjic's assassins shall indicate how true such SIA claims are. In the meantime, the general public has learnt a lot about the notorious "Zemun gang" and its ties with some politicians, public and secret police, army. Thus, one of indictees, Sasa Pejakovic stated that he was convinced that Dusan Spasojevic and Mile Lukovic were members of SIA, since they used the official SIA jeep and had official IDs.

## Changes

Due to its compromising past, SIA was thoroughly purged. In the last three years 800 redundant -State Security Department- employees were not admitted to the ranks of SIA. State Security Services were purged of all those abusing their authority and suspected of having connections with the gangland. It is public knowledge that some members of "Surcin-Zemun gang" and of other criminal gangs had security services badges and used them for criminal purposes, but also in carrying out dirty jobs for the top state leadership. But an end was put to it. Many former state security employees were transferred to Security Department of the Interior Ministry, Gendarmerie, some other police bodies, or changed their line of work, that is started dealing with civilian tasks. According to assertions of some members of SIA, "SIA is now a modern service, dealing with counterintelligence and intelligence activities with a view to protecting the Republic and citizens."<sup>18</sup> They also maintain that "our agents who tailed for many weeks journalist Slavko Curuvija, until his assassination, are not involved in that crime. They were just doing their job, that is, informed their bosses of Slavko's movements and submitted all thus collected information to their superiors. They are not guilty. It was their boss who passed all the relevant information to the executioners." According to those SIA members, the same thing happened in Case of Ibar Highway, when four Serbian Renewal Movement members were killed. They think that "former members of security services cannot now be criminally investigated... they just did their job, that is, tailed some personalities, collected information, and submitted pertinent information to their superiors."<sup>19</sup>

<sup>17</sup> *Balkan*, 7 March 2004.

<sup>18</sup> *Balkan*, 7 March 2004.

<sup>19</sup> *Idem*.

## SIA Prerogatives

Under the Act adopted on 18 July 2003 by the Serb Parliament, SIA, performs security activities that is, those related to protection of security of the Republic of Serbia, and counteracts activities aiming at toppling constitutionally established order of Serbia. SIA is also tasked with carrying out all intelligence and counter-intelligence activities, notably, curbing of organized crime. SIA is directly accountable to government and parliament of Serbia. Misa Milicevic is director of SIA. He has several deputies, assistants and advisers. Under the law, SIA has the status of a republican organization, and falls within competence of government of Serbia. SIA Director is appointed and dismissed by the government. He is authorized to arrange the internal organization of the agency and its manner of work, by dint of internal instructions. SIA is duty-bound to submit two 6-month reports on its work to both parliament and government. It is also duty-bound to adhere to principled stands and guidelines of the government.<sup>20</sup> SIA has six departments: Counter-Intelligence, Intelligence, Anti-Terrorism and Anti-Organized Crime, Analytical Department, Technical Support, and Administrative. Security-Information Agency also has regional branches encompassing several centers and departments. According to its Director Misa Milicevic, SIA carries out all activities related to security of Serbia and "covers" all leading politicians. SIA also discharges some duties related to security of embassies of countries targeted by terrorists in other European countries, notably embassies of the United States of America, Great Britain and Israel.

In recent years the SIA agents increasingly took part in actions related to the arrest of drug-smugglers and dealers. For example thanks to the joint effort of the SIA agents and Belgrade police in a house in Mirijevo 140 kilograms of marijuana smuggled from Albania, via Montenegro, were seized. In the second joint action SIA operatives seized half a kilogram of heroin. Added to that SIA agents and Belgrade police in a storehouse in a place Vojska found out 60,000 boxes of smuggled cigarettes worth over 600,000 Euro. We are quoting these daily news items to illustrate that SIA, which until recently engaged only in "big cases", involving "external and internal enemies", is apparently branching out.

<sup>20</sup> *Blic*, 9. March 2004.



# Resistance to Changes in the Judiciary

## The Legal Framework

Reform of the judiciary and prosecution of all who have violated human rights is a fundamental issue facing the government of a country in transition. The problem confronting Serbia is compounded by three additional factors, namely, the disintegration of the former Yugoslavia, the wars she waged, and the need to de-communize the entire system. In most former authoritarian states undergoing transition, the judiciary has been compromised as an arm of the old regime tasked with investing the repression with a semblance of lawfulness.

The adoption early in February 2003 of the Constitutional Charter of the State Union of Serbia and Montenegro (SCG), together with the Law on the Implementation of the Constitutional Charter of the State Union of Serbia and Montenegro (hereinafter: the Implementation Law), marked the first step towards creating a legal framework for the State Union. The Charter on Human and Minority Rights and Fundamental Freedoms, which provides for an exceptionally high level of protection of fundamental human rights and freedoms and forms a constituent part of the Constitutional Charter, was adopted a little later.

The Law on the Court of Serbia and Montenegro was adopted on 18 June 2003, four months after the promulgation of the Constitutional Charter. Under Article 12 of the Implementation Law, the Court of Serbia and Montenegro will take over all outstanding cases and documents of the Federal Constitutional Court and the Federal Court falling within its jurisdiction, while all outstanding cases of the aforesaid courts not falling within its jurisdiction will be taken over and processed by the constitutional and regular courts of the member states in compliance with their laws.

Under the Law on the Court of Serbia and Montenegro, the Court's jurisdiction includes the following: settling disputes between SCG institutions regarding their jurisdiction under the Constitutional Charter; verifying the compatibility of SCG laws with the Constitutional Charter and with ratified

and promulgated international treaties or agreements; verifying the compatibility of other regulations and general enactments of SCG institutions with the Constitutional Charter, with ratified and promulgated international treaties or agreements, and with SCG law; verifying, in a proceeding instituted by the SCG Assembly, any violation of the Constitutional Charter on the part of the SCG President; deciding *ex officio* on instituting proceedings to verify the compatibility of SCG laws, other regulations and general enactments, and of the constitutions and laws of the member states, with the Constitutional Charter, with ratified and promulgated international treaties or agreements, and with SCG law; taking up positions and passing opinions on legal matters concerning the harmonization of judicial practice; verifying the lawfulness of final administrative enactments of SCG institutions; ruling on citizens' complaints, in conformity with the Constitutional Charter; settling disputes between SCG institutions on one side and institutions of one or both member states on the other, as well as disputes between institutions of the two member states; and dealing with other matters as laid down by SCG law.

The Court judges are elected for a term of six years by the SCG Assembly at the proposal of the Council of Ministers. The Court comprises eight judges, or four from each republic. A judge may only be elected once and may not be relieved of duty before the expiry of his or her term of office, other than in cases stipulated by law. A decision by the Court is binding and not subject to appeal.

The introduction of the right of constitutional appeal in a manner similar to the practice of certain developed Western states is a feature of the Law which deserves special mention. A citizen who believes that any of his or her human or minority rights has been violated by an individual act or action of an SCG institution, or of a state organ or organization of a member state exercising public powers, can use this recourse unless adequate legal remedy is available in his or her member state.

In the past, the federal courts have been hampered in their work by political factors, and this danger lurks in the future, too, as far as the authority of the Court of Serbia and Montenegro and its decisions are concerned. Therefore, the Court can assume its rightful role as the highest judicial authority of the State Union only if SCG proceeds towards further consolidation including strengthening all the joint institutions provided for by the Constitutional Charter. Failing this, one fears that the member states will simply continue to ignore their joint institutions and their decisions.

It should be noted that the Court had not begun to function by the end of 2003 because no judges had been elected owing to political disagreement.

In order to help Serbia and Montenegro with their reform efforts, the Council of Europe on 3 April 2003 admitted the State Union to its membership although at that time some fundamental human rights and freedoms had been suspended or restricted under a state of emergency in Serbia.

At the admission, the SCG President made a statement in connection with the signing of the European Convention for the Protection of Human

Rights and Fundamental Freedoms and Protocols 1, 4, 6, 7, 12 and 13 thereto. The admission was preceded by the enactment of a Law on the Ratification of the Statute of the Council of Europe on 31 March 2003.

The ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the optional Protocols, as well as the signing and ratification of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, were crucial in the context of protection of the human rights and freedoms of SCG citizens before the European Court of Human Rights and the obligation to bring domestic legislation into harmony with international norms and standards. In compliance with its obligation to ratify the conventions within a year of signing and acceding to them, the SCG Assembly did so on 26 December 2003.<sup>1</sup> At the time of ratification of the European Convention, SCG made the following reservations:

1. Article 5 (1c and 3) of the Convention will not affect the enforcement of current provisions regarding mandatory detention. The reservation pertains to Article 1 (1) of the Criminal Procedure Code which provides for the mandatory detention of persons for whom there is ground for suspicion that they have committed a criminal offence punishable with 40 years in prison.

2. Articles 5 (1c) and 6 (1 and 3) of the Convention will not affect the enforcement of Articles 75 through 321 of the Misdemeanour Law of the Republic of Serbia and Articles 61 through 225 of the Misdemeanour Law of the Republic of Montenegro.

3. The right to a public hearing under Article 6 (1) of the Convention will not affect the enforcement of the principle under Article 32 of the Law on Administrative Disputes that courts in Serbia as a rule do not hold public hearings in administrative litigation.

4. The provisions of Article 13 of the Convention will not be enforced regarding the remedies falling within the jurisdiction of the Court of Serbia and Montenegro until the Court becomes operative.

In keeping with the fundamental principles of democracy, the rule of law and respect for human rights, the Republic of Serbia is expected to speed up work on the new constitution so as to lay the foundations for its new legal system. To this end, the National Assembly of the Republic of Serbia adopted on 11 April 2003 the Law on the Mode of and Procedure for Amending the Constitution of the Republic of Serbia. The Law establishes a Constitutional Committee charged with preparing a draft new constitution within 60 days following the date on which the Law comes into force. The draft will next come forward for public debate lasting 45 days, after which the Constitutional Committee will draw up the final version of the Constitution on the basis of the

<sup>1</sup> With respect to each state ratifying the Convention, the Convention enters into force on the day the state deposits its instruments of ratification. SCG had deposited no instruments of ratification by 26 January 2004.

results of the public debate and submit it to the National Assembly within 15 days. The National Assembly will adopt the Constitution by a majority of the number of national deputies and then submit it to a referendum. A successful referendum implies the turnout of more than 50 per cent of registered electors, and the Constitution will be deemed endorsed if approved by more than 50 per cent of those who turned out.

According to the due process, the draft new constitution as the highest legal and political act of the Republic of Serbia ought to have been ready by the middle of August 2003. However, owing to crucial disagreement among politicians concerning some fundamental questions of the status of the state, as well as due to inactivity and dissension within the Constitutional Committee itself, which stopped work in November 2003, the preparation of the draft new constitution is still in an initial stage.

In view of the balance of forces established as a result of the Serbian extraordinary parliamentary elections of 28 December 2003 (see the Introduction), it seems unlikely that the present Constitution, promulgated under Milosevic, will be replaced shortly.

In Serbia, a number of new laws have been enacted, and some existing ones amended, which define directly or indirectly protection of fundamental human rights in the domain of criminal law. The changes made during this process were of two kinds: first, the assassination of prime minister Zoran Djindjic and the launching of the fight against organized crime called for introducing new, more restrictive legal norms and heavier penalties for certain criminal offences; second, the need to harmonize the criminal legislation with relevant international standards called for introducing new criminal-law mechanisms to protect the hitherto vulnerable social values and goods.

As part of the first set of changes, the Law on the Organization and Jurisdiction of State Organs in the Suppression of Organized Crime was amended and supplemented. The chief amendments involve a much wider definition of organized crime and greater powers of the Organized Crime Suppression Service (a police organ) and the Special Prosecutor. Some of the amendments have meanwhile been declared unconstitutional and annulled by the Constitutional Court of Serbia because of their potential to severely limit a defendant's right to a fair trial.

The Law on Amendments and Supplements to the Criminal Code of the Federal Republic of Yugoslavia (its new name being the Basic Criminal Code), adopted by the republican parliament, re-introduces some forms of punishment and crime categories (e.g. confiscation of property, exceptionally grave cases), amends others (e.g. by envisaging stricter punishment for persistent offenders and single sentences for multiple crimes), and steps up punishment for some criminal offences (e.g. offences against the constitutional order, assassinating representatives of the highest organs of the state, violence against representatives of the highest organs of the state, armed rebellion, seditious conspiracy, etc.).

The amendments and supplements to the Criminal Code of the Republic of Serbia envisage stricter penalties for some criminal offences such as homicide, unlawful deprivation of liberty, abduction, extraction of evidence, threats to security, robbery, etc.

The second set of changes involves the introduction of new criminal offences such as forcible taking of human organs and body parts, sexual harassment, exploitation of minors for pornography, trafficking in human beings, destroying and damaging natural resources under special protection, unauthorized use of copyright and related rights.

A whole new set of computer-related crimes has been added, as well as two offences against the environment.

The Law on Accountability for Human Rights Violations is important in terms of the need to confront the past on legal grounds. The Law was passed as late as 3 June 2003, following years of debate marked by lack of majority political will to remove the culprits from public office.

The Law lays down (*inter alia*) the following: classes and species of human rights violations as a basis for determining a person's accountability; classification of persons who may be held accountable for human rights violations; principles and rules of investigative proceedings in connection with human rights violations; the powers and rules of procedure of competent authorities; and sentences imposed on persons found guilty of human rights violations.

The provisions of the Law apply to all human rights violations committed as of 23 March 1976, the day on which the International Covenant on Civil and Political Rights came into force.

Within the meaning of the Law, a human rights violation is any action committed by a person classified under this Law in the exercise of his or her duties and/or tasks which: represents a criminal offence or other penal offence which is prosecutable *ex officio* but falls outside the statute of limitations, the person in question acting as executor, instigator, accessory, auxiliary, or organizer of criminal conspiracy or failing to prevent its commission by exercising his or her statutory authority; was committed with the object of depriving a person of his or her statutory right or obstructing that person in the exercise of his or her statutory right, or enabling a person to acquire a right or draw a benefit to which he or she is not entitled under the law; or was committed with the object of causing a state organ, an organization, an enterprise or other artificial person to render a decision or take an action whereby citizens are brought into an inferior position.

Under the Law, the 'lustration' proceedings may be instituted against the following categories of incumbents or candidates: National Assembly or Provincial Assembly deputy; president of the Republic; republican or provincial prime minister or republican or provincial government member; mayor, president or deputy president of a municipality; president or member of the executive committee of the assembly of a local self-government unit;

president or judge of the Constitutional Court of Serbia, president or judge of a court of general jurisdiction or a special court, member of the High Juridical Council, public prosecutor or deputy public prosecutor, head of a law enforcement organ, and magistrate; director or member of the management board of a public enterprise founded by the Republic, a province, or a local self-government authority; president or member of a University Council, rector of a university, and dean of a faculty; president or member of the management board or a corresponding organ of management, director, deputy director, editor-in-chief, deputy editor-in-chief, or column editor of a media or publishing establishment; National Bank governor or vice-governor; director of a bank in which the state has a majority holding; officer or person in authority in the Security Intelligence Agency or other similar service; director or managing officer in a penitentiary establishment; head of a diplomatic mission in a foreign country or head of a mission at an international organization or consul; chief of the General Staff or chief of the counter-intelligence service, etc. (Article 10)

Regarding the various rights and status of persons whose accountability is being examined by the Commission for Investigation of Accountability for Human Rights Violations, the provisions of the Criminal Procedure Code are applied accordingly.

In respect to a candidate for a public office pursuant to Article 10 of the Law, investigative proceedings are initiated either at the request of the organ or organization responsible for his or her candidacy or *ex officio* by the Commission. The Commission Council must carry out a check within 60 days after it has received a request to investigate the possible accountability for human rights violations of a person referred to in Article 10.

The Commission investigates the matter by inspecting records of the Security Intelligence Agency, its predecessor or another relevant service, court records, and records of other state agencies and organizations exercising public powers. Within seven days of completing the investigation, the Commission communicates its findings in writing to the organ or organization which requested the inquiry and to the candidate in question.

If the Commission establishes that a candidate is accountable, the candidate must be allowed access to all the relevant documents inspected by the Commission within seven days of receiving a communication to that effect.

The candidate may raise an objection with the Commission. If the objection is dismissed by the Commission, the candidate may appeal the decision with the Supreme Court of Serbia within seven days of receiving the Commission's decision.

Incumbents under Article 10 have the same rights as candidates. However, in their case investigative proceedings are always instituted *ex officio*, and they are entitled to request an oral in-camera hearing for the purpose of presentation of evidence.

The Commission established by this Law must be formed within 60 days after the Law takes effect. The Commission is an autonomous and independent organ which conducts the lustration proceedings against persons specified by the Law, determines whether or not a person has violated human rights, and imposes penalties provided by the Law. The Commission consists of nine members: three judges of the Supreme Court of Serbia, three distinguished legal experts, a deputy republican public prosecutor, and two national deputies who are graduates in law and were not elected from the same voting list. The Commission members are elected by the National Assembly of the Republic of Serbia after its president proposes at least two candidates for each post. There is a separate ballot in respect of each group of candidates.

If the Commission establishes that a violation of human rights has taken place, it makes an official communication thereof and bars the person responsible from holding public office.

The Commission publishes its findings about the violation in a media outlet of its choice and invariably in the *Official Gazette of the Republic of Serbia* in the following cases: if the person in question does not vacate his or her post or give up within seven days after the expiry of the time limit given him or her to inspect the relevant records; if the person does not raise an objection in accordance with this Law; if the person does not vacate his or her post or does not renounce his or her candidacy within seven days after being informed by the Commission that his or her objection has been dismissed; if the person does not lodge an appeal in accordance with this Law; if the person does not vacate his or her post or does not renounce his or her candidacy within seven days after being informed by the Supreme Court of Serbia that his or her appeal has been dismissed.

If a person found accountable for a violation of human rights by the Commission or the Constitutional Court fails to vacate his or her post or to renounce his or her candidacy within 30 days after the publication of the official communication of the Commission, he or she may not hold or be appointed to an office specified by Article 10 of this Law for five years after the Commission made its communication public.

The Constitutional Court determines *ex officio* when the conditions are met for barring a person from holding a public office pursuant to Article 10 of the Law. It then publishes its determination together with the suspension in the *Official Gazette of the Republic of Serbia*. After the publication of the Constitutional Court determination, the person cannot lawfully hold the office but may resume his or her previous employment within 15 days after the publication of the determination. If the previous employment has been terminated or the person has not been employed before, he or she is entitled to the same rights belonging to persons whose services are no longer required.

At its session on 15 July 2003, the National Assembly elected eight out of nine members of the Commission.

Of relevance to the enactment and enforcement of this Law is the 19 June 2003 decision of the Constitutional Court declaring unconstitutional the Serbian Government Decree of 22 May 2001 which grants Serbian citizens access to files kept by the State Security Service. The Constitutional Court took the position that the matter dealt with by the Decree (regulation of social relations in the sphere of personal data) can only be regulated by statute, not a secondary law.

The Decree and its implementation gave rise to a wide controversy, both experts and members of the general public objecting mostly on the grounds that the files shown them were incomplete or that the police told them that no files existed although in some cases this was clearly not so.

The Law on Accountability for Human Rights Violations cannot be enforced successfully in order to keep the offenders from public office unless a law granting access to secret files is passed soon. The enforcement of the Law was also set back by the fact that the Rules of Procedure of the Commission for Investigation of Accountability for Human Rights Violations – the basic act governing its proceedings – was adopted as late as 20 October 2003 and took effect on 20 November that year. This delay was the main reason why the Commission had no time to investigate the possible accountability for human rights violations of the candidates for the post of President of the Republic of Serbia (the election was held on 16 November 2003), nor of the candidates for the post of national deputy in the National Assembly (the extraordinary parliamentary elections were held on 28 December 2003).

The Law is a source of further divisions among politicians, experts and citizens in general. Whether it will achieve its main object of contributing to the necessary peaceful coming to terms with the past in the domain of the law, whether it will lead to further conflict and turmoil on the political scene, or whether it will be abolished by the new National Assembly before its enforcement starts in earnest, is anybody's guess at present.

The Serbian Government's decision of 10 July 2000, whereby it drafted and introduced in the National Assembly a draft law on free access to information of public importance, was of singular consequence for achieving more effective control of the state and better transparency of the work of its organs through giving each individual the right to access the information these organs have.

The draft law regulates the rights of the public regarding access to information of public importance at the disposal of the public authorities and introduces the post of commissioner for public information, to be elected by the National Assembly. The draft law prohibits discrimination against journalists and public media establishments, and lays down fines for public officials who fail to comply with a request for information.

However, neither this draft nor the draft law on the ombudsman, which was prepared more than a year and a half ago, has come on before the National Assembly.

## The State of Emergency – the Legislation

The serious threat of destabilization of the state and society arising from the assassination of prime minister Zoran Djindjic had to be neutralized immediately. The necessity of preventing anarchy and unwanted political repercussions at both home and foreign policy levels – a possibility which must not be ruled out when the prime minister of a politically unstable country is murdered – called for imposing a state of emergency as the only measure that could be relied upon. For this reason, only a few hours after Djindjic was assassinated on 12 March 2003, the acting president of the Republic of Serbia proclaimed a state of emergency at the proposal of the Serbian Government 'with a view to preventing further consequences that may jeopardize the sovereignty, constitutional order and security of the Republic'.

However, necessary as it was to impose the state of emergency and the specific curbs on human rights and freedoms it entailed, some of the measures undertaken were clearly in conflict with relevant international standards and therefore unwarranted.

Under the Law on Measures in the Event of a State of Emergency, the president of the Republic issues an Order on special measures to be enforced during the emergency which 'limit specific freedoms and rights of man and the citizen as laid down by the Constitution of the Republic of Serbia and determine the special powers of the state organs during the state of emergency.' (Article 1 of the Order) A major controversial limitation is the power of the Ministry of Internal Affairs to bring in and keep a person suspected of posing a threat to the security of citizens and the Republic for 30 days without allowing him or her to receive a lawyer and relatives. The suspect is brought in and kept in police custody by an order which may be appealed to the minister of internal affairs.

The aforesaid order violates a fundamental human right – the right to liberty and security of person – as guaranteed by Articles 14 and 15 of the Charter on Human and Minority Rights and Fundamental Freedoms of SCG, Article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and Article 9 of the International Covenant on Civil and Political Rights. A person's rights regarding liberty and security, detention, defence counsel, and contacts with lawyers and relatives are his or her inalienable rights which may not be withheld even during a state of emergency (Article 6 of the SCG Charter, Article 15 of the European Convention, Article 4 of the International Covenant, and Articles 63, 64 and 70 of the Syracuse Principles limiting the implementation of the International Covenant).

An order prohibiting the dissemination by way of the media or otherwise of any information other than official communications regarding the reasons for imposing the state of emergency and the enforcement of measures while it says in force was declared on 13 March 2003 in accordance with the special measures Order. The Ministry of Culture and Public Information was

given the power to impose a fine on a natural or artificial person found guilty of infringing the order and to impound and seal up all offending copies, as well as to prohibit temporarily the printing of a newspaper or magazine and the broadcasting of a radio or television programme.

The authorities suspended the newspapers *Identitet* and *Nacional* and the local radio station Mars from Valjevo and prohibited the distribution in Serbia of copies of the tabloid *Prst* from Republika Srpska and the daily *Dan* from Podgorica. The Belgrade daily *Vecernje novosti* was cautioned and the director of the local TV station Leskovac fined.

By order of the minister of justice of 16 March 2003, maximum security measures were imposed at all levels in all penal institutions and some of the rights of the inmates were suspended. The suspension namely curbed the rights of (previously) convicted persons to communicate by way of letter or telephone, receive visits, assemble, etc.

As part of the struggle against organized crime, the Serbian National Assembly had passed on 18 July 2002 the Law on the Organization and Jurisdiction of State Organs in the Suppression of Organized Crime, introducing the Special Prosecutor's Office. As a direct outcome of the assassination of the prime minister, the Law was amended and supplemented on 11 April 2003 with the object of fighting organized crime, which was behind the assassination and had infiltrated all segments of society, more effectively. The amendments include a much wider definition of organized crime and give greater powers to the Organized Crime Suppression Service and the Special Prosecutor. The Service may now hold a person in preventive detention for up to 30 days if it believes that the person can furnish information or evidence about organized crime, or if available information or evidence indicates that the person might interfere with or frustrate measures and actions being taken by the Service. The person is entitled to the assistance of a lawyer as soon as he or she is detained. The person is detained by order of the Special Prosecutor and may appeal against it to the Republican Public Prosecutor, who must deal with the appeal within 72 hours (Article 15v).

A person for whom there is ground for suspicion that he or she has committed a criminal offence incorporating elements of organized crime may be kept in a special detention unit for up to 30 days by order of a Service official. The Minister of Internal Affairs may extend the detention for another 30 days if there is a special reason for doing so (Article 15g).

A person found to belong to an organized criminal group may be detained in a special detention unit for three months by order of the investigative judge of a District Court Distinct Unit if such a step is necessary for establishing the identity of and apprehending members of the same or other organized criminal group (Article 15d). If there is a particularly strong case for doing so, the Supreme Court of Serbia may extend the detention for another three months at most on the basis of a reasoned proposal by a special prosecutor or the president of a District Court Distinct Unit (Article 15dj).

It has been pointed out that the Law is incompatible with the Constitution of the Republic of Serbia, the SCG Charter and relevant international standards from the point of view human rights and freedoms and the right to a fair trial in particular. To begin with, the provision that a person may be kept in preventive detention for up to 30 days if there are grounds to believe that he or she could furnish information or evidence about organized crime raises the possibility of also detaining a witness, an expert witness, or even the injured party. This is contrary to Article 16 of the Serbian Constitution, which states that 'A person reasonably suspected of having committed a criminal offence may be detained and held in confinement on the ground of a decision of a competent court of law only when this is indispensable for the conduct of criminal proceedings or for reasons of public safety', to Article 15 of the SCG Charter, and to Article 5 (1.c.) of the European Convention. Whereas, under Article 16 of the Serbian Constitution, Article 14 of the SCG Charter and Article 5 (3) of the European Convention, any imposition of detention (or of custody for that matter) by a person or organ other than a court of law amounts to a human rights violation, the Law vests the right to impose or extend detention precisely in a Service official, the Special Prosecutor and the Minister of Internal Affairs. The provision which empowers the Supreme Court of Serbia to extend the detention for another three months, without allowing the detainee to appeal, violates the right of every person to appeal against a decision concerning his or her right as guaranteed under Article 22 of the Serbian Constitution, Article 18 of the SCG Charter and Article 13 of the European Convention.

According to the amendments and supplements to the Law, the National Assembly may review these provisions within 90 days after the Law went into force.

In connection with the petitions of several organizations, the Serbian Constitutional Court on 5 June 2003 ordered the suspension, pending the final decision of the court, of the enforcement of specific individual enactments and actions undertaken on the basis of Article 15 (v, g and d) of the Law on the Organization and Jurisdiction of State Organs in the Suppression of Organized Crime. Acting in accordance with this decision and its obligation under the amendments of the Law of 11 April 2003 to review the controversial provisions, the National Assembly adopted new amendments on 1 July 2003 which render the controversial amendments null and void.

### **The Administration of Justice and an Independent Judiciary**

From a general point of view of the organization of government and the separation of powers into legislative, executive and judicial, the situation in the state during 2003 indicated the most serious crisis since the take-over of 5 October 2000. Serbia had no new constitution and no president after two



elections because none of the candidates had polled enough votes. The National Assembly has been operating with great difficulty for over a year, partly because a number of deputies had been stripped of their mandates (a Constitutional Court decision restoring the mandates was not carried out), but mostly because proceedings had been obstructed by opposition deputies, notably those of the Democratic Party of Serbia. The Government, seriously shaken by the assassination of prime minister Djindjic, the chief proponent of reforms in Serbia, had to shoulder most of the burden and assume responsibility for the difficult decisions in the exceptionally difficult conditions of the state emergency while still looking for an adequate replacement for Djindjic. In the face of numerous justified and unjustified allegations of corruption and links with economic and organized crime and fabricated scandals on the one hand, and an all-out offensive of the anti-reform and anti-Hague lobby still firmly entrenched in almost all state structures on the other, the Government inevitably made a number of rash and self-defeating moves.

Some of these pertain to a number of normative and personnel changes made in the sphere of the judiciary. The strained relations culminating in clashes between the executive and the judiciary throughout 2002 worsened during the state of emergency as a result of the rash and unlawful dismissals of and pressure on high judicial officials. In addition, the set of laws defining the jurisdiction and status of the judicial authorities (the Law on the High Juridical Council, the Law on the Public Prosecutor's Office, and the Law on Judges) were amended again during the state of emergency. The amendments continue a tendency to curb judicial power and increase the influence of legislative and especially executive power on the work of the judicial authorities, and this could not be justified by the alleged aim of 'restoring the citizens' confidence in the judiciary'.

To begin with, on 19 March 2003, the National Assembly adopted the Law on Amendments and Supplements to the Law on Judges without a public discussion or any consultation with the judges themselves. The new Law on Judges, enacted in November 2002, a year after the take-over of 5 October 2000, was first amended in July 2002 amid complaints that the amendments violated the principle of the independence of the judiciary. As a consequence, the Serbian Constitutional Court received a large number of requests to verify the constitutional validity of some of the provisions.<sup>2</sup> In response to these requests, the Constitutional Court passed a temporary decision on 19 September 2002 suspending the implementation of specific acts and actions under the contested provisions of the Law to prevent 'possible irreversible detrimental consequences in the discharge of the courts' functions as laid down by the Constitution'. The Constitutional Court next determined on 27 February 2003 that some of the amendments were incompatible with the Constitution. The latest amendments and supplements to the Law on Judges of 19 March 2003 are

<sup>2</sup> See the previous report.

partly in conformity with the Constitutional Court decisions though in other respects they introduce completely new solutions.

The first amendment dealing with the procedure for the dismissal of judges introduces changes to designed accelerate the process,<sup>3</sup> as well as the possibility of terminating the mandates of the judges members of the Grand Personnel Chamber if they fail to make a decision within 30 days after initiating dismissal proceedings. The second major amendment concerns the election and the determination of the grounds for terminating the office of a court president, placing the function within the jurisdiction of the Judiciary Administration Council. The Council is made up of the president of the competent committee of the National Assembly, the minister of justice, the president of the Supreme Court of Serbia, and four members elected by the National Assembly from among district and higher court judges (Article 70 of the Law).

The Serbian Constitutional Court was requested to verify the constitutional validity of this Article, the submitters of the motion arguing that it violates the principle of the separation of powers by lowering the existing level of autonomy and independence of the judiciary. In their opinion, decisions regarding the election and dismissal of judges and court presidents fall within the jurisdiction of the Supreme Court of Serbia and not within the jurisdiction of the Grand Personnel Chamber whose members are under the exclusive influence of the executive, in view of the fact that they are elected by the National Assembly, or rather a parliamentary majority controlled by the Government.

As of this writing, the Constitutional Court had not ruled on the motion.

At a session on 11 April 2003, the National Assembly adopted amendments and supplements to the Law on the Public Prosecutor's Office and the Law on the High Juridical Council.

The Law on the Public Prosecutor's Office was amended so as to reduce and limit the authority's autonomy and to enhance the jurisdiction and powers of the Ministry of Justice. The hitherto competence of the High Juridical Council in the procedure for electing public prosecutors, namely to propose candidates to the National Assembly, was abolished and placed under the jurisdiction of the Government, that is, the minister of justice. To be more exact, under the amendments, public prosecutors are elected by the National Assembly at the proposal of the Government, and deputy public prosecutors are named by the Government at the proposal of the minister of justice. Furthermore, the amendments cancel the provision entitling (four) public prosecutors to sit on the High Juridical Council by virtue of their profession.

<sup>3</sup> Until the adoption of its Rules of Procedure on 16 April 2003 resulting from the adoption of the amendment, the Grand Personnel Chamber of the Serbian Supreme Court had been precluded from establishing the grounds on which a judge could be dismissed under the temporary decision of the Constitutional Court of 19 September 2002.

The Republican Public Prosecutor's Office and the Society of Serbian Public Prosecutors have introduced a motion to verify the constitutional validity of these provisions, in the belief that the amendments in question seriously undermine the principle of the separation of powers by placing the Public Prosecutor's Office as a component part of the judiciary and an autonomous state authority under the direct jurisdiction of the Government as an organ of executive power.

As of this writing, the Constitutional Court had not ruled on the motion.

The Law on Amendments and Supplements to the Law on the High Juridical Council upholds the aforesaid provisions regarding its composition and the abolishment of the competence it had in the procedure for proposing candidates for public prosecutors, thereby effectively reducing its function to making nominations for judicial posts.

The National Assembly decided on 19 March 2003 to relieve of duty 35 judges of courts of special jurisdiction and special courts who had qualified for retirement on account of their years of service. The decision took effect in spite of the fact that the terms of office of seven judges of the Supreme Court of Serbia (including a deputy court president, the president of the Criminal Section and the president of the Civil Section) had been extended until December 2003 by decision of the Supreme Court of Serbia of 13 August 2001.

In protest against such abrupt dismissals, and in view of her long and serious disagreements with the competent ministry and minister, the president of the Supreme Court of Serbia, Leposava Karamarkovic, tendered her resignation on 20 March 2003 under evident pressure.<sup>4</sup>

In connection with the measures taken by the Government thus far against organized crime, the Society of Judges of Serbia issued a statement on March 21 saying that it 'supports the measures of the Government of Serbia in the struggle against organized crime, and is convinced that all the organs enforcing these measures will act in a lawful and responsible manner.'<sup>5</sup>

The same day, at the proposal of the Government, the acting president of the Republic of Serbia passed an Order on special measures in the domain of the judiciary to be implemented during the state of emergency. By this Order, Sonja Brkic, president of the District Court in Novi Sad, was appointed acting president of the Supreme Court of Serbia; and owing to the arrest of Deputy Republican Public Prosecutor Milan Sarajlic for alleged involvement in organized crime, Sinisa Simic was temporarily relieved of his post of republican public prosecutor for being strictly liable and was replaced by Djordje Ostojic, hitherto head of the Novi Sad Police Department (SUP), as acting public

<sup>4</sup> 'We expect the president of the Serbian Supreme Court, Leposava Karamarkovic, to stick to her position of principle and withdraw from the post if there is no change in the judiciary,' said Bojan Pajtic, deputy of the ruling DOS coalition. When asked by a reporter what would happen if Karamarkovic did not resign, he replied, 'Then measures will be taken consistent with the nature of the state of emergency.' *Politika*, 20 March 2003.

<sup>5</sup> *Politika*, 22 March 2003.

prosecutor. The Order also authorized the acting incumbents to suspend the presidents of immediately inferior courts and public prosecutors and to name their acting replacements.

In pursuance of the Order, Radoslav Bacovic, president of the Fifth Municipal Court in Belgrade, replaced the acting president of the Belgrade District Court on 24 March 2003 without a public announcement being made. Next day, Rade Terzic, a public prosecutor with the District Public Prosecutor's Office in Belgrade, tendered his resignation for personal reasons, and Nenad Ukropina, one of his deputies, was appointed as acting public prosecutor two days later. The same day, Zivota Djoincevic, judge and president of the Criminal Non-Trial Chamber of the Belgrade District Court, was arrested on charges of involvement in organized crime.

On April 11, the National Assembly adopted a decision to pension off 15 judges of courts of general jurisdiction and special courts and two public prosecutors, a decision to elect nine new Supreme Court of Serbia and 14 Belgrade District Court judges, and a decision on the election of members of the Judiciary Administration Council.

At a session on 22 April 2003, the National Assembly held an emergency vote on the dismissal and appointment of court presidents and public prosecutors without first circulating the candidates' biographies. Sonja Brkic, hitherto acting president of the Supreme Court of Serbia, was elected its president; acting republican public prosecutor Djordje Ostojic was elected republican public prosecutor; and acting president of the Belgrade District Court Radoslav Bacovic was elected its president. The National Assembly also elected by majority vote the new presidents of the Novi Sad District Court, the Belgrade Fourth Municipal Court, and the Novi Pazar Municipal Court.

Within hours of the vote, the acting president of the Republic of Serbia lifted the state of emergency.

Nearly all these normative and personnel changes were justified by the need to improve the fight against organized crime and to render the work of the judiciary more effective. There is no doubt that some of the legislative amendments in the sphere of the judiciary, as well as some of the replacements and dismissals of incumbents by state authorities under emergency or summary procedure, were in violation of the principles of the rule of law and the separation of powers. Such measures and actions cannot fully be justified by the fact that they were taken during a state of emergency calling for resolute and urgent action, as well as that there were reasonable grounds for suspicion that some holders of office were linked with organized crime.

To be fair, one also noticed a new positive legislative developments resulting in the long-awaited dismissal of some judges, and this on the initiative of a judicial authority and in keeping with procedure. There is no doubt that a number of concrete results have flowed from the latest amendments and supplements to the Law on Judges of 19 March 2003 regulating the mode of relieving judges of office, accelerating the procedure, and providing for the

possibility of terminating the mandates of the judges members of the Grand Personnel Chamber of the Supreme Court of Serbia if they take no decision within 30 days after initiating dismissal proceedings.

The Grand Personnel Chamber considered and decided on 54 dismissal requests by court presidents. The Chamber established mostly cases of malpractice and incompetence and decided that the judges in question either 'failed to achieve average results regarding the quality or quantity of their decisions over a period of at least two years, or failed to render a decision several months or years after the conclusion of the principal hearing or trial.' The Grand Personnel Chamber relieved of office 20 judges, cautioned 17, and determined that there were no grounds to dismiss 13. Though proceedings against 13 judges were suspended after the municipal court presidents who had initiated them withdrew their proposals, the president of the Supreme Court of Serbia later reopened those against six judges.

The Supreme Court of Serbia announced that judges had been found guilty of breaking the law and bribe-taking but did not give their number.<sup>6</sup>

The public was at a loss why the Grand Personnel Chamber of the Supreme Court of Serbia had not yet dealt with a motion of the Ministry of Justice which, according to Bosko Ristic, member of the Legislative Committee of the National Assembly,<sup>7</sup> wants the dismissal of 76 judges of municipal and district courts and the Supreme Court of Serbia who allegedly took part in electoral fraud in 1996 and 2000. Leaving aside the question of whether all the 76 dismissal proposals are justified, and bearing in mind the circumstances which occasionally prevented the Chamber from operating, there is no good reason why only one judge had been relieved of duty in nearly three years amid massive allegations of political bias, vote-rigging, or fraud involving home loans or distribution of flats during the rule of Slobodan Milosevic.

Acting on the proposals of the Grand Personnel Chamber, the National Assembly on 10 July 2003 relieved of office 18 judges of courts of general jurisdiction over malpractice or incompetence, 35 others at their own request, and six on grounds of retirement. It also elected one new judge of the Supreme Court of Serbia, 40 district court judges, over 130 municipal court judges, and 21 commercial court judges.

It is hard to say what role professional criteria and pressure from politicians and political parties played in the election of the new judges. But what cannot be denied is this: the High Juridical Council, which proposes candidates for judicial office to the National Assembly, operates below the statutory complement of 11 members (the two missing members being professional judges); neither the president of the Supreme Court of Serbia in her capacity as representative of the High Juridical Council nor any other person acting on behalf of the body turned up at the session of the Judiciary

<sup>6</sup> *Politika*, 22 July 2003.

<sup>7</sup> *Politika*, 26 March 2003.

Committee which formally processes proposals by the High Juridical Council to offer additional information about the candidates; the election of 20 candidates was not even considered because their nominations were not substantiated by reasoned opinion; some of the criteria for dismissing a judge for malpractice or incompetence (e.g. failing to fulfil a reference workload) are obsolete whereas the new standards adopted last year are still not in use; some 25 per cent of the new municipal judges are persons with no courtroom work experience at all, the highest percentage of such person employed as judges to date.

Furthermore, the implementation of the Law on Amendments and Supplements to the Law on the Regulation of Courts, which introduces new kinds of court and transfers jurisdiction from old to new courts, was postponed twice – from 30 September 2002 until 3 March 2003, and from 3 March 2003 until 1 January 2004 – with the result that no new courts had been formed by the end of 2003. In order to prevent a collapse of the judiciary, especially in view of the fact that some types of court designed to give citizens protection or remedy simply did not exist, several courts filed a motion to verify the constitutional validity of the controversial provisions of the law. At the eleventh hour, on 29 December 2003, the Serbian Constitutional Court suspended the enforcement of any individual act or action under the controversial articles, thereby effectively retaining the existing system of judicial regulation and jurisdiction in the Republic of Serbia.

Frequent amendments of legislation in the domain of the judiciary on the part of the executive, and equally frequent requests by holders of judicial office to the Serbian Constitutional Court to verify the constitutional validity of such amendments, resulted in a constant instability of the legal system and even occasionally blocked it entirely or some of its parts. From a wider point of view, this state of affairs indicates lack of a common platform and consensus among the legislative, executive, and judiciary authorities regarding judiciary reforms.

It appears that little was done jointly towards implementing the document entitled *Strategy of Judicial Reforms in Serbia* and adopted in 2003 which lays down the procedure and involves executive and consulting personnel from all three branches of government. The disagreement over the reform is evident in, among other things, the Government Decision on Amendments and Supplements to the Decision on the Establishment of the Judiciary Reform Council of 5 June 2003: when the Government set up the Judiciary Reform Council on 24 January 2002 as a professional and advisory body it appointed 14 members by name and function. They were: Dr Vladan Batic, minister of justice and local self-government, as its president; Rajna Andric, president of the Bar Association of Serbia; Dr Slobodan Vucetic, president of the Constitutional Court of Serbia; Professor Dr Momcilo Grubac, judge of the Federal Constitutional Court; Dr Zoran Ivosevic, judge and deputy president of the Supreme Court of Serbia; Leposava Karamarkovic, president of the Supreme Court of Serbia; Professor Dr Gaso Knezevic, minister of education and sports; Dr Tamas Korhec, provincial secretary for national minority rights,

administration and regulations; Professor Dr Vladan Milic, dean of the Faculty of Law in Belgrade, Professor Dr Vesna Rakic-Vodinelic, director of the Institute of Comparative Law; Dusan Simic, president of the Association of Public Prosecutors of Serbia; Sinisa Simic, republican public prosecutor; Sead Spahovic, republican public attorney; Omer Hadziomerovic, president of the Governing Board of the Society of Judges of Serbia; and Professor Dr Dragor Hiber, president of the Committee for the Judiciary and Administration Committee of the National Assembly.

However, the amendments of 5 June 2003 do not designate the members by name but only by function because of the six members who represented the courts and offices of public prosecutor five had been relieved of office, resigned or withdrew from their posts during and immediately after the state of emergency. They were replaced, by virtue of their office, by persons elected and appointed during the state of emergency.

The aforesaid amendments stripped the Judiciary Reform Council of its prestige and authority and the public gained the impression that the Ministry of Justice used it merely as a smoke-screen while actually taking all the major decisions itself without consulting the Council at all. This impression was reinforced by statements by several Council members: For instance, Momcilo Grubac, a former member, told the daily *Blic* on 10 August 2003: 'The Council was not consulted on any legislative amendment concerning the judiciary although that was one of its chief tasks. The body met only very rarely, and when it did we hardly ever discussed crucial questions of judiciary reform.' A somewhat more optimistic through basically similar statement was made to the same daily by Vesna Rakic-Vodinelic: 'The controversy between the political authorities and the experts on law and the judiciary has deepened in recent months. The present government looks upon the organization of the judiciary as a political question *par excellence* rather than a matter of law... Although people often felt on the point of just walking out of the Council – for we were there more to provide adornment than to deal with matters of substance – it think that the Council should stay...'

The Society of Judges of Serbia, too, expressed its views about the reform of the judiciary and its role in it. At a news conference on 24 September 2003, its president Omer Hadziomerovic said: 'The fact that the Society of Judges of Serbia has not made many public utterances in recent months does not mean that we are satisfied with the state of affairs in the judiciary... As often as not the objections publicly voiced by the Society of Judges in connection with new laws or amendments to old ones were interpreted by the executive as unjust criticism at its own expense, so a counterstroke followed and the judiciary came under fire... Having realized that it had nearly lost the battle by appealing directly to the public, the Society of Judges has decided to change tactics and to concentrate on working through the institutions. Although the Government appointed the Judiciary Reform Council two years ago as its advisory body, its counsel was not sought on any key law amendment. Though a judiciary reform

strategy was adopted, not much headway has been made in its implementation. In order to achieve the purpose for which the body was established, the Society of Judges intends in future to direct all identified problems to that address.<sup>8</sup>

In view of the current disastrous state of affairs in the judiciary and within the Judicial Reform Council, the decision of the Society of Judges of Serbia to raise 'identified problems' with the body strikes one as a gesture of defeatism and an attempt to play down its own responsibility.

One is increasingly inclined to conclude that, owing to dismissals, resignations, pressures, lack of determination or sincerity and growing apathy, the original proponents of reform – particularly those from the ranks of the judiciary – have backed out, and that the influence of the executive and legislative authorities predominates.

In view of the personnel changes made at the very top of the judiciary during the state of emergency, and bearing in mind the tendency to follow the line of least resistance and preserve the *status quo* (regardless of who is in power), the 1,700-strong Society of Judges is unlikely to make any radical step towards an independent and professional judiciary unless it becomes fully committed and begins to see itself and its role in a different light. One should also bear in mind the constant rivalry between the executive and the judiciary exacerbated by the fact that there has been no lustration in the judiciary.

### The Effects of Operation Sabre on the Judiciary

The assassination of the prime minister and the imposition of the state of emergency presented the ruling coalition with an opportunity to settle with organized crime once and for all, as well as to expose its connections with the former state leadership, the State Security Service (now renamed Security Intelligence Agency or BIA), the political parties and individuals belonging to the 'opposition-patriotic bloc', and the judiciary. This unique opportunity, however, was not fully exploited.

According to official information,<sup>9</sup> 11,665 persons were brought in for questioning of whom 2,697 were kept in detention during Operation Sabre and the state of emergency. A total of 3,560 criminal charges were brought against 3,946 persons for 5,671 criminal offences (including murder, attempted murder, kidnapping, rape, robbery, and theft). Minister Mihajlovic announced that 'there are no more organized criminal groups in Serbia' and that the best-organized criminal group in Serbia, the 'Zemun clan', had ceased to exist.

However, although the police were undeniably successful in catching street criminals and throwing light on some politically-motivated crimes from the recent past (the assassination of police General Bosko Buha, the murder of

<sup>8</sup> *Politika*, 25 September 2003.

<sup>9</sup> Statement by Minister of Internal Affairs Dusan Mihajlovic on the occasion of the visit by European Human Rights Commissioner Christopher Patten, 12 September 2003.

Ivan Stambolic, the assassination attempts on Vuk Draskovic, etc.), they did not make much progress in other more important spheres.

Judging by the investigation results, that is, the content of the charges brought as of this writing, Operation Sabre failed to track down the organized crime money flows, the fundamental links between economic and organized crime, and the political links between the military and state security services on the one hand and the assassins of prime minister Djindjic, nor to prove any deep connection between organized crime and certain groups or individuals in judiciary and other organs of the state.

The first few weeks following the assassination of the prime minister were marked by allegations that the judiciary was one of the main forces obstructing the fight against organized crime. The critics made particularly frequent references to an incident involving a certain Dejan 'Bagzi' Milenkovic: On 21 February 2003, prime minister Zoran Djindjic was on his way to the airport when his car was cut off and forced to stop on the motorway in New Belgrade by a lorry driven by Milenkovic. Milenkovic was released from detention by the Non-Trial Chamber of the Fourth Municipal Court in Belgrade after only two days, following an appeal by his lawyer. By way of justifying its decision, the Fourth Municipal Court Collegium said in a statement on 25 February 2003 that a motion had been submitted to start investigative proceedings on suspicion that Milenkovic had committed the criminal offence of forging a document under Article 233 of the Criminal Code of the Republic of Serbia and not any other criminal offence, and that he had been released to be able to defend himself from liberty because his further detention was legally unwarranted. Only two days after Milenkovic had been set free, the Ministry of Internal Affairs announced that it had sent out a 'wanted circular for Milenkovic on reasonable suspicion of committing the criminal offence of attempted murder'.<sup>10</sup>

The spectacular arrests and investigations against Milan Sarajlic, the deputy republican public prosecutor arrested on 19 March 2003, and Zivota Djoincevic, the judge and president of the Criminal Non-Trial Chamber of the Belgrade District Court arrested on 24 March 2003, attracted considerable media attention and further reinforced the view that the judiciary was a major culprit.

However, as the time for bringing in indictments grew near, the weight and validity of evidence collected during Operation Sabre against the two suspected of having connections with organized crime were brought into serious question.

In a public statement of 20 March 2003 enumerating the successes of Operation Sabre, the Ministry of Internal Affairs (MUP) said: 'On being confronted with pieces of evidence by MUP members, Deputy Republican Public Prosecutor Milan Sarajlic made an acknowledgement regarding the

<sup>10</sup> *Danas*, 26 February 2003.

evidence as well as further admissions of complicity and links with criminal groups in Serbia. Deputy Republican Public Prosecutor Milan Sarajlic admitted to the following: that he was on the "payroll" of Dusan "Siptar" Spasojevic; that he went to Silerova St. [Spasojevic's house] to receive instructions from the leaders of the Zemun clan – Milorad "Legija" Lukovic, Dusan "Siptar" Spasojevic, and Mile "Kum" Lukovic; that he had collected 150,000 euro as part of a one million euro payoff for revealing the whereabouts of a protected witness; that he was tasked with obstructing every investigation conducted after October 5 [concerning the assassinations of Slavko Curuvija, Radovan "Badza" Stojcic, Yugoslav Airlines director Zika Petrovic and scores of others, the killing of Serbian Renewal Party (SPO) officials on the Ibar Highway, etc.]; that in return for money he received from members of the clan he helped obstruct all the trials of members of the group and was directly responsible, by exerting pressure and lobbying within the judiciary, for the release of Dusan "Siptar" Spasojevic and members of his group arrested in connection with the kidnapping of Miroslav Miskovic; that he was instrumental in the release of Dejan "Bagzi" Milenkovic through lobbying, establishing contacts and exerting pressure within the judiciary; that he was tasked with keeping the Zemun clan informed about details concerning the appointment of the special prosecutor; that he was paid for every item of information he brought from meetings he attended together with representatives of the judiciary, the Public Prosecutor's Office, police, BIA and Government; that he was promised an enormous premium in money if he became the special prosecutor or cash for every item of information from the office if he did not. The amount of money given was commensurate with the importance of the information received.'

When the indictment against Sarajlic was bought in on 30 May 2003 over alleged corruption, it contained little of what he was said to have 'admitted' during the investigation.

According to the indictment, which refers to a period extending from 15 October 2002 to 10 March 2003, in order to prevent financial police from investigating the operations of the three service shops owned by his wife Danica and his daughters Aleksandra and Ivana, Sarajlic 'established contacts [through one Ognjen Martinovic] with Dusan Spasojevic, although he was aware that a number of criminal proceedings were being conducted against that person'. When Martinovic brought Sarajlic to Spasojevic's house on Silerova Street in Zemun, Sarajlic introduced himself as a 'candidate for appointment in the special prosecutor's office for organized crime which was being established at the time' and Spasojevic promised to see to the problem with the shops. The indictment further states that 'on learning that Ljiljana Buha [wife of the leader of the rival Surcin clan] was expected on the court premises in order to make a statement in connection with the cases pending against her husband Ljubisa Buha, Sarajlic in his then capacity as deputy district public prosecutor in Belgrade initiated a meeting and arranged with Spasojevic for Ljiljana Buha to appear on the premises of the District Public

Prosecutor's Office and to report to Deputy Public Prosecutor Nebojsa Maras towards the end of the working day, and explained to him where the office was, as well as [arranged for] her statement to be forwarded to Superintendent of the Police Department [SUP] Jadranko Petkovic and [saw to it] that the statement (letter) did not fall into the hands of persons in the police who are close to Ljubisa Buha and with whom Dusan Spasojevic is not on good terms.' At the beginning of March 2003, the indictment further states, 'on learning that the protected witness Ljubisa Buha, whose whereabouts Spasojevic was interested to learn in order to have him liquidated, was in Bratislava in Slovakia and that the special prosecutor had gone there to take a statement from him, [Sarajlic in his capacity as deputy republican prosecutor] informed Spasojevic thereof through Ognjen Martinovic and Zoran Vukojevic. On account of those services, Sarajlic was given: a digital device worth 450 euro, three watches worth at least 500 euro each, a sum of money to the amount of 1,000 euro, and a sum of money to the amount of 50,000 euro.' The total Sarajlic received for his services in this case was given as 54,450 euro, the deal including the installation of three fitted cupboards worth 1,500 euro in his New Belgrade flat and plus a table and a set of chairs to be delivered later.

The trial of Milan Sarajlic has not begun yet because he has been in a poor psychological and physical condition for quite some time and is therefore unable to attend proceedings.<sup>11</sup>

The proceedings against judge Zivota Djoincevic are similar to those against Milan Sarajlic in many respects. The Ministry of Internal Affairs said the following in its statement of 27 March 2003: 'During the course of the investigation into the murder of the prime minister of the Government of Serbia, Dr Zoran Djindjic, members of the Ministry of Internal Affairs deprived Zivota Djoincevic, judge and president of the Non-Trial Criminal Chamber of the District Court in Belgrade, of his liberty. Djoincevic was arrested in connection with several criminal offences: taking bribes to release accused persons from detention, unlawful mitigation of punishment, and close links with the Zemun clan. Early last year, as the new Law on Criminal Proceedings was coming into force, Zivota Djoincevic presided over a chamber which took the decision to set at liberty eight persons charged with murder and other grave offences. Djoincevic decided at the time that there were no reasons for the court to keep these murderers in detention because they would present themselves for trial when summoned. Six of the released murderers have never turned up for trial and are still at large.

'On 27 June 2001, in his capacity as president of the Non-Trial Chamber, Zivota Djoincevic repealed the detention orders for and set at liberty the senior officials of the former regime, Nebojsa Maljkovic, Milovan Djurovic, Tomislav Jankovic and Radoslav "Lale" Sekulic who had been charged with embezzlement in the National Health Service. Djoincevic also repealed the

detention order for Jezdimir Vasiljevic on 22 October 2001. Djoincevic acted in a similar manner in numerous other cases which are being investigated. During a search of judge Djoincevic's flat, the police discovered two automatic rifles, a Scorpio automatic pistol, a pistol and a magazine, a large quantity of ammunition and 70,000 euro.'

At the end of the investigation, judge Djoincevic was released on 10 June 2003 to prepare his defence and was charged only with being in illegal possession of weapons and ammunition. At the first main hearing on 26 September 2003, explaining the origin of the weapons found in his flat, Djoincevic said that 'while on secondment with several other colleagues from a Belgrade court to the District Court in Pec, he was issued with weapons, as all the other judges and prosecutors were' and that he 'did not think he was holding the weapons illegally because he had a receipt for them'. Two judges who had also been seconded to Kosovo as reinforcements and who appeared as witnesses confirmed the defendant's claim that they had been issued with weapons on the grounds of security.

The proceedings were adjourned until the court could have confirmation that Djoincevic had been given the weapons by police in Kosovo.

The two trials are deplorable examples of the unwillingness or incompetence of the police to secure valid evidence against persons suspected of collusion with organized crime, that is, to discover the accomplices in the ranks of the judiciary. That the initial results of Operation Sabre in this sphere had been exaggerated was effectively confirmed by Minister of Justice Vladan Batic in his interview with *Vecernje novosti* published on 3 October 2003: in reference to the aforesaid MUP and Government statements giving the reasons for the arrests of Sarajlic and Djoincevic, and in light of what they were finally charged with, Batic said: 'I can't comment on that. Obviously, we appear to have wanted to drop rather a bombshell. Someone wanted that.' Asked to identify that someone, Batic replied: 'I don't know, someone who brought forward such public statements. How did the discrepancy arise? Could the indictment have been reduced because the initial indications that they were involved in something else could not be substantiated by hard evidence? I don't know what it is really about. It is a matter for the investigators.'

The commission which investigated security arrangements to protect the late prime minister published its findings on 13 August 2003. It noted, among other things, that 'the majority of criminal charges filed against the Zemun clan, as well as the Surcin criminal clan, over various criminal offences (murder, attacks on public officials, extortion, kidnapping, manufacture of and trafficking in narcotics, bribery, etc.) were inadequately processed by judicial authorities; to be more exact, only 20 out of 65 criminal charges were processed and 12 judgements handed down, of which only four were prison sentences.' Accordingly, 'The Commission is of the opinion that the mode of work of the courts and public prosecutor's offices subserved the Zemun group which organized and carried out the assassination of prime minister Djindjic... in view

<sup>11</sup> See the part entitled Police Torture.

of which [the Commission] suggests to the Government to propose that the Supreme Court of Serbia and the Republican Public Prosecutor investigate in accordance with their legal power the enforcement of laws and other regulations by the courts and public prosecutor's office in connection with the Zemun-Surcin clan.'

On reading through the indictments against Djoincevic and Sarajlic, one notices that the first is not accused of 'inadequate processing by judicial authorities' and the second only partially. According to available data, with the exception of Djordje Mirkovic,<sup>12</sup> president of the Fourth Municipal Court in Belgrade, who was relieved of duty on 22 April 2003 for malpractice and incompetence and charged with abuse of office not connected with organized crime, no member of the Belgrade judiciary was criminally prosecuted over an offence linked to organized crime. Of the many puzzles that are still unsolved, it remains unclear who was responsible for the release from detention of Dejan 'Bagzi' Milenkovic within two days of the assassination attempt on the prime minister in New Belgrade, or how come no policeman, prosecutor or judge was ever called to account over this appalling omission or deliberate decision. The importance of this question is borne out by the Commission's finding that 'the whole episode in connection with the detention, investigation and release of Dejan Milenkovic from custody calls for an explanation, especially in view of the fact that vital information could have been obtained at the time concerning the plans of the Zemun clan.'

Our conclusion based on the foregoing is that the police and the Public Prosecutor's Office failed to discover the true collaborators of the criminal clan responsible for the assassination of the prime minister, and that these persons are still in the ranks of public prosecutors, judges and police security organs of this country.

### The Djindjic Assassination Trials

All the trials in connection with organized crime will be held in the Special Court for Organized Crime located in the building of the former Supreme Military Court in Belgrade. The building has been renovated, enlarged and equipped with the most up-to-date audio, visual and security devices (cameras, bullet-proof glass, bars, etc.) in order to provide maximum security to the judges, defendants and witnesses during the trials. All three trial chambers of the Special Court are fitted out with audio equipment making it possible to record everything that is said inside before being entered verbatim

<sup>12</sup> Dejan 'Bagzi' Milenkovic was released by decision of Djordje Mirkovic in his capacity as president of the Criminal Non-Trial Chamber and two other judges. In this connection, all three were brought in for questioning on 21 March 2003.

into the minutes, thereby preventing the possibility of the minutes being doctored by the chamber president.<sup>13</sup>

The wing housing the Special Detention Unit is still being adapted. The Unit will accommodate persons charged with criminal offences linked to organized crime who have been committed to custody.<sup>14</sup>

After the investigation into the assassination of prime minister Djindjic was completed in mid-August 2003, the Special Prosecutor's Office brought in an indictment on 20 August 2003 against 15 persons charged with the murder of a representative of a top state organ and with terrorism. Besides these who stand accused as direct executors, 18 others are charged with seditious conspiracy, and 39 with criminal conspiracy, 14 murders, three kidnappings and other offences. The indictment was brought in against a total of 44 persons of whom more than 10 are still at large, including Milorad 'Legija' Lukovic as chief organizer. Among the defendants are General Aco Tomic, former chief of the Counter-Intelligence Service (KOS) of the Yugoslav Army, who is accused of maintaining contacts with Lukovic and Spasojevic for the purpose of passing information to them and of urging them to carry out a state coup and to adhere to their political position, and Borislav Mikelic, former prime minister of the so-called Republic of Serb Krajina, charged with arranging meetings between the Zemun clan and General Tomic and passing on information on the Hague tribunal indictments against Lukovic and Vojislav Seselj. The Zemun clan lawyers, Slobodan Milivojevic, Nikola Djogumovic and Miodrag Gligorijevic, are charged with 'compromising the courts and the police in the media' while Gradisa Katic, a journalist with the newspaper *Identitet*, is accused of writing articles on behalf of the clan. Although the former security adviser of Vojislav Kostunica, Rade Bulatovic, was arrested during Operation Sabre on suspicion of involvement in the assassination of prime minister Djindjic, he is not covered by the indictment because the Special Prosecutor's Office has abandoned his criminal prosecution.

Meanwhile, the Special Prosecutor's Office has decided to add two more persons to the original list of defenders, try three defenders in separate proceedings, and confer the status of protected witness on three defendants.

The start of this long-awaited trial was marked by serious confrontation between the court panel and defence counsel, the latter raising several objections before the presiding judge opened the case presentation. The first objection was that counsel had not been presented with the amended indictment in order to be able to modify the pleadings and prepare the defence accordingly. The new indictment does not encompass the three defendants

<sup>13</sup> This is in conformity with Article 15 (i) of the Law on the Organization and Jurisdiction of State Organs in the Suppression of Organized Crime.

<sup>14</sup> At the moment, most of these persons are accommodated at the District Court in Belgrade, from where they are transferred to the Special Court under escort. This is the weakest link in the system of providing security for defendants and collaborating witnesses held in custody.

originally covered by the 20 August 2003 indictment who would be tried separately; it now relates to two persons not charged under the first indictment; and Ljubisa Buha, Miladin Suvajdzic and Zoran Vukojevic are no longer defendants but have the status of 'collaborating witnesses'. Another objection was that neither counsel nor defendants had been allowed to inspect the dossier and that certain documents such as investigation minutes on the examination of collaborating witnesses were not available. During this phase of the proceedings counsel challenged the actual competence of the special department of the Belgrade District Court in view of the fact that at the time the alleged crimes were committed the special department, the institution of the collaborating witness, and other things did not exist. Counsel also complained that they had no contact with their clients during the proceedings because the defendants are physically isolated from the rest of the courtroom where the panel, prosecutors and counsel are. These arrangements, counsel hold, which prevent any consultation between counsel and their clients during the proceedings, are substantially detrimental to the defendant's right to a defence.

The presiding judge dismissed the first objection on the grounds that the present indictment was identical to the one of 20 August 2003 regarding the facts of the case and the legal category of the offences with which the defendants were charged. In the opinion of the presiding judge, the matter involved no joinder of crimes but only a consolidation of actions, the collaborating witnesses being also potential defendants because the prosecutor was empowered to activate their defendant status depending on their testimony during the principal hearing. Regarding the complaint that counsel and the defendants had no access to the dossier, the presiding judge said that he had settled the matter with the registry office, whereas regarding the minutes of the examination of the collaborating witnesses he considered that it was unnecessary to submit them to counsel because the panel was not going to use them in the hearing of evidence. Regarding the complaint that counsel was unable to communicate with the defendants during the hearing, the presiding judge said he would permit counsel to talk to the defendants before they gave evidence but not in connection with every question put to them, especially concerning matters of procedure. The court made no decision at this stage of the proceedings regarding the actual competence objection.

It should be noted that before the principal hearing began counsel had applied for the disqualification of the president and members of the court panel, the president of the District Court, the president of the Supreme Court, and the special prosecutor and his deputies. All these applications were dismissed. The disqualification of the special prosecutor was requested by Dusan Krsmanovic's counsel Miroslav Todorovic, who alleged that when special prosecutor Jovan Prijic visited Krsmanovic at the Belgrade District Prison on 12 December 2003 he threatened Krsmanovic with a 15-year prison sentence unless he adhered to the statement he had made during the

investigation and promised to request a conditional release in case Krsmanovic complied.

The disqualification request was rejected on the grounds that Prijic visited Krsmanovic at Krsmanovic's own request, the latter having twice asked the prison director to arrange a private meeting with the special prosecutor because he feared for his safety.

After the indictment was read and the presiding judge declared the opening of the principal hearing, counsel requested that the minutes of the statements made by the defendants before the special organized crime department of the Ministry of Internal Affairs should be abstracted from the dossier because the minutes had been taken and the questionings conducted in a manner contrary to the law. Counsel made several allegations in this connection, including: the defendants were not properly warned that anything they said might be used in evidence against them in a court of law; counsel assigned to Zvezdan Jovanovic (accused of shooting the prime minister from a sniper rifle) was absent during his interrogation and signed the minutes subsequently; the minutes on the examination of Zeljko Tejaga dated 7 April 2003 were presented to the defendant before that date. The panel replied that it would deal with the matter of the minutes during a later stage of the proceedings and that the presiding judge would read out the statement Jovanovic made before the special department when it came time for him to present a defence. The took the decision in view of the fact that Jovanovic had decided to use silence as defence. The decision was objected to by counsel who insisted that the court should not read out a defendant's statements before deciding on their request to abstract the minutes. Counsel took the position that the court should not read out the statement for the purpose of presenting evidence because the hearing of evidence had not yet begun in the present stage; if, on the other hand, the court were to read out the statement in accordance with Article 321 (2) of the Criminal Procedure Code, it would fully derogate from the defendant's right to use silence as defence given that the defendant had not refused to answer questions. The court stood by its decision and some 10 counsel, including counsel for Zvezdan Jovanovic, walked out of the courtroom, whereupon the presiding judge adjourned the proceedings.

Upon the resumption of the proceedings, the court decided to read out the statement and explained that under Article 321 (2) of the Criminal Procedure Code a defendant's statement made during the investigation may be read out during the principal hearing provided it is not used in evidence but in support of the defendant's case. The panel pointed out that at the present stage it was not treating the minutes as evidence against but for the defendant, and that counsel were within their rights to object to its being read during the presentation of evidence for the defence.

The principal hearing was adjourned until 8 February 2004 to allow experts to examine Krsmanovic's physical and mental condition.



## Indictment for the Murder of Ivan Stambolic and the Assassination Attempt on Vuk Draskovic

On 23 September 2003 the Special Prosecutor's Office brought in a joint indictment against 10 defendants for the murder of former president of the Presidency of Serbia Ivan Stambolic in August 2000 and the assassination attempt on SPO leader Vuk Draskovic in Budva in June 2000. The prosecution decided on this type of indictment because the investigation had established that the offences were committed by the same persons. Milorad 'Legija' Lukovic, former commander of the Special Operations Unit (JSO), was charged with criminal conspiracy, attempted murder and murder; Slobodan Milosevic, former Serbian and Yugoslav president, with incitement to attempted murder and murder; Radomir Markovic, former head of the State Security Department of the Ministry of Internal Affairs, with complicity in attempted murder and murder; Nebojsa Pavkovic, former chief of the General Staff of the Yugoslav Army, with complicity in attempted murder; Milorad Bracanovic, former head of the JSO Counter-intelligence and Security Department, as accessory before and after the fact and with concealment of perpetrator; Branko Bercek, Dusko Maricic, Leonid Milivojevic, Nenad Bujosevic and Nenad Ilic, all JSO members, with criminal conspiracy and joint commission of murder and attempted murder.

According to the indictment, Lukovic organized in Belgrade and Kula during 2000 a group to carry out criminal offences and recruited the five JSO members for this purpose in his capacity as JSO commander. Milosevic, the indictment reads, 'incited others, out of base motives, on several occasions during 2000 up to August 25 to commit the criminal offence of murder, having assessed that the renewed and intensified political involvement on the part of Vuk Draskovic and Ivan Stambolic, particularly prior to the announced presidential election at federal level, either as possible presidential candidates or politicians likely to urge the unification of the opposition at the forthcoming election, might jeopardize his future authority and political powers, took advantage of his constitutional-legal status as President of the FRY and his *de facto* influence on his subordinates and holders of public office, convincing Legija of the necessity of "liquidating" V. Draskovic first, after which he asked Radomir Markovic and Nebojsa Pavkovic in several telephone conversations to assist Legija in what was intended, which by itself implied the unlawful use of material and other resources and personnel potentials of the two state organs headed by them for the purpose of organizing, preparing and executing the "liquidation" of V. Draskovic, especially insisting during a conversation with both of them, and later during the telephone contacts, that Pavkovic provide an Army helicopter in which Legija's men would be transferred to Serbia on completion of their "assignment" in Budva, only to make, somewhat later during the said period, an identical demand for the same reasons as in the

preceding case of Rade [sic] Markovic with a view to "liquidating" Ivan Stambolic, something which defendants Pavkovic and Markovic accepted...'. As to Bracanovic, the indictment states that 'although knowing that the murder of Ivan Stambolic was being prepared, at the time when it was still possible to prevent the commission of this deed he did nothing either as a person in an official capacity or a citizen to prevent it other than try to talk Legija out of committing it, nor did he report the deed after its commission.'

Without wishing to analyze the indictment in detail, we cannot help pointing out the unacceptable description of the commission of the offences alleged against Milosevic. The Special Prosecutor's Office must surely know what everybody else knows, namely that the status and power Milosevic had gave him the right to order rather than try to 'incite' or 'convince' Lukovic of the necessity of doing this and not doing that. Also, it is quite clear that the decision and order to establish the JSO and to form a special group within it for the execution of this kind of tasks came from Milosevic and the state leadership and not from Lukovic. Since there is no legal reason for the prosecution to formulate the indictment against Milosevic in this way, we conclude that the motives were of a political nature, namely to avoid saying explicitly that the state leadership and not the mafia commissioned and organized this crime.

The indictment took legal effect at the middle of January 2004. It was also decided to separate the proceedings against Milosevic for reasons of appropriateness, that is, in view of his detention in the Hague tribunal detention unit.

## The 'Ibar Highway' Incident

At the end of September 2003, the Supreme Court of Serbia quashed the judgement on the defendants tried for the assassination of four SPO members and the assassination attempt against SPO leader Vuk Draskovic on the Ibar highway on 3 October 1999.

On 30 January 2003, the panel of the Belgrade District Court, presided over by judge Miroslav Cvetkovic, sentenced two JSO members, Captain Nenad 'Rambo' Bujosevic and lorry driver Nenad Ilic as executors to 15 years in prison each. The former head of the State Security Department (RDB), General Radomir Markovic, was sentenced to seven years as accessory after the fact, whereas head of the Belgrade RDB Centre Milan Radonjic was acquitted.

The judgement outraged the families of the victims, their counsel and jurists in general because the course of the proceedings and the evidence presented left no doubt that the crime was committed as part of an organized action by the RDB and JSO on instructions of Slobodan Milosevic himself. However, the judgement made no reference to this whatever. The Supreme Court of Serbia decision quashing the judgement indicates flagrant omissions and breaches of law on the part of presiding judge Cvetkovic, whose patent efforts to protect the State Security Service and Milosevic constituted grave

abuse of office in general and judicial malfeasance in particular. That this was so is borne out by the fact that the Supreme Court decision not only ordered a retrial before the court of first instance, but also made sure it would be conducted by a completely different panel of judges – a rare example of a judicial decision in domestic practice as far as criminal proceedings of this kind are concerned.

In order to find out the truth, the retrial must above all establish the motive for the crime. The first-instance proceedings completely failed in this, the judgement giving the impression that Bujosevic and Ilic thought up, organized and carried out the crime for reasons best known to themselves, that Markovic merely helped them after the fact, and that Radonjic had nothing to do with any of that whatever. Meanwhile, on the basis of existing evidence, the indictment was enlarged to include Dragisa Dinic, former chief of the Traffic Police Directorate for Serbia, and Vidan Mijailovic, former head of the Belgrade traffic police, for helping Markovic destroy the relevant documents after the crime.

On the basis of evidence collected during Operation Sabre, the Belgrade District Court eventually proceeded to an investigation against Branko Djuric, then head of the Belgrade police, former JSO commanders Milorad 'Legija' Lukovic and Dusan 'Gumar' Maricic, and JSO members Leonid Milivojevic and Branko Bercek, all of whom were reasonably suspected of being involved in the crime in some way or other.

It is assumed that when the investigation is over and if an indictment is brought in the two proceedings will be consolidated and determined at the same time. According to the plaintiffs' lawyers, the list of defendants is still incomplete because strong evidence collected during Operation Sabre indicates direct involvement in the crime by Mihalj Kertes, former director of the Customs Office, and Milorad Bracanovic, former deputy of Lukovic and until recently deputy head of BIA.

### **Trial of Defendants Charged With the Murder of Police General Bosko Buha**

The trial of members of the 'Maka group' charged with the assassination of police General Bosko Buha on 10 June 2002 was resumed in mid-September. It is the first trial in Serbia in connection with organized crime before the panel of the Special Department of the Belgrade District Court.

According to the indictment, Zeljko 'Maka' Maksimovic organized in 1992 a gang specializing in stealing cars with foreign licence plates. The defendants, other than those who worked for BIA, were members of the original group, including Vladimir Petrovic, Zoran Mihajlovic, the late Aca Maricic and Milan 'Bombona' Djordjevic. The indictment states that during 2000 Maksimovic employed the gang, then including police officer Dragan

Alijevic and several unidentified persons, to carry out terrorist activities. The defendants are charged with planning the assassination of senior state officials, politicians and witnesses including General Buha, prime minister Zoran Djindjic and his aides, and Slobodan Resimic, a key witness in this case. The indictment further states that the Maka group sought to undermine the country's security, create a feeling of insecurity among the citizens, assume control of all illegal transactions and exert 'direct influence on decision-making on personnel, economic and state affairs'.

Zeljko 'Maka' Maksimovic (who is still at large) is charged with seditious conspiracy, terrorism, murder, theft and illegal possession of weapons; Slobodan Kostovski (at large) for conspiracy; Nikola Maljkovic (in detention) for conspiracy, terrorism, murder, possession of weapons and document forgery; Vladimir Jaksic (in detention) for conspiracy, complicity in terrorism and possession of weapons; Dragan 'Limar' Ilic (in prison) for conspiracy and possession of weapons; Dragan Alijevic (at liberty) for conspiracy and theft; and Goran Rajcic (another police officer, also at liberty) for negligence, that is, for giving his subordinate Alijevic the keys to the police armoury.

According to the indictment, General Buha was mortally wounded by Nikola Maljkovic, who fired two rifle shots from an unidentified weapon from a distance of five or six metres. Buha had been followed the day before by Vladimir Jaksic, who contacted Maljkovic 17 times over the cell telephone. On the day of the murder, the two had four conversations before the shooting and two after, and on the following day Jaksic informed Maljkovic about the results in two more conversations.

The special prosecutor proposed a hearing behind closed doors because 'any mention of names during the proceedings may jeopardize the ongoing investigation of the group in view of suspicion that there are still other members of the group, so the public must be kept out in order not to leak a state secret'. Counsel objected and the court panel decided after a deliberation not to exclude the public. The panel also made clear that reporters who fail to cover the proceedings in an objective manner would be kept out of the courtroom.

At the very start of the trial, it became obvious that the defendants' telephone conversations would carry considerable weight. Maljkovic's counsel Borivoje Borovic informed the court at once that his client did not want his statement recorded (under the new law, oral defence is admissible only if it is recorded) because he had information that his conversations had been 'tampered with' by the police (the police had been intercepting and recording the defendants' telephone conversations before making the arrests). Borovic said he had been told by Ljubisa 'Cume' Buha, whom he would call as a witness for the defence, that the police had edited the conversation recordings. For this reason Borovic advised his client to make no statement before the court and suggested that during the trial Maljkovic communicate with the panel by means of notes and letters. The court rejected the suggestion on the grounds

that a defendant may either present his defence orally or elect to remain silent. Given that the defendant did not want to talk and chose to communicate through notes, the court concluded that he wished to remain silent. While the panel and counsel were debating the issue, Maljkovic handed in a note supposedly informing the court of his reasons why he did not wish to speak (the note was not read out). The fourth defendant, Vladimir Jaksic, took the same line as Maljkovic.

On the basis of the proceedings so far, one may conclude that counsel will not only try to discredit the evidence collected during the investigation but will also try to prove who stood behind the assassination of Buha. Judging by counsel statements and the course of the proceedings so far, counsel are seeking to prove that the persons charged with the assassination of Zoran Djindjic are also responsible for shooting Buha.

Counsel insist that police inspector Slobodan Pazin is the 'chief architect of the conspiracy' and point out that Milan Sarajlic (the former deputy republican public prosecutor accused of alleged links with the Zemun clan) was the first to appear at the scene of the shooting although that was outside his competence. Also, defendant Goran Rajic alleged that Milorad Bracanovic (a defendant in connection with the murder of Ivan Stambolic) had tried to persuade him to falsify the evidence regarding the weapons from the MUP armoury allegedly handed over to the Maksimovic group.

Counsel claim there is almost conclusive evidence in the statement given by Ljubisa 'Cume' Buha given during other special proceedings that inspector Slobodan Pazin had falsified the evidence so that their clients could be indicted, as well as that Ljubisa Buha could testify as to who really killed General Bosko Buha. (Pazin is one of the defendants charged in connection with the murder of prime minister Djindjic. According to the indictment, he advised Lukovic and Spasojevic how to avoid detection and kept them supplied with police intelligence over a period of five years. The former boss of the Surcin clan, Ljubisa Buha, who has the status of collaborating witness, is a key witness for the prosecution in this case).

All the aforesaid trials have received exceptional media attention, which does not come as a surprise considering the biographies and notoriety of the persons involved. Hardly a day passes without one being served a new 'piece of information' corroborating or refuting charges and evidence, according to the position and interests of the source. Since the limits of freedom of the media are not strictly defined by law and the code of the profession, something must be done about it to prevent licence from jeopardizing a defendant's right to a fair trial and to be presumed innocent until proved guilty. Although there is a provision in the Criminal Procedure Code stating that 'the state organs, information media, citizens' associations, public officials and other persons shall be bound to abide by the principle of presumption of innocence and to refrain in their statements in connection with an ongoing criminal proceeding from violating other rules of procedure (e.g. the principle of secrecy), the rights

of the accused and the aggrieved, and the principle of judicial independence', it is violated in practice daily.

The first in a series of drastic violations of these rights by the media was the publication on 28 October 2003 of the shorthand transcription of the statement by Miladin Suvajdzic (later designated as collaborating witness in the trial in connection with the assassination of prime minister Djindjic) made during the investigative proceedings. After the publication continued, members of the Organized Crime Suppression Directorate (UBPOK) confiscated the copies of the first and second instalments. According to the newspaper involved, they also showed the editor a letter from the investigative judge asking him to 'refrain from further publication, but since the investigative judge did not want to issue a written prohibition, the editorial staff do not feel obliged to comply'.<sup>15</sup> Although the newspaper announced on the following day that a motion had been filed to prosecute the editor for violating the secrecy of proceedings under Article 208 of the Criminal Code of the Republic of Serbia, it continued to publish these and other shorthand transcriptions from the investigation. Other newspapers too continued to speculate as to the whereabouts of collaborating witnesses, and publish witness and defendant accounts and other evidence (ballistic and autopsy reports) before their presentation before the court – all in violation of the defendants' right to a fair trial. Other than putting the court under enormous pressure, this manipulation of both prosecution and defence cases has the object of creating in people's minds ideas as to who is guilty and who innocent at the very start of the proceedings or even before.

The extent to which the courts' will be able to resist political, media and all other kinds of informal pressure in what are probably the most significant judicial proceedings in Serbia's recent history, as well as the extent of their success in establishing the truth about the causes, motives, originators and executors of these crimes, will be of crucial importance for breaking once and for all with the deep-rooted principle of impunity for politically-motivated crimes. Failing this, the murderers, their masters and their supporters from within the ranks of the former regime, the military, the security services and the 'anti-reform patriotic bloc' will have finally triumphed over a 'legal' defeat of a pro-reform, democratic and pro-Europe Serbia.

## Police Torture

During the state of emergency various reports reached the public that persons arrested during Operation Sabre were being tortured and otherwise mistreated and held in inadequate conditions. The information was first carried by the relatives or friends of the arrested persons; however, that was what they had been told off the record because they were not allowed to see the detainees

<sup>15</sup> *Balkan*, 29 October 2003.

and were only allowed to know the date of the arrest. Then there were anonymous reports from persons introducing themselves as policemen; they alleged to have witnessed the ill-treatment of arrested persons by 'specials' they thought belonged to the Organized Crime Suppression Directorate (UBPOK) but were not sure because they wore ski-masks. Most complaints concerned excessive use of force and beating to extract statements, as well as inhuman conditions of life in detention units and police stations. On account of the measures that were in force during the state of emergency, no one was permitted to see the detainees arrested on suspicion of involvement in organized crime. For the same reasons, the Helsinki Committee and other domestic and foreign non-governmental organizations were not allowed to visit the detention facilities and establish contact with the persons held there.

Owing to public pressure and increasing complaints about police treatment and detention conditions, as well as the insistence of the Organization for Security and Co-operation in Europe (OSCE), the OSCE Office for Democratic Institutions and Human Rights, and the UN High Commissioner for Human Rights, these organizations were permitted on 14 April 2003 to visit the detainees. According to Mauricio Masari, head of the OSCE Mission to SCG, the inspecting officers detected no major derogations or human rights violations.<sup>16</sup> Several days later the detainees were visited by SCG Minister for Human and Minority Rights Rasim Ljajic who fully agreed with these findings.

However, statements for the media did not fully tally with the content of the report addressed to the Serbian ministries of justice and internal affairs on 24 April 2003. The real report, published on 13 May 2003, sets out 'Initial observations and proposals following from a visit to detained persons in Belgrade on 14-15 April 2003'. Besides pointing to violations of detainees' human rights resulting from their apprehension and retention without a court warrant and the denial of their right to see a lawyer and next of kin, the report deals with other omissions. The most serious objections concern the unsuitability of police facilities for prolonged detention and the unpardonable state of the detainees held in isolation in the District Prison; lack of opportunity to complain about treatment by the police or prison personnel (the delegation heard complaints or saw indications of torture or ill-treatment during the arrest of two persons); the arbitrariness of treatment made possible by insufficiently transparent internal rules and instructions; problems of providing detained persons with adequate medical help. Although the organizations made the recommendation in the report that any complaint of ill-treatment be promptly investigated and appropriate criminal or disciplinary action taken against the public official involved, no such measures were taken.

As a result of the passivity and indifference of the competent authorities concerning these issues, defendants' complaints about having been subjected to

<sup>16</sup> FoNet, 17 April 2003.

physical and psychological torture at the hands of the police primarily for the purpose of extracting statements have strongly marked the start of the first organized crime trial (of the Maka group) and will in all probability overshadow those to come too.

For instance, one of the defendants, Dragan 'Limar' Ilic told the court that he was severely beaten during his arrest on 29 October 2002 and that he was kidnapped and tortured after being released from police custody.<sup>17</sup> Ilic claims that on the day in question he was taken by car to a field above his house by an inspector named Botic and three others. After a brief interrogation, he was taken back to the Belgrade Police Department on 29. novembra Street with a bag over his head. He was again questioned by inspectors Botic and Zoran Djordjevic who behaved correctly, informed him of his legal rights, and told him he could give a statement in the presence of a lawyer. They went out and two others (one of them being inspector Pazin) came in, and they started to beat him, kick him, pull a bag over his head, and choke him. The two tormentors went out of the room and Botic and Djordjevic returned. They waited for the lawyers to arrive and then took a from Ilic statement in their presence. When Ilic requested a polygraph test they agreed and took him to the polygraph room.

Ilic was connected to the apparatus and asked questions. He realized, by the nature of the questions, that the police had been following him for quite some time and knew everything about him. After the polygraph test he was taken to an investigating judge, made another statement in his presence, and was then released. Shortly after his return home, a black Audi car burst into the yard and four men wearing ski masks jumped out shouting, 'Police, you're under arrest!' They broke into the house, brought him down, grabbed him by the arms and legs, carried him to the car and dumped him in the boot. After driving around for about 10 minutes, the men stopped the car in a field and threw him. Then the five of them (including the driver) proceeded to kick him. Several minutes later another car arrived and three unmasked men came out. They were apparently commanded by a tall man who has been indicted in connection with Djindjic's murder and who is now in detention, and whose name Ilic did not dare reveal. Inspector Pazin was another while the third man was unknown to Ilic. The tall man told him, 'We're the police, they're not. We've been told you've been kidnapped, so we can kill your right now without a problem.' They insisted he cooperate and say what they tell him to say. He was then positioned on a tree stump, the tall man fetched a tool from the car and struck him hard with it on the ball of the left foot. The pain was so intense that Ilic fainted at once. When he came to, the tormentors started to pull at his

<sup>17</sup> Although the defendant's complaint relates to torture perpetrated before Operation Sabre, we cite it as the only testimony about torture made before a court so far, and also because the description regarding the nature, method and perpetrators largely tallies with the allegations of persons tortured during the operation.

toes with the tool. The tall man said, 'I'm going to break your arms and legs and impale you on a stake.' They beat him again, pulled a bag over his head, dragged him about on the ground, and did some things to him he was ashamed to describe. They broke both his wrists and then smashed his fingers one by one on the stump with a rubber mallet. The three unmasked men went away and the five with the ski masks on continued to beat him. The mobile telephone belonging to one of them rang and he passed it to Ilic. He heard a voice saying, 'I'm standing next to your kid, I'm gonna cut off the finger the little one's sucking if you don't agree to cooperate.'

After agreeing to the demand, he was thrown into the boot of the Audi again and driven for a while before the car stopped. The kidnappers dragged him out and pulled the bag over his head, but he managed to see that he was being transferred to a black jeep parked underneath the flyover at Autokomanda in Belgrade on the Novi Sad-bound carriageway. The drive in the jeep took about 40 minutes. When the jeep came to a halt and the bag was removed from his head, he saw that they were in a wood and were heading for a log cabin. On entering the cabin, he was thrown into a dark room. The lights came on and he saw inspectors Pazin and the one who had arrested him at his home (he believes the other one was Botic but was not sure). They told him to repeat everything they said to him and said they were making an audio and video recording of it. The story they gave him to recite alleged involvement in the conspiracy of certain top politicians whose names he did not want to reveal during the interrogation. The inspectors went out of the room whenever his rendition did not come up to their expectations and an 'educator' came in to beat him with a shovel, pull a bag over his head, pinch his nose with a pair of pliers and give him electric shocks. The inspectors returned to the room after he had regained his senses and insisted that he repeat everything they told him in a spontaneous and natural way. At one time the man making the recordings in an adjoining room burst in in a state of rage and threatened to kill Ilic and bury him in the wood near the log cabin, as he did many before him, unless he took care what he was saying and how.

The recordings having been made, they pulled the bag over his head and drove him for a while before taking him out of the car. He recognized that he was in downtown Zemun. He was handed over to three young policemen in regular uniform who were instructed to take him at once to the Emergency Clinic. On their way to the clinic, a policeman broke the silence and said, 'Sir, you've been beaten up by someone, we don't know who, we just found you in this condition.'

The duty doctor who received him at the Emergency Clinic gave instructions to X-ray Ilic for head, leg, arm, chest and other injuries. However, he was told not to do that since everything would be taken care of by the hospital unit of the Central (District) Prison in Belgrade. When the doctor raised objections, the policemen told him to keep silent and mind his own business.

Ilic said that there was a man at the Emergency Clinic whose job was to examine people brought in by the police who had suffered injuries under questionable circumstances. The man was sitting in the same room with the duty doctor all the time. When Ilic (who claims to be thoroughly familiar with the Emergency Clinic premises and know most doctors there including the man detailed to interview such patients) addressed the man in order to tell him what had happened, the man replied, 'Don't tell me anything, everything's going to be all right.' After that, Ilic was transferred to the Central Prison.

Neither the judges nor the special prosecutor made any comment or asked any question in connection with this statement.

The arrest of Milan Sarajlic during Operation Sabre and his prolonged detention have also attracted considerable media attention. His counsel and family claim that his poor state of health, which is preventing him from attending the trial, is the direct outcome of the torture, threats and blackmail to which he was subjected while in police custody between 19 March and 11 April 2003. His counsel say that the minutes of Sarajlic's investigative interrogation contain his detailed accounts of the torture and other methods employed to make him confess, as well as that the court failed to inform the prosecution and the police of this fact. So far, Sarajlic's wife has been the only source of information regarding the alleged torture. In an interview with *Vecernje novosti* published on 18 August 2003, she says that her husband was denied any contact with lawyers and family for 25 days and that he had lost 40 kilograms since his arrest. She says, among other things, that after he was transferred to the Police Department (SUP) and questioned during the morning, 'in the evening some men wearing ski masks put him in a car with a bag over his head and self-adhesive tape wound around his neck, took him in all probability to Mount Avala, and clicked weapons held close to his head.' 'They didn't let him sleep for five days and five nights, insisting all the time that he tell them who in the judiciary was taking bribes and to rat on colleagues. He didn't say a word and the torture continued. They tried to break him psychologically. They lied to Milan [Sarajlic] that his older daughter had been kidnapped by criminals and taken to Hungary, from where they intended to return her in a coffin. They also told him that his father, wife and younger daughter had been arrested. He believed everything after they had made him believe that his father had been arrested, which he indeed was, on March 19.'

The effect of Sarajlic's allegations regarding torture and damage to his health on the course and outcome of his trial will be seen when the trial finally commences. Meanwhile, hearings scheduled for 5 September and 9 October 2003 were put off after judge Krstajic ordered, at the request of counsel Zeljko Marovic and the Sarajlic family, that the accused be examined by neuropsychiatrists. A team of three independent experts who examined Sarajlic established that he suffered from a 'temporary mental disability' and was still unable to attend the trial. After the examination, Sarajlic was released, having spent eight months in detention.

In reaction to the aforesaid allegations, and in connection with accusations from Amnesty International and the Institute for War and Peace Reporting (IWPR) over several reports of police torture during Operation Sabre, the Serbian Ministry of Internal Affairs held a news conference on 10 September 2003. The reporters were addressed by the assistant minister, head of the Public Security Department General Sreten Lukic (a Hague tribunal indictee), the inspector-general of the Public Security Department, Colonel Srblisav Randjelovic, and the Ministry spokesman, Colonel Vladan Colic. They said that 'the initial results of the inquiry into the allegation that a number of persons were tortured and ill-treated during Operation Sabre, which was carried out by members of the Service of the Inspector-General, refute the claim that the deputy republican public prosecutor, Mr Milan Sarajlic, was subjected to police torture.' Colonel Randjelovic said that this had been established, inter alia, by a forensic examination which 'failed to detect bodily harm. The checks were carried out in a professional and completely impartial manner, with the participation of forensic medicine experts.'

General Lukic said that all the other allegations in the Amnesty International report would be investigated and stressed that the police do not resort to torture in their work. 'One must distinguish between torture and the use of the instruments of restraint which are applied, in conformity with the law, in a situation where a person offers resistance during arrest. Every individual case of overstepping authority on the part of Ministry members is punished and is subject to disciplinary and criminal proceedings.'

In spite of the fact that several criminal complaints have been filed against identified or unidentified members of the police force by non-governmental organizations, counsel of persons charged with organized crime and individuals claiming to have been tortured during Operation Sabre, neither the public nor the submitters have been informed about what has been done in this regard.

We consider that an urgent impartial and thorough investigation must be carried out to find out the truth about these cases in order to establish the criminal or disciplinary accountability of the executors and their masters within the police force, as well as to prevent the defendants and their counsel from manipulating allegations about torture and extortion of confession at these trials.

Such investigations are of equal importance in connection with allegations of torture,<sup>18</sup> ill-treatment, extortion of confession or abuse of office on the part of police officers in cases not linked to organized crime. One notices that cases involving such allegations are not prosecuted with due diligence, the perpetrators often escaping punishment by routinely making counter-charges

<sup>18</sup> The criminal law of the Republic of Serbia still does not recognize torture as a separate criminal offence.

of 'obstructing an official in the execution of his duty' or being treated leniently at the end of a marathon trial.

A sound normative basis for improving the situation in this sphere has been established by the ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the signing of the Optional Protocol to the UN Convention in September 2003, the establishment of the Service of the Inspector-General in June 2003 as an organ of internal police control, and the adoption of the document entitled *A Vision of Reform of the Ministry of Internal Affairs of the Republic of Serbia* in March 2003. One also hopes that a new police law in conformity with international standards will be adopted soon.

Implementation of these norms will depend primarily on the political will of the future government to organize the police force as a service of the citizens rather than an instrument of state power.

### Cooperation With the Hague Tribunal and the War Crimes Trials

The visible change of the authorities' attitude towards the Hague tribunal, manifested as a greater readiness to cooperate, was one of the positive results of the state of emergency.

The change was greatly facilitated by the appointment in February 2003 of Boris Tadic, vice-president of the Democratic Party (DS), as SCG minister of defence. Prior to his appointment, the Army had posed a major obstacle to cooperation with the tribunal for a number of years, routinely replying to every extradition request from the tribunal that it harboured none of the Hague indictees nor had any information regarding their whereabouts. Under the Order of the SCG Ministry of Defence, on encountering 'indictees in a military facility, military vehicle, military aircraft or naval ship, professional soldiers and other military personnel shall be duty bound to act in accordance with the rules of service and to escort them to the command post of the nearest unit or military establishment, where such persons shall be held pending their surrender to MUP organs.' This order signals at least a formal break with the hitherto practice of not cooperating or obstructing cooperation with the tribunal. At the same time the Supreme Defence Council 'declassified some of the requested documents for the purpose of their presentation to the Hague tribunal', but also declassified some of the documents wanted by the National Council for Cooperation with the Hague Tribunal.

Another move towards facilitating cooperation was the amendment of the Law on Cooperation With the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991. When the Law

was finally passed on 11 April 2002, it contained a problematic provision: Article 39 stated that the provisions of the Law regarding the surrender of suspects to the tribunal related only to persons indicted before the Law entered into force, and that domestic courts will have jurisdiction in connection with future indictments. By deleting this article the amendments of 15 April 2003 acknowledged the full jurisdiction of the Hague tribunal without at the same time derogating from the right of domestic courts to prosecute war crimes suspects not indicted by the tribunal. Under another important amendment (of Article 11) it will be possible to release suspects (in addition to witnesses) from keeping state, military and official secrets.

Unfortunately, a few months after the state of emergency was lifted, the 'patriotic bloc' managed to consolidate its ranks and strike back, virtually suspending the cooperation regarding the surrender of suspects and the delivery of documents. Of the nine suspects who arrived at The Hague in 2003, four were arrested and extradited and three gave themselves up in the first half of the year compared with only one extradition and one surrender in the second half.

The surrender of Ratko Mladic, the Republika Srpska Army general whose extradition was repeatedly demanded by the international community, remained a key problem and the main obstacle to the participation of SCG in Partnership for Peace and other Euro-Atlantic projects. Unless Mladic, who the tribunal prosecution insists is hiding in Serbia, is extradited to the tribunal soon, SCG may remain outside Partnership for Peace for quite some time and the United States may again consider suspending its financial assistance. The situation was additionally complicated by the recent announcement by the tribunal of indictments against Yugoslav Army generals Nebojsa Pavkovic and Vladimir Lazarevic and police generals Sreten Lukic and Vlastimir Djordjevic, all of whom are charged with war crimes committed in Kosovo in 1999. Judging by the reaction of officials and the public at large, their extradition will be a serious problem, for one must not overlook the fact that at the parliamentary elections on 28 December 2003 Nebojsa Pavkovic, Slobodan Milosevic and Vojislav Seselj headed the lists of candidates of the Socialist People's Party-National Bloc, the Socialist Party of Serbia and the Serbian Radical Party (SRS) respectively, and that Sreten Lukic was the honorary candidate of the Serbian Liberals. Considering that the most votes were polled by two extreme opponents of the Hague tribunal – the SRS especially so and the Democratic Party of Serbia a little less so – the negative attitudes towards the tribunal are expected to prevail and the cooperation to further decline next year.

The question of war crimes trials before national courts merits as much attention as the question of cooperation with the tribunal. The matter has gained in importance since the adoption on 28 August 2003 of the UN Security Council decision 1508 regarding the strategy of terminating the work of the tribunals for the former Yugoslavia and Rwanda. According to the strategy, the Hague tribunal is scheduled to wind up investigations in 2004 and trials in 2008

and transfer the remaining cases to national courts in Bosnia-Herzegovina, Croatia, and Serbia and Montenegro.

Serbia took the first major step in preparing to conduct such trials by adopting the Law on the Organization and Jurisdiction of State Organs in Proceedings Against Perpetrators of War Crimes on 1 July 2003. The adoption was preceded by a semi-public debate on the draft organized by the OSCE and attended by OSCE, Serbian Ministry of Justice and domestic non-governmental representatives and foreign experts. Although the flaws in the draft were clearly pointed out and concrete proposals suggested in the form of amendments and supplements, most of these proposals were not adopted.

The Law is implemented to discover and prosecute perpetrators of criminal offences against humanity and international law (Chapter XVI of the Basic Penal Code), as well as of criminal offences under Article 5 of the Statute of the Hague tribunal (crimes against humanity). The jurisdiction of the state authorities in charge of these proceedings covers the entire territory of the former SFRY regardless of the nationality of perpetrator and victim.

In general terms, the Law represents but one organizational, frequently vague, regulation dealing with the establishment of a Prosecutor's Office for War Crimes and a service for the detection of war crimes, the organization and jurisdiction of the competent courts, and a special detention unit. Although the adoption of the Law was no doubt a positive step in the right direction, questions of crucial importance for the processing of war crimes remain either untouched or insufficiently clarified. The fundamental issues with which both legislative and judicial authorities will have to deal concern: the retroactive validity of laws; the jurisdiction of the court relative to those of the Hague tribunal and the national courts of the other states in the territory of the former SFRY; the application of the jurisprudence of the Hague tribunal and cooperation with it; the non-existence of the criminal offence of crime against humanity in domestic law and the legal impossibility of adopting it directly from Article 5 of the Statute of the Hague tribunal; the non-existence of the category of command responsibility; the absence of provisions on witness protection in accordance with the Statute of the Hague tribunal or similarly; problems concerning rules of procedure, presentation of evidence, appeal proceedings, etc.

Unless these matters are solved urgently and thoroughly, the main object of the Law – detection and criminal prosecution of perpetrators of war crimes – will have been achieved only very partially.

The Law having been adopted on 1 July 2003, the second step entailed the election of the prosecutor for war crimes. At its session on 22 July 2003, the National Assembly elected Vladimir Vukcevic, hitherto deputy republican public prosecutor, to the post. A special service for the detection of war crimes as well as Belgrade District Court chambers and divisions specifically dealing with war crimes are being constituted.

The rate at which these organs are being set up leaves no doubt that the first trials under the new Law will not start before 2004. The ongoing war crimes trials (the Sjeverin case, the trial of Sasa Cvjetan, the Podujevo crime, etc.) will be concluded in accordance with the regular court procedure because the new Law will apply only to proceedings initiated under indictments not yet in force.

The first cases to be processed by the Special Court for War Crimes are Ovchara (a farm near Vukovar where Croat prisoners were executed on a massive scale, leading to the indictment by the Hague tribunal of three JNA officers) and the mass graves at Petrovo Selo, Batajnica and other locations (where the bodies were discovered in 2001 and 2002 of Albanians killed by Serb forces in Kosovo during the NATO intervention in 1999).

Opinions about the competence and willingness of domestic courts to try war crimes differ enormously depending on the position and motives of those who hold them. Thus, at a round table on 12 November 2003 on 'War crimes before domestic courts, monitoring of war crimes trials, and support to domestic courts to conduct them', ministers as government representatives and members of the judiciary as experts expressed opposed views. SCG Minister of Foreign Affairs Goran Svilanovic said he was convinced that 'domestic courts are capable of undertaking this difficult task in terms of organization, equipment and expertise, and from the point of view of law' and Serbian Minister of Justice Vladan Batic concurred. On the following day, during the ceremony of laying the foundation stone for the Investigative Unit of the District and Municipal Court in Nis, Batic also said: 'From the point of view of both substantive and procedural law, as well as regarding organization and institutions, personnel and security, equipment and technology - and, if you will, media coverage - we have created absolutely all the conditions for conducting valid trials of war crimes, crimes against humanity, and crimes against international law before our courts. This, I wish to assure you, [we can do] better than the Hague tribunal.'<sup>19</sup> On the other hand, Omer Hadziomerovic of the Society of Judges of Serbia regards the demands that the Hague tribunal cede some or all the trials to domestic courts as imprudent because, in his view, although domestic courts have the potential to try war crimes, they lack the ability to do so. Members of the judiciary say that lack of genuine political will to try war crimes suspects is a main problem and cite numerous other material and procedural shortcomings they encounter in their work. In addition to those already described, judges and prosecutors complain about the decision to place the special police unit for war crimes detection within the Ministry of Internal Affairs instead of making it directly responsible to the special prosecutor, because problems may arise in the event of present or former members of the force being indicted. At present, the Special Court has only four policemen

<sup>19</sup> *Blic*, 13 November 2003.

dealing with war crimes on a part time basis because they have other assignments.

For all the shortcomings of domestic substantive and procedural law in this sphere, the trials in connection with the Strpci<sup>20</sup> and Sjeverin cases (processed in accordance with existing law) indicate that the root of the problem is not the inadequacy of legislation but the intention of the state to minimize its responsibility for crimes committed during the wars in the territory of the former Yugoslavia.

The defendants in the Sjeverin case were Milan Lukic (at large), Oliver Krsmanovic-Orlic (at large), Dragutin 'Bosnac' Dragicevic and Djordje Sevic, who were all members of the paramilitary formation 'Osvetnici' (Avengers) under Lukic's command. Under a previous arrangement, on 22 October 1992, they stopped a bus owned by the state company Raketa on its route between Priboj and Rudo at Mioce village near Sjeverin. They went inside, inspected the identification papers of the passengers, took out 15 Bosniaks and ordered them to board a lorry driven by Krsmanovic. They took the passengers to Visegrad where they searched and stripped them of all personal belongings in the presence of a large number of people outside the Vilina vlas motel. Then they took them into the lobby and started to physically abuse them, singling out a woman by name Mevilda Koldzic for special torture. They marched the kidnapped passengers to the banks of the river Drina, abused them for a while, and then shot them from automatic weapons from a distance of three to five metres. They dragged the bodies to the water's edge and threw them into the river, Lukic and Dragicevic first finishing off the wounded with knives. The defendants were charged with war crimes against the civilian population under Article 142 (1) of the Criminal Code of the Federal Republic of Yugoslavia.

Although the culpability of Lukic, Krsmanovic, Dragicevic and Sevic as executors was clearly established during the proceedings (for which the first three were justly and adequately sentenced to 20 years and Sevic to 15 years in prison), the panel declined to consider and clarify all the circumstances and motives in connection with the crime. The panel rejected nearly every proposal by counsel to present evidence in support of the claim that the crime was part of a 'strategic operation of the Serb army aimed at creating the conditions for an exchange of prisoners and dead', that is, an operation organized and ordered by the state and top military structures of the Federal Republic of Yugoslavia and Republika Srpska, rather than being a voluntary act by an 'armed group'.

In connection with this trial, the conduct of public prosecutor Vladimir Vukcevic, who was recently appointed prosecutor for war crimes, gives rise to special concern. He not only modified the indictment, at the end of the hearing of evidence, to the effect that the defendants were members of an 'armed group' rather than members of a paramilitary formation of Republika Srpska, he also opposed, throughout the trial, every motion to present evidence

<sup>20</sup> See previous annual report.



pointing to the culpability of the masters and organizers. The course of action taken by prosecutor Vukcevic reflected a determination not to fully clarify the case, as well as indirectly prevented the initiation of new criminal proceedings against the accomplices.

Nonetheless, there were a number of positive developments from the point of view of fairness of war crime trials before domestic courts. In the trial of Sasa Cvjetan (detained) and Dejan Demirovic (at large), indicted on 5 April 2002 for killing and wounding several Albanian civilians in Podujevo on 28 March 1999 as members of the 'Skorpion' (Scorpio) reserve police unit, the Belgrade District Court heard evidence from several Albanian witnesses during the principal hearing. They were the first Albanians invited to testify before a domestic court about war crimes committed by Serbs in Kosovo. The Albanians were the surviving members of the Bogujevci family who were both eyewitnesses and victims in the Podujevo incident. The majority of witnesses were members of the police unit in question who invariably testified in favour of the defendant; but finally another member of the unit, Goran Stoparic, was heard and he gave quite a different account of the incident as well as accusing several other colleagues of complicity.

On 10 December 2003, Stoparic told the court that Sasa Cvjetan and five other members of the unit were escorting 19 Albanian civilians immediately before the shooting, that the execution took only one minute, and that the six all changed the magazines on their automatic rifles immediately afterwards. Asked why he had made quite a different statement before the investigating judge in favour of the defendant, Stoparic replied that he had been advised to do so by counsel. The witness was to have testified two days previously, 8 December 2003, and he attributed the delay to intimidation. He says that on the day in question he was accosted in a corridor outside the courtroom by the unit commander, Slobodan Medic, whose brother was one of those whom Stoparic later implicated. According to Stoparic, Medic said: 'Guljo [Medic's brother] is already sick and if he goes to prison he'll die in two days. Just do me this favour and I'll make it worth your while.' Stoparic also says that after Medic hinted that there would be 'drastic consequences or advantages according as the testimony goes', he got scared for a moment. Asked by the judge what the consequences would be, Stoparic answered: 'Well, he didn't say he'd kill me, but he doesn't always have to say everything.'<sup>21</sup> The witness was put under special police protection after saying he had been branded as a Serb traitor, was now a walking target, and was afraid for his life.

One must now wait for the resumption of the trial to see whether the prosecution will indict the reserve policemen accused by Stoparic of being accomplices, as well as whether there will be an investigation of Medic for allegedly intimidating a witness.

<sup>21</sup> *Vecernje Novosti*, 11 December 2003.

Another positive example was the decision of the Supreme Military Court of 5 July 2003 to revise the ignominiously mild original sentences imposed on four Yugoslav Army soldiers convicted of a war crime. On 11 October 2002, the Military Court in Nis found security Lieutenant-Colonel Zlatan Mancic, Captain Rade Radojevic and privates Danilo Tesic and Misel Sergej guilty of a war crime against the civilian population and sentenced Mancic to seven, Radojevic five, Tesic four and Sergej three years in prison. The court established that in early April 1999 Lieutenant-Colonel Mancic gave orders to private Tesic that he and another soldier execute two Albanians in the village of Kusnin near Prizren. He then ordered Captain Radojevic to detail the other soldier, so Radojevic chose Sergej. Tesic and Sergej killed the Albanians and burned their bodies to destroy the evidence of the crime. At the prosecutor's request, the Supreme Military Courts revised the sentences upwards, sentencing Mancic to 14, Radojevic nine, Tesic seven and Sergej five years, thereby at least ensuring that justice was done.

The first war crimes trial before the Special Court for War Crimes due in March 2004 will start in an adverse political and social climate since there are already signs that the media are prepared to either decry or ignore it, and that most people believe that such trials will be conducted on dictates from the international community to portray the Serbs in general as war criminals.

The forthcoming trials, in addition to those in connection with organized crime, will be the first major opportunity for the Serbian judiciary in the present circumstances to prove its impartiality, professional competence and readiness to conduct the proceedings according to the rules of the profession, as well as to resist any media and political pressure.

### Military Justice System in a Legal Gap

When representatives of military judicial bodies recently confiscated a publication issued by the Helsinki Committee of Human Rights in Serbia – "Military Secret" by Vladan Vljakovic – the unsolved question of the Army's role has been once again put on the table. The "Perisic affair," 12,000 people in Montenegro awaiting trials for having refused mobilization, and probably a number of cases the public knows nothing about indicate that the Army is still a dominant political power in this country. Hence, the military justice system, formally non-existent for some time now, not only functions smoothly, but also illustrates that top army structures are far from willing to give up their political supremacy. Instead of introducing civil control over armed forces, Serbia is, judging by the ongoing developments, heading for stronger military "control" of the civil society.

Article 66, of the Constitutional Charter of Serbia and Montenegro, adopted on February 4, 2003, provides that "competence of military courts, prosecutors and public attorneys shall be transferred to civilian courts of the member-states in accordance with law." According to the provision under

Article 24 of the Law on the Implementation of the Constitutional Charter,<sup>22</sup> "military judicial bodies shall continue to function till the law quoted under Article 66 of the Constitutional Charter is passed," while the law specified in paragraph 1 of the same article "shall be passed within six months from the day the Constitutional Charter becomes effective." The competences of military courts and prosecutors were thereby indisputably transferred to republican judicial bodies, i.e. to civilian judicial power. By adopting these provisions, as well as those related to civil control of armed forces, the union of Serbia and Montenegro met a major condition to its further integration into relevant international organizations, admission to the Council of Europe in the first place.

Though some member-states of the Council of Europe retained their military justice systems, there were two reasons why the international community insisted that Serbia and Montenegro should repeal its own. Firstly, the Yugoslav Army waged the wars in the territory of the former Yugoslavia. As its integral part, the military justice system, till 2002, has been totally indifferent to instituting legal proceedings for war crimes against members of the Yugoslav Army and paramilitary troops under its control. Secondly, the military justice system of Serbia and Montenegro is not independent and impartial and in clear contradiction with Article 6, par. 1, of the European Convention on Human Rights and Article 14, par. 1, of the International Covenant on Civil and Political Rights (ICCPR).

Namely, under the Law on Military Courts,<sup>23</sup> judges are not elected to their offices. "Presidents and judges of military courts and judges-jurors of lower military courts shall be appointed by the President of the Republic and proposed by the Federal Minister of Defense (Article 26). The Federal Constitutional Court pronounced this provision unconstitutional (IU No.-45/95 of December 21, 1995). Though the Law also provides that presidents and judges of military courts are bound by the same rules that "regulate the command line, and rights, duties and responsibilities of army officers, unless otherwise stipulated under this law" (Article 27), this is not the case when it comes to major issues. Further, Article 37, par. 1, provides that a judge of a military court "can be deposed if an authorized body decides to reduce the number of judges of a military court." This questions challenges a basic principle of independent judiciary – that of the duration of judges' terms of office. The manner in which judges are appointed is also disputable. Namely, "An authorized body within the Federal Ministry of Defense decides the so-called formation of military courts. Thus, it actually determines how many officers of particular ranks will be assigned to military courts. Accordingly, if an army officer in his capacity as a judge wants to get promoted, and the laid down 'formation' provides no vacancy for such a promotion, the officer will

<sup>22</sup> Also adopted on February 4, 2003.

<sup>23</sup> Passed in 1995, amended in 1999 and 2002.

have to leave the court for some other military institution. Besides, he is never asked whether or not he agrees to be allocated to another military court (Article 40), as stipulated by other laws on judges."<sup>24</sup>

The provisions quoted in the paragraph above are contrary to UN Basic Principles on the Independence of the Judiciary,<sup>25</sup> as well as to the General Comment 13 of the UN High Commissioner for Human Rights<sup>26</sup> referring to Article 14 of the ICCPR (equality before the courts and the right to a fair and public hearing by an independent court established by law). Paragraph 5 of the General Comment quotes, inter alia, "States parties should specify the relevant constitutional and legislative texts, which provide for the establishment of the courts and ensure that they are independent, impartial and competent, in particular with regard to the manner in which judges are appointed, the qualifications for appointment, and the duration of their terms of office' the condition governing promotion, transfer and cessation of their functions and the actual independence of the judiciary from the executive branch and the legislative."<sup>27</sup>

Having ratified the ICCPR and the European Convention on Human Rights, and in keeping with articles 7 and 17 of the Human and Minority Rights and Freedoms Charter,<sup>28</sup> the union of Serbia and Montenegro is obliged to legislatively and in practice respect all the principles contained therein. The fact that the provisions under Article 66 of the Constitutional Charter and under Article 24 of the law regulating its implementation have not been turned into a law or implemented in practice although more than seven months have passed since the proscribed deadline (August 4, 2003) indicates flagrant violation of the rule of law and indifference to the respect of basic human rights and freedoms.

Firstly, a legal gap enables the military justice system's to function, without legal grounds, contrary to the Constitutional Charter and international obligations, an this until an unspecified date.<sup>29</sup> In the context of the actual political situation, this can be taken as a deliberate "failure." For example, given that necessary conditions for the implementation of the Law on Amendments of and Supplements to the Law on the Courts of the Republic of Serbia – providing the establishment of a new system of civilian courts – have not been created, the Law's implementation was postponed on four occasions over the

<sup>24</sup> "Human Rights in Yugoslavia: 2001," p. 89, Belgrade Center for Human Rights, Belgrade, 2002.

<sup>25</sup> Basic Principles on the Independence of the Judiciary were adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and endorsed by the UN General Assembly in 1985.

<sup>26</sup> Adopted on April 13, 1984.

<sup>27</sup> See the decisions of the European Court for Human Rights in the cases *Moriss vs. Great Britain*, *Sahiner vs. Turkey*, and *Incal vs. Turkey*.

<sup>28</sup> Adopted on February 28, 2003.

<sup>29</sup> Referring to the cessation of the military justice system in the Radio B92's talk show "Catharsis," Col. Nikola Petkovic, supreme military prosecutor, said, "We arrest. Therefore, we exist." Source: B92 newscaster, November 22, 2003.

past two years: three times by the Serbian National Assembly and once by the Constitutional Court of Serbia, which was under pressure.

Though a similar problem applies to the military justice system, no authorized body made any motion. In spite of the fact that it is the Court of Serbia and Montenegro (inoperative so far, since judges have not been appointed) that is supposed to react at the level of the Union, the Constitutional Court of Serbia had to step in with a view to protect legality, the more so since under Article 66 of the Constitutional Charter competence of military courts, prosecutors and public attorneys has been transferred to civilian courts of the two member-states. Like in the case where it was part of the Serbian National Assembly's competence to make a relevant decision dealing regarding the above-mentioned new system of civilian courts – which it could not have done because its functioning was blocked – the Constitutional Court of Serbia had to make some kind of legal maneuver whereby it took upon itself the authority to decide on this matter. This was done "with a view to ensuring functioning of courts as laid down by the Constitution, protecting citizens' rights and freedoms, and preventing consequences of court decisions that could not be removed later on," stated the Constitutional Court of Serbia when justifying its move when, which as the Court explained, derived from its duty "to protect constitutionality and legality, the principles of the rule of law and legal security."<sup>30</sup> This is why we cannot but conclude that, for the Constitutional Court of Serbia, legally ungrounded existence of the military justice system does not breach all the above-mentioned principles. Secondly, the information about several meetings gathering the Minister of Defense, the Minister of Justice and representatives of the Supreme Military Court that "who all agreed that the military justice system should remain,"<sup>31</sup> indicates that an informal consensus reached between top army and state bodies is aimed at maintaining the state of legal insecurity and unlawfulness in Serbia.

The Helsinki Committee, therefore, insists that governmental bodies and their representatives, instead of emphatically calling for legalism and the rule of law, take urgent steps in order to fulfill all international commitments and effectively implement domestic legislation, particularly when it comes to ensuring that "further measures are adopted in view of the immediate transfer of cases pending before military courts to civilian courts at the level of republics."<sup>32</sup>

April 2, 2004

<sup>30</sup> See decision of the Constitutional Court of Serbia IU No. 480/2003 of 12 29, 2003.

<sup>31</sup> The interview of President of the Supreme Military Court Col. Milorad Vukosav with the *Vojska* (Army) magazine, August 21, 2003, p. 9; also, the interview of Col. Nikola Petkovic, already referred to.

<sup>32</sup> Third quarterly report (November 2003-February 2004) "Compliance with Obligations and Commitments and Implementation of the Post-Accession Cooperation Program," presented by the Secretary General of the Council of Europe on February 16, 2004, Part I, A.4, p. 3.

## The Prisons

The Helsinki Committee continued its Serbian Prisons Monitoring project in 2003, its team visiting 13 of the 28 penitentiaries (including 17 district prisons) in Serbia excluding those in Kosovo.

According to the information of the Ministry of Justice of the Republic of Serbia of 20 November 2003, 2,057 persons were in detention, 5,686 were serving their prison sentences, 215 persons were serving their sentences for misdemeanour, and there were 96 minors under sentence.

The Helsinki Committee studied the law dealing with the matter before collecting and analyzing data relevant to the enforcement of criminal sanctions.

The entry into force of the Law on the Enforcement of Criminal Sanctions (LECS) on 1 October 1998 and of the Decree on the Establishment of Institutions for the Enforcement of Criminal Sanctions on 23 May 1998 represented a major step towards reforming and modernizing the country's system for the enforcement of criminal sanctions and bringing it into line with relevant international legislation. Although this was five years ago as of this writing, many of their provisions have never been put into practice. What is more, the law which was modern at the time of its adoption under international pressure has by now proved both obsolete and incompatible with relevant international standards. For this reason, an analysis of the system for the enforcement of criminal sanctions in Serbia and its comparison with those in other countries on a strictly feature-by-feature basis would not reveal the true state of affairs.

This situation made our work much more difficult. Instead of being able to focus our monitoring on the detection of 'minor' flaws in the enforcement of criminal sanctions and on possible solutions, we were confronted by the absence of a single strategy, well-conceived system and clearly defined network of institutions. In view of the fact that even a number of basic provisions had not been fulfilled (e.g. those on kinds and classification of institutions), it was simply impossible to verify the general theoretical postulates on which the whole system ought to rest and assess their practical implications. Instead of this, our work consisted largely in detecting and analyzing major departures from the LESC and relevant international standards.

Since we cannot in this report analyze each of the institutions visited, we shall limit ourselves to presenting our general conclusions and recommendations relating to all the institutions, above all from the point of view of protection of detainees' and prisoners' basic human rights.

In order to make our report both comprehensive and easy to read, we subsumed our conclusions and recommendations regarding each institution under the following six headings: the quality and conditions of life; security; lawfulness (equity) of treatment; social resettlement; contacts with the outside world; and the institution personnel.

## 1. The Quality of Life

The quality of life of the prisoners in the establishments for the enforcement of institutional sanctions visited was generally inadequate.

The institutions are housed in old buildings of which some were built in the early twentieth century. Architecturally, the facilities clearly reflect the old concept of being 'places of punishment' and for the most part cannot be easily modified. For this reason, their size, number and arrangement is in striking contrast to the declared aims of the institution. The quality of life of the inmates has been further impaired by years of neglect, poor equipment, and destruction wreaked during riots in November 2000.

The institutions are generally large, big penitentiaries accommodating up to 1,000 prisoners and juvenile establishments on average some 200 inmates. The occupancy rate varies between 100 per cent (the penitentiaries at Sremska Mitrovica and Sombor) and 45 per cent (the penitentiary at Pozarevac and the district prison at Novi Sad). Nevertheless, owing to the inadequacy of the facilities, the institutions appear generally overcrowded irrespective of their population and one-third of them cannot provide even the statutory minimum of space per inmate.

One notices, however, that the Ministry of Justice has done much to improve the situation by building new facilities and modifying and repairing existing ones partly from its own resources and partly from donations. Still the majority of facilities are too old and some institutions continue to have problems with water supply, sanitation and heating. The rooms in which prisoners live are often in a poor state of repair and damp, the walls and flooring requiring immediate attention. In some institutions the dormitories are so overcrowded as to deprive the occupants of any privacy. Most dormitories contain only beds and lockers, and these are old and hardly functional.

The maintenance of personal hygiene is a big problem owing to the poor state of sanitary facilities in most institutions and a chronic shortage of toiletries.

In institutions in which the wearing of uniform is obligatory, one notices that both clothing and footwear are old and poorly maintained. Bedding is scarce, worn out and infrequently changed.

Nearly every institution prepares food for its inmates. The rooms in which the food is prepared and served are mostly unhygienic and inadequate. The diet is a constant source of discontent among the prisoners because it is of poor quality with little vegetables, milk products and fruit.

Most institutions operate well-stocked canteens accessible to the prisoners.

Badly organized and poorly equipped medical services are characteristic of all the institutions visited. The situation is especially bad in the Penitentiary-Hospital in Belgrade which lacks both space and equipment to provide

adequate medical care to the patients although it is the only institution of this kind in Serbia.

The institutional medical services are understaffed and lack specialists and characterized by large personnel fluctuation. Except in a few cases, the outpatient facilities, hospital-type units, dispensaries and laboratories have to cope with chronic shortages of equipment, materials and drugs. The administrations therefore often dispatch prisoners to local clinics or the Penitentiary-Hospital in Belgrade and engage medical staff from outside the institution. However, all these measures are insufficient to ensure a satisfactory level of health care and prisoners often complain in this regard.

Considering that up to 100 inmates are daily medically examined and given treatment in all the institutions visited, the need for various medical services is pressing. The population comprises a number of inmates with severe chronic somatic complaints (about 10 per cent) and psychiatric disorders (about 5 per cent); the number of inmates diagnosed as psychotropic addicts varies from 7 per cent (the reformatory at Krusevac and the juvenile penitentiary at Valjevo) to 15 per cent (the penitentiaries at Nis and Pozarevac); the institutions visited have on average about 10 HIV positive and tubercular patients, the number of latter visibly rising.

The medical services devote hardly any time to hygiene and diet inspection and health education of prisoners and staff.

The medical services are insufficiently independent in their work from the administration and not subject to control by independent health institutions.

## 2. Security

Though the institutions were found to be externally secure, the inadequacy of the premises and lack of modern surveillance equipment calls for improvement. The institutions having video cameras, movement sensors and other sophisticated equipment are few.

In the past six months there have been sporadic escapes in the penitentiaries at Sremska Mitrovica and Sombor and the Penitentiary-Hospital in Belgrade. A number of prisoners have also failed to return from outing, home leave, etc.

We noticed that some semi-open institutions such as the women's penitentiary at Pozarevac had excessive security arrangements that are incompatible with the nature of the institution.

On the other hand, internal security was found to be poor.

Our objections concern above all the questionable classification of prisoners and their allocation to various institutions and units, which is often in violation of basic provisions of the LECS. Drastic examples include the unrestricted communication of detainees and convicted prisoners and the

placement in semi-open institutions of persons sentenced to long-term imprisonment for grave criminal offences.

Constant severe tensions and poor relations between staff and prisoners, as well as among prisoners themselves, pose a special problem in most institutions. The poor state of internal security is testified to by complaints from prisoners that they feel very frightened and insecure and are abused by personnel and even more so by other inmates. On the other hand, personnel who are in frequent daily contact with the prisoners say they feel extremely at risk. Though some of these complaints may be extremely subjective, they still indicate that things are not as they should be.

Personnel and inmates in most institutions talked about many problems such as corruption, injuries at work, fights among prisoners and between personnel and prisoners, theft and destruction of private property, informal gangs, smuggling, racketeering, possession of arms, mobile telephones and other illicit objects, self-injuries, etc.

Unfortunately, we do not have concrete information to document these allegations. One of the reasons is the unwillingness of administration and personnel to disclose information about this sensitive aspect of their work. It also appears that institutions lack a set procedure for testing internal security (e.g. urine tests) or do not keep accurate records on measures taken (e.g. room searches) and problems identified (for instance, only four institutions gave us systematic information about the injuries and self-injuries sustained during the previous year).

### 3. Lawfulness (equity) of Treatment

As in the preceding case, most information of relevance to this aspect was unavailable to us. The information we had in mind and applied for was above all about complaints and requests, disciplinary punishment, the use of the instruments of restraint, benefits, abuse of office, etc. Although we requested some of this information in writing from the Central Prison Administration in respect of all the institutions we visited, we were informed that its processing required time and were still waiting for it two months later.

The house rules are available and displayed in every institution, with personnel making special efforts to familiarize the prisoners with their provisions. It ought to be noted that the Penitentiary-Hospital in Belgrade, the juvenile penitentiary at Valjevo and the reformatory at Krusevac still have no new house rules.

Official information about prisoners' complaints and requests and their outcome, as well about benefits and awards, was unavailable.

Official information on disciplinary punishments was obtained from only three institutions: in the penitentiaries at Nis and Sremska Mitrovica the most frequent form of disciplinary punishment was solitary confinement affecting 15 per cent and 8 per cent of the total number of prisoners

respectively; in the open penitentiary at Cuprija, disciplinary punishment was imposed on 27 per cent of inmates, mostly in the form of reprimand and forfeiture of benefits.

Although we were given no official information on the excessive use of force and other forms of abuse of office, such information as we gathered in some of the institutions indicates that punishment, including dismissal from service, for disciplinary offences was imposed in nearly all these institutions during the period surveyed.

Statements by personnel and prisoners about personnel partiality, corruption, and the unlawful use of the baton and other instruments of restraint, raise serious doubts concerning the lawfulness of treatment.

The status of foreign nationals deprived of their liberty, especially those who have not been convicted or are not being prosecuted in connection with a criminal offence, is a matter that could not be clarified for objective reasons but which deserves due attention in future.

### 4. Social Resettlement

Our findings concerning the social resettlement of the prisoners are negative.

The inmates of the institutions visited are employed in farming, workshops (especially metal, machine and wood processing shops) and maintenance work. In most cases they work according to the relevant statutory provisions regarding working hours, rest, industrial safety and remuneration. The number of prisoners employed in this way varies between 25 per cent and 50 per cent of the total convicted population depending on the type of the institution in question. The reasons why more prisoners cannot be employed – except those few who are incapable of work – include lack of equipment and material, absence of motivation for work, and low demand for products due to the economic situation in the country. The statutory criteria for job allocation such as previous employment and preferences often cannot be met because no such work is available, though in some cases no apparent reason exists.

The conditions of work could be assessed as partially satisfactory. Although most machinery is certified as being safe to use, the prisoners are not completely out of danger because the facilities are in bad repair and the technology of work obsolete. We were given information on industrial injuries in three institutions: the penitentiaries at Nis and Pozarevac registered about 8 per cent such injuries per total population and the juvenile penitentiary at Valjevo about 3 per cent in the course of the previous year. Although the prisoners are paid according to the law, the 300 to 1,000 dinars a month they receive is not only abysmally low but also totally inadequate in view of the kind of work they perform. Furthermore, the organization of work does not leave room for vocational training.

None of the institutions accommodating adults provides organized education to its inmates. According to available information, over 20 per cent of prisoners in the large penitentiaries are illiterate. It goes without saying that a prisoner who receives no instruction or vocational training in the institution has diminished chances of being successfully reintegrated into society after he or she leaves the institution. The education of inmates at the reformatory at Krusevac and the juvenile penitentiary at Valjevo is conducted with considerable difficulty: although the institutions have their own primary schools, secondary education is provided in cooperation with local community technical and mechanical engineering schools. The secondary school teachers who give instruction are not trained for work with a penitentiary population; also, the frequent change of teachers prevents the establishment of firm teacher-pupil relationships. Although the curricula are in principle adjusted to those of regular schools, the instruction follows a pattern designed for the accelerated education of adults featuring crash courses and examinations, which is inevitably reflected on the qualifications of the school-leavers. It ought to be pointed out that there are no special programmes for inmates with identified developmental or learning problems, nor for those whose mother tongue is not Serbian. The schools are housed in inadequate buildings, have a minimum of old school furniture and no modern teaching aids.

On their arrival at the institution, the inmates are assigned to training groups under training officers. In assigning inmates due attention is paid to internal security considerations, the main criteria being the length of sentence and whether the inmate is an old offender. At that time a programme of individual treatment is drawn up regarding schooling, work, leisure activities, and the intensity of individual and group treatment. However, these programmes are extremely formal, standardized and perfunctory. The size of the training group varies between 70 in the large penitentiaries, the open penitentiary at Cuprija and the district prison at Novi Sad and 15 in the reformatory at Krusevac and the district prison in Belgrade, the average training group in the rest numbering 30 prisoners. Since in most institutions there is no mandatory periodical reassessment and re-classification of prisoners (say, every 90 to 120 days), this is done at the suggestion of the training officer. The main criterion in re-classifying a prisoner is his or her conduct, or more exactly his or her respect for the house rules. The institutions apply strictly individual treatment and that only sporadically, without adhering to any set of basic principles or following any direction (e.g. non-directive psychotherapy, behavioural approach). There is no group treatment nor any special treatment of specific groups of offenders (e.g. psychotropic drug users, perpetrators of violent crimes, etc.).

Recreational and leisure activities as part of the enforcement of institutional sanctions are also problematic owing to the general lack of adequate facilities, equipment and materials. Sports activities were found to be the best organized of all (though the conditions in which they take place are

still below the hygiene and safety standards), whereas educational, cultural and artistic activities were extremely rare. Only a few institutions publish their own magazine with the help of a small number of prisoners.

Generally speaking, the libraries in these institutions are housed in inadequate rooms, their stock both shabby and poor in terms of quality and quantity.

All the institutions have communal rooms with radio and TV sets and prisoners may listen to or watch programmes without any restrictions. The institutions receive a small number of copies of daily newspapers and allow prisoners to subscribe to newspapers and magazines of their own choice.

The right of confession of faith has been receiving increasing attention lately although not every institution has adequate facilities for this purpose. There has been a marked tendency over the past year to build Orthodox churches within institutions, which satisfies the needs of the Orthodox Christians but leaves the problem of other believers unsolved.

The institutions have no special programmes or activities to prepare prisoners for their discharge.

## **5. Contacts with the Outside World**

In the majority of cases, the prisoners are allowed to maintain contacts with the outside world in a manner regulated by law. There are, however, in our opinion, certain common difficulties which may cause problems.

The prisoners communicate with the outside world mostly by telephone. The number of prisoners using one coin-operated telephone varies between 250 (in the penitentiaries at Nis and Sremska Mitrovica and the Penitentiary-Hospital in Belgrade) and 30 (in the open-type penitentiaries at Padinska Skela, Sabac and Sombor). The scarcity of telephones limits a prisoner's access to this means of communication as well as necessitates making schedules and restricting the number of calls per prisoner. The prisoners rarely communicate by means of letters and petitions because both are subject to formal and informal inspection. The rooms in which prisoners receive visitors are mostly unsuitable, shabby and bare of furniture. With a few exceptions, the so-called 'special rooms' are not much better.

The cooperation between personnel and appropriate authorities and services outside the institution is a most problematic aspect of the enforcement of institutional sanctions. The institutions maintain a minimum of cooperation, and indirect at that, only with the competent social work centres and the police. There is hardly any cooperation with prisoners' families and none with labour exchanges, employers, etc.

## 6. The Institution Personnel

Members of the security service are the most numerous in all the institutions, accounting for about 60 per cent of all employees. The ratio of security personnel to prisoners is 1:3-5. It is interesting to note that this ratio stays roughly the same irrespective of the type of institution (closed penitentiary, open penitentiary, reformatory). The recruitment criteria are secondary school education, completed military service, no previous conviction, and a good physical and mental condition. All the personnel agree that these requirements alone are not enough. The personnel are on average 30 to 35 years of age. Since personnel come and leave frequently, most officers lack the necessary experience for the job.

The reformatory training service employs personnel with high vocational qualifications, some two-thirds being psychologists, educational specialists and social workers. The number of prisoners per training officer varies between 10 (e.g. the juvenile penitentiary at Valjevo and the women's penitentiary at Pozarevac) and 50 or more (e.g. the penitentiaries at Nis, Pozarevac and Sremska Mitrovica, the open penitentiary at Cuprija, and the district prison at Novi Sad). The officers are 40 years old on average and most have spent up to 10 years on the job. About one-quarter of them have additional vocational training. There are no special recruitment requirements other than a university diploma.

The vocational training and employment service comprises 10 per cent personnel with university qualifications or two-year post-secondary-school degrees and the rest with secondary school qualifications. The ratio of personnel to prisoners ranges between 1:5-10 (all the penitentiaries, the Penitentiary-Hospital, the juvenile penitentiary, and the reformatory) and 1:50 or more (the open penitentiary at Cuprija, the district prison at Novi Sad, and the women's penitentiary). The average officer is 40 years old and has spent 10 to 15 years on the job.

The health care service employs doctors, dentists, nurses and medical technicians. Owing to severe personnel problems in almost all these institutions, the ratio of personnel to prisoners is 1:50 or more. Nearly half the institutions visited do not have a full-time general practitioner (e.g., the open penitentiary at Cuprija, Sabac and Sombor, the juvenile penitentiary at Valjevo, and the district prison at Novi Sad).

We wish to point out that personnel are not specifically trained to deal with detainees and prisoners. A three-month course is envisaged for the security personnel but has not been organized for years. The institutions have no manuals or instructions for the personnel to use, and their work is not subject to regular professional supervision. The personnel are more or less left to shift for themselves in the absence of professional guidance and support programmes. The institutions do not provide current professional and scientific

literature and mostly have no computers, so personnel have no access to the Internet.

Since most services are understaffed owing to low job demand, the recruitment criteria are minimal. A large personnel fluctuation is visible in all the services. Most employees are dissatisfied with their jobs as highly stressful, poorly paid and undervalued.

In nearly all the institutions, the inter-personnel relations and communication are extremely bad. The institutions have replaced members of the administration and heads of service in recent years, but the state of affairs has only partially been stabilized. The continuing feud between the security service and others was deepened by a recent pay increase decree which raised the pay of security personnel far above that of all other services.

The conditions of work are generally poor, and all the services are patently short of equipment and material.

## Recommendations

### 1. The Quality of Life

- In the short term, step up repair work on the old and damaged facilities; in the long run, consider the possibility of building new facilities or modifying existing ones in line with contemporary concepts of prison population treatment;
- solve the problems of water supply, sanitary installations and heating as soon as possible;
- improve the quality of prisoners' daily life by improving the sanitary conditions, supplies, diet, clothing, and health care;
- set up an independent commission within the Ministry of Justice to make regular (e.g. semi-annual) assessments of the conditions of life and work of the prisoners in particular institutions;
- introduce regular annual systematic medical check-ups of all persons accommodated in the institution;
- explore the possibility of organizing the medical service as a branch of the local community clinics (on the lines of the education departments in the reformatory and the juvenile penitentiary) or ensuring its greater independence from the institution administration in other ways;
- request the Ministry of Health to provide regular supervision of the institution medical services to ensure their independence and standards of care identical to those provided outside the institutions.

## 2. Security

- Set up an independent commission within the Ministry of Justice to review decisions on the allocation of prisoners to specific institutions, as well as decisions on the internal allocation of prisoners;
  - make sure the level of security corresponds to the type of institution and the mode of its work;
  - reduce the size of institutions and explore the possibility of building new smaller and more adequate facilities;
  - raise the level of security by introducing modern surveillance equipment in high-risk areas;
  - reduce the number of prisoners sharing facilities and rooms;
  - identify any risk to institution security and take steps to reduce it;
  - set up an independent commission within the Ministry of Justice to monitor and, if necessary, examine cases of security violations;
  - promote management and communication styles based on humane and non-violent relations between personnel and prisoners.

## 3. The Lawfulness (equity) of Treatment

- Adopt the new house rules in the Penitentiary-Hospital, the juvenile penitentiary, and the reformatory as soon as possible;
- instruct the supervisory authorities to step up their presence in institutions and to intensify their control of treatment in order to ensure the lawfulness of treatment;
  - keep all the elements of repression under strict control and examine every case of disciplinary punishment, use of the instruments of restraint, or deprivation of rights;
  - insist on orderly record-keeping on requests, complaints, rewards, disciplinary punishments and use of the instruments of restraint;
  - modernize the taking and keeping of records and equip the services with computers;
  - set up a single data base to facilitate cooperation and communication among institutions as well as the monitoring of prisoners and their classification;
  - ensure that detainees and sentenced persons can communicate freely with supervisory authorities;
  - ensure that institution administration maintains regular and direct contact with the prisoners;
  - allow an independent body to review and constantly monitor the situation of foreign nationals deprived of their liberty.

## 4. Social Resettlement

- Work out strict daily schedules to involve prisoners in constructive activities and prevent idleness;
  - ensure that the internal classification criteria are based primarily on treatment needs;
  - review the statutory regulations regarding prisoner's work and make necessary adjustments with respect to conditions of work and remuneration;
  - make sure that the organization and technology of work is aimed at developing prisoners' professional skills in occupations which are in demand at the labour exchange;
  - bring the schooling and vocational training of prisoners up to date by providing adequate conditions and competent personnel; also, develop mechanisms to ensure that a prisoner's progress in this field figures highly in assessing the effectiveness of the punishment and in awarding benefits;
  - organize educational activities aiming to develop prisoners' social skills;
  - encourage the prisoners to participate in sports, cultural, and artistic activities to be organized by a professional and in cooperation with the local community;
  - provide resources to renovate the libraries and replenish the library stocks;
  - provide the conditions for advisory and other psychotherapeutic work (regarding the size of reformatory training groups, personnel, premises);
  - make sure that adherents of other faiths can practice their religion in adequate rooms;
  - work out a strategy at Ministry of Justice level for the release and gradual after-care of prisoners, considering that the task is beyond the capability of the institutions.

## 5. Contacts with the Outside World

- Allow independent bodies (non-governmental organizations, expert commissions, etc.) to inspect the institutions regularly and without hindrance, as well as prisoners to communicate with them freely;
  - allow detainees and convicted prisoners freely to communicate with the institution administration, higher authorities and non-governmental organizations (e.g. by installing internal mail boxes controlled only by the director or another appointed person);
  - encourage and, where necessary, mediate in a prisoner's communication with the family and other authorities in the local community and his or her place of abode;



- increase the number of coin-operated telephones;
- adapt the premises for receiving visits and equip them with the necessary furniture and appliances;
- enact legislation to formalize cooperation between institutions and relevant systems (all criminal-law services, social and health services, schools, labour exchanges, employers) in the local community and the prisoner's place of abode;
- formalize cooperation with relevant faculties and institutes (e.g. by insisting that they appoint an appropriate consultant).

#### 6. The Institution Personnel

- Provide all the services with the necessary number of personnel, also employing members of the local community services, part-time workers and volunteers; prior to this, review the existing job plan and establish how many new employees are really needed;
- appoint an independent commission within the Ministry of Justice periodically to review the vocational and personal competence and psychological and physical condition of institution personnel and to assess the need for advanced vocational training and professional assistance; consider introducing professional licences, especially for members of the reformative training service;
- impose higher professional and personal criteria in recruiting personnel, as well as stimulate job applicants and employees by means of benefits, good conditions of work and higher pay;
- insist on proper and lawful treatment and penalize any dereliction of duty rigorously;
- make sure that all institution personnel receive basic professional training on the specific features of the prison population, effective treatment methods, basic human rights and relevant international standards;
- introduce obligatory specific training of members of different services aimed at modernizing their work and helping them to master effective methods and techniques (e.g. train members of the security service to deal adequately with prisoners offering active and passive resistance);
- prepare manuals for the personnel of each service specifying the concept and objectives of the service, its role and tasks, and work rules and instructions;
- introduce obligatory personnel support programmes (consultations, periodic job rotation, etc);
- consider a strategy at Ministry of Justice level of overcoming the bad relations among personnel in most institutions.



## **The Premier Zoran Djindjic Assassination and Impact of the State of Emergency**

The Premier Zoran Djindjic assassination of March 12, 2003, was an assault on the Serbian government, its reform-oriented wing in particular. The assassination testified that Serbia is a hostage to organized crime, and, in this context, it just bared Serbia's fragile stability and internal security. The Premier was assassinated at the point when he was getting prepared for a showdown with organized crime and mafia that have obstructed the cooperation with The Hague Tribunal and the reform process ever since the DOS coalition came to power.<sup>1</sup> As a watershed in politics-organized crime relationship, the Djindjic assassination called for reconsideration of the events of October 5, 2000, primarily when it came to the DOS' bargain with the repressive apparatus, which implied amnesty to some of the latter's outstanding figures who have committed crimes or have been involved in organized crime. Such bargain turned unviable, if only because the international community kept insisting on the cooperation with The Hague Tribunal – a constant in its Serbia policy.

The DOS missed the unique opportunity of October 5 for a radical breakup in this context, the more so since it enjoyed full public support at the time. The differentiation within the DOS in the matter of the cooperation with The Hague slowed down the process of breaking up with Milosevic's legacy. This opened vistas to consolidation of Milosevic's financial and economic mafia that had a significant, if not crucial pull on developments. On October 5, 2000, Vojislav Kostunica, leader of the Democratic Party of Serbia (DSS), stood up for the Yugoslav Army (VJ) and secret services (he prevented depositions of Radomir

---

<sup>1</sup> While getting prepared for combating organized crime the Serbian government has made numerous bilateral and regional arrangements with neighboring countries and the UNMIK. Back in December 14, 2000, the FRY signed the UN Convention on Combating Transnational Organized Crime. The Ministry of the Interior begun to depose compromised policemen, made some personnel changes among its top people, and upgraded its working methods. The State Security Service (SDB) was transformed into the Security-Information Agency (BIA) that was placed under the government's jurisdiction instead of that of the Ministry of the Interior.

Markovic and Nebojsa Pavkovic in the aftermath of October 5) and thus blocked discontinuity with Milosevic's legacy. By constantly involving legalism – his major instrument of opposing and hindering changes – Vojislav Kostunica considerably added up to a paralysis not only in passing new laws, but also in functioning of some institutions. A vicious circle resulting from such attitude taken by the "patriotic bloc" prevented the Serbian government from making breakthroughs in reforms.

Once again coming public with its overt secular ambitions, the Serbian Orthodox Church (SPC) politically abused Zoran Djindjic's funeral service. Metropolitan Amfilohije Radovic's speech at the memorial service in the St. Sava Temple<sup>2</sup> carried a clear-cut anti-Western message that makes the basis of the SPC conservativeness and organicist perception of the society, but also marks the "patriotic bloc." Metropolitan's allusion to an outstretched hand to Europe and the world indicate that the Djindjic assassination was also aimed at breaking the cooperation with The Hague Tribunal.

The international community significant support to the DOS immediately after the October 5 change, especially its assistance to social funds, provided a room to a reform maneuver. However, the expected outcome failed due to the anti-reform bloc's obstructions and the institutional objectively small reform potential. Premier Djindjic had managed to create some preconditions for reforms, though some institutions, judiciary in particular, had not backed his efforts. Shortly after the overturn, the judiciary proclaimed itself "independent" (in other words, "independent" of changes) and thus, backed by the opposition, prevented lustration. Conflict between the judiciary and the government, wherein Premier Djindjic and Justice Minister Batic stood for the latter, went on throughout 2002.

And yet, the government managed to "engineer" a minimal majority in the republican legislature to vote in 45 laws and a number of bylaws. However, everything proceeded in snail's pace and painfully. For instance, it took over a year to have the Law on Cooperation with The Hague Tribunal come in force. The dispute on the law was more illustrative of the balance of power with the DOS than of viable legal argumentation. At the same time, the dispute manifested that the prevalent part of the elite was unwilling to face the past and thus manipulated the public opinion in the matters of the cooperation with The Hague.

In addition, the international community failed to pay due attention to Serbia's transition in 2002. The international community's focus on creating the union of Serbia and Montenegro placed the Serbian government's reformist endeavor in the back seat.

<sup>2</sup> *Vecernje Novosti*, the issue of March 16, 2003. Amfilohije Radovic, "Premier Djindjic will be remembered "primarily for having – in the days of the deepest humiliation for his people and in the manner of one Milos Obrenovic - offered a brotherly hand of peace and reconciliation to Europe and the world...At the point when the sword of Pilate's justice hangs over his people, Zoran Djindjic starts the bloodstream of national and social life."

The Serbian society was impregnated with crime. The hookup between organized crime and the Socialist Party of Serbia's (SPS) nomenklatura was more than obvious, the same as their many joint ventures. This is how the police, customs administration, and other bodies turned into criminal organizations. The state control system created a favorable setting for organized crime's smooth operations, which led to the crime-the police-the prosecution-courts hookup. Such dramatic impact of Milosevic's legacy opens the question of Serbia's democratic potential. The Djindjic assassination somewhat closed the door on Serbia's reforms, given that no figure at the political scene can step into his shoes. Regardless of all controversies related to his name, Djindjic turned out to be the only politician able to change his clothes in accordance with developments. It was such perception of Zoran Djindjic that created a consensus on his removal from the political scene.

As seen from today's angle, the months-long media campaign against the Premier<sup>3</sup> proves it was all about a scheme involving parts of the former regime, but parts of the DOS as well<sup>4</sup>. Denial of war crimes figures as a common denominator of this "natural coalition" that has planned the assassination for long<sup>5</sup>. This is best illustrated by five assassination attempts, one of which included liquidation of Djindjic's family. The Hobson's choice facing the Serbian government in the aftermath of the assassination could have only resulted in the state of emergency. The international community supported a choice as such<sup>6</sup>. Bearing in mind the (non) existent legal system,

<sup>3</sup> Now banned *Identitet* daily kept assaulting Djindjic and his allies. Two weeks before the assassination, this newspaper carried a story detailing Djindjic's security system, number of bodyguards and vehicles tasked with taking care of the Premier. "Experts" salted the story with their assessments, claiming any governmental action against Legija & comp. would prompt most of people from the JSO and the Ministry of the Interior reserve to side "famous commander" and "first-rate professional and patriot." The last issue of the newspaper out of print two days before the murder carried a banner saying "Zoran Djindjic A Free Gunman's Target: The Hague Serbs Contract the Murder."

<sup>4</sup> Nenad Canak said in an interview with the Beta News Agency that Police Minister Dusan Mihajlovic had told him a year ago about criminal groups intent to destabilize the country through assassinations of some top governmental officials and the Premier. "For sure, this is a coup d'etat attempt, but unlike successful ones, this one was planned by executioners rather than strategists. This is an attempt to provoke anarchy and chaos, no matter of actual results. It suits more organized lawlessness to have the state hermetically sealed and turn it into a zone beyond the reach of international security bodies, than to have the state more and more open to the world," said Canak. The purpose of the coup d'etat "was dethronement, rather than enthronement." (Beta, March 20, 2003).

<sup>5</sup> Preparations have obviously begun immediately after Vojislav Kostunica's defeat in the presidential elections, since, according to gangsters from "the Zemun clan," the first assassination attempt was to take place in the winter while Djindjic and his family was vacationing on the Mt. Kopaonik.

<sup>6</sup> Maurizio Massari, head of the OSCE Mission in Belgrade, said, "Looking back at the state of emergency, we can say that the Serbian government reached for general implementation of measures implied by a state of emergency. Great majority of the Serbian public approved of the state of emergency seeing it as a mean to combat the crime. However,

collapsed institutions and a general societal paralysis, the state of emergency – though unpopular and undemocratic measure – provided a frame for an operative government and efficiency of the "Saber" action.

The international community's response and that of domestic public pulled the rug from under "putschists'" feet. So, paradoxically, though the reformer was removed, a mandate for reforms was obtained. Djindjic was posthumously haloed as a reformer, with a halo too large to correspond to reality. For the first time in Serbian history, an utterly modern, pro-Western, and European myth was created in few days only<sup>7</sup>. However, in spite of all, a large-scale campaign against the state of emergency was launched, with the Democratic Party of Serbia (DSS) in the leading role. The state of emergency, as Vojislav Kostunica put it, was "used for a political showdown with the opposition." The media and many non-governmental organizations joined the campaign<sup>8</sup>.

Citizens of Serbia backed up the state of emergency, many of them claiming they "felt safe" for the first time in the past ten years. The large-scale campaign of arrests, primarily affecting the so-called street mafia, was supported by a part of the elite, financial and economic in the first place, which also figured as its target.<sup>9</sup> The opposition raised great hue and cry about the government's focus on the "Zemun clan." Labeling it as a one-sided approach, the opposition blamed the government for protecting the so-called Surcin clan that used to work closely with the Zemun clan. Arrests of over 10,000 people, 4,500 of whom have been detained in custody provoked protests by many non-governmental organizations.

The Djindjic assassination challenged Serbia to draw a clear-cut line between crime and state institutions. In this context, the state of emergency is just an initial, but significant step on a long journey the many stages of which will be both critical and painful. Proceedings against the accused of the Djindjic murder will be the first litmus test to determine Serbia's capability and willingness to establish a legal frame for the rule of law. Ongoing showdown with the first layer, i.e. the so-called street mafia, is nothing but a prelude to a by far bigger battle against the mafia that "owns" Serbia.

---

the fact is that by its very nature the state of emergency could have not but restrict some freedoms for a set period." (*Vreme*, May 15, 2003)

<sup>7</sup> Latinka Perovic: "This is for the first time that we have not a heroic myth, a myth about a warrior. This is about a myth with civil, European attributes... It would be bad to have Zoran Djindjic boiled down to a myth. That would kill all he hoped for, all that stood for future. That would open the door to a battle over Djindjic. Djindjic's work is unfinished, but it triggered action. His work was strongly opposed. It is only his tragic death that threw more light on his aspirations and enabled crystallization of experience." (*Blic*, May 4, 2003).

<sup>8</sup> Journalists were more focused on alerting the world public about alleged "violations of human rights." The SEEMO and many other journalist organizations supported them amply.

<sup>9</sup> This is best illustrated by kidnaps of many rich businessmen such as Miskovic, owner of the Delta Company.

## Reactions from the World To the Assassination

In spite of pressing Iraqi crisis, the Djindjic assassination once again focused the world's attention on Serbia. The publicity given to the murder and funeral service indicate that the world still perceives the region as instable. International media extensively covered the event. In an article headlined "Death of A Balkan Hero," the Observer weekly said "mobsters in Serbia stop at nothing to get Serbia back in the Dark Age of Milosevic's rule." The police action of tracking down suspects was extensively covered as well. Many by-liners pinpointed the fact that Djindjic was "the first non-communist premier of Serbia since the World War II," and that "political circles in the West saw him as a figure on the same wavelength, a politician with modern views and liberal vision – in brief, a representative of a European Serbia endeavoring to mend severe damages before resuming its rightful place in the world developments it has absented from for over a decade." Others expressed hope that the Djindjic murder "might bring about a new consciousness... To put it precisely, the new challenge for Serbia is to pursue reforms, both institutional and economic."<sup>10</sup>

The world responded promptly to the assassination, and, judging by first messages, these reactions reflected full understanding of the situation. Though shocked by this brutal murder, the international community approved the state of emergency and was throughout it (42 days) a kind of its supervisory body. Having lost its main pillar of reforms with Djindjic gone, the Serbian government leaned on the international community's logistic assistance and counsel. In their statements in the aftermath of the assassination, leading figures from the United States and the European Union unconditionally supported the Serbian government and thus prevented putschists to attain their goal. All the statements pinpointed Zoran Djindjic's reformist endeavor – actually, that was the international community's basic message: the government should pursue this course.

President George W. Bush was among the first to send a message of condolences to the Serbian government. On his way to Turkey, State Secretary Collin Powell paid a short visit to Belgrade to personally express his sympathy to the Djindjic family and the Serbian government. He promised his "dedication to support Serbia's economic and democratic reforms," and said he hoped "political leaders of Serbia would continue Zoran Djindjic's significant work." He also took the opportunity to emphasize Zoran Djindjic's "courageous leadership" in Milosevic's overthrow and extradition to The Hague<sup>11</sup>, his reform-wise course and dedication to "economic and political reforms

---

<sup>10</sup> RFI, March 15, 2003.

<sup>11</sup> When Milosevic was arrested and transferred to The Hague, the world perceived Djindjic as a brave and cooperative politician. That is when his rise in the international scene began.

necessary for Serbia's integration into Europe, and his standing against all forms of extremism.<sup>12</sup>

French President Jacques Chirac also laid stress on the Premier's reformist orientation, a "legacy that must be upheld." Javier Solana, the EU commissioner for foreign policy, and many others spoke about their personal impressions about the Premier, as "a man open to cooperation."<sup>13</sup> On behalf of the European Union, Jorgos Papandreu, Greek foreign minister, referred to a loss of "a close friend."<sup>14</sup> Representatives of the Council of Europe, Secretary General Peter Schider and President of the Parliamentary Assembly Walter Schwimer stressed "the crimes comes at the critical point for Serbia and Montenegro, and is most probably aimed at putting and end to the process of economic and political reforms, and the fight against organized crime."<sup>15</sup> By bracketing Djindjic with reform efforts, representatives of the Council of Europe messaged that "people of Serbia and Montenegro should not and will not allow criminals to decide their future." Maurizio Massari, head of the OSCE Mission to Serbia and Montenegro, also underlined the importance of continuing "the reforms led by Djindjic, and strengthening them in the interest of the state as a tribute to the late Premier."<sup>16</sup> Carla del Ponte, main prosecutor of The Hague Tribunal, was among the first to call the Djindjic assassination "a big loss."<sup>17</sup>

The Djindjic assassination threw luster on Serbia as a still instable country and the government's endeavors over the past two years as still vulnerable. It is not by chance only that Romano Prodi, president of the European Commission, promptly said the murder of the Premier indicated that "situation in the Balkans is still difficult."<sup>18</sup> Bearing in mind a possible destabilization of the entire region, the Security Council's closed session immediately discussed the situation created by the assassination and, in a statement, accentuated Djindjic as "one of most prominent Serbian politicians, who greatly contributed to the country's democratization."<sup>19</sup>

George Robertson, NATO secretary general, saw the attack on Djindjic as "an attack on all who wish to break up with the past," and called the assassination "a desperate act of violent extremists wanting to go back to the time of Milosevic's authoritarianism." He added, "This tragedy shows that anti-democratic forces and extremism are still active in Serbia."<sup>20</sup> Executive Director of the International Monetary Fund (IMF) Horst Keller said the Djindjic

<sup>12</sup> Beta, March 12, 2003.

<sup>13</sup> AFP, March 12, 2003.

<sup>14</sup> Beta-AFP, March 12, 2003.

<sup>15</sup> Beta, March 12, 2003.

<sup>16</sup> Tanjug, March 12, 2003.

<sup>17</sup> Tanjug, March 12, 2003.

<sup>18</sup> Tanjug, March 12, 2003.

<sup>19</sup> Tanjug, March 12, 2003.

<sup>20</sup> AFP, March 12, 2003.

government "made an impressive progress in the stabilization and reform of the economy, and in its integration into Europe."<sup>21</sup>

Major leaders of the EU member-states explicitly condemned the assassination. According to them, Djindjic was the leader "of Serbia's democracy and reforms," his role in "Serbia's resuming its place in the community of European democracy was crucial,"<sup>22</sup> and he brought Serbia and Montenegro closer to "the European Union family."<sup>23</sup> Many of them pinpointed that the assassination put Serbia in "a delicate situation," which implied "even stronger tensions," and referred to the assassination as "tragic and revolting," and "clearly political."<sup>24</sup> Some said that, at the same time, the assassination opened vistas to the region's "more resolute, unwavering showdown with criminal groups and individuals."<sup>25</sup>

Many politicians coming to Belgrade to attend Djindjic's funeral and thus pay tribute to his reformist course and express support to the Serbian government manifested the world's concern over the assassination. Statesmen and diplomats from all over the world actually brought with them three major messages: a message of sympathy, solidarity and friendship; a promise to back up Serbia's course of reforms, democratization, regional cooperation, and association with the EU; and a message of hope that the Premier assassination would not terminate efforts aimed at creating a society ruled by law and able to combat organized crime. The statement made by Laurence Eagleberger, American ex-secretary of state, about the United States' continuous pressure when it comes to the cooperation with The Hague Tribunal, and reforms preconditioned with eradication of "parasites and bloodsuckers" was actually the key message to putschists with an eye to breaking this cooperation.<sup>26</sup>

As for neighboring and South East European countries, their highest representatives attended Djindjic's funeral. The delegation of Bosnia-Herzegovina, headed by Foreign Minister Mladen Ivanic, included the chair of the tripartite presidency, Mirko Sarovic, and the security minister, Barisa Colak. Prime ministers of Albania and Croatia, Fatos Nano and Ivica Racan, were also there. Racan was accompanied by his foreign minister Tonino Picula. Premier Branko Crvenkovski came from Macedonia, while the Republika Srpska was represented by its president, Dragan Cavic, the prime minister and the parliamentary speaker, Dragan Mikerevic and Dragan Kalinic. From Rumania came its prime minister, Adrian Nastase. Attendance of the high-level

<sup>21</sup> Tanjug, March 13, 2003.

<sup>22</sup> Tanjug, March 12, 2003.

<sup>23</sup> Tanjug, March 12, 2003.

<sup>24</sup> Tanjug, March 13, 2003.

<sup>25</sup> Tanjug, March 13, 2003.

<sup>26</sup> Tanjug, March 15, 2003. Eagleburger said, "Yes, we are exerting pressure on you to arrest the accused and send them to The Hague, and I intend not to apologize for that. Whether this had anything to do with the assassination, I wouldn't know. But I know the American government says, 'If you let criminals at large, do not expect us to help you.'"

delegation from Croatia was most significant. Prime Minister Ivica Racan said, "In these difficult circumstances it is extremely important that we prove our readiness to cooperate and develop neighborly relations, given that we live side by side and should be living next to each other. Croatia has established good cooperation with Zoran Djindjic's government." These words just added up to the feeling of shared anxiety about regional security at that point.

Neighbors' reactions best illustrate Serbia's significance in the matter of regional stability. All of them as one perceived developments in Serbia. The assassination raised common awareness about the need for solidarity and concerted action in combating organized crime. All top officials from neighboring countries laid stress on Djindjic's courage, since, as many of them put it, he had been fully conscious of "the risk he was taking." Commenting on Djindjic's dramatic death, Petre Roman, former prime minister of Rumania, said, "This is a loss for all of us, for the whole region, since he was ready and capable to lead Serbia to the big family of European nations.<sup>27</sup> Many leaders from the neighborhood expressed their anxiety that the assassination might isolate Serbia and said they hoped this tragic event "would not seriously affect Serbia's stability, i.e. stability of the union of Serbia and Montenegro, as well as the situation in the region."

The union of Serbia and Montenegro was admitted to the Council of Europe with the state of emergency still on, which was unprecedented. This probably best illustrates that the world has realized the importance of placing Serbia's troublesome developments under the control and within the frame of European institutions.

## Legal Frame for the State of Emergency

In order to prevent unforeseeable developments that might jeopardize the Republic's sovereignty, constitutional order and security, the Acting President of the Republic of Serbia, as proposed by the Serbian government, declared a state of emergency on the very day of the Djindjic assassination (March 12, 2003). As provided by the Law on Measures To Be Taken in the Case of a State of Emergency, the Acting President issued the Order on Special Measures to Be Taken During a State of Emergency, whereby "certain citizens' rights and freedoms guaranteed in the Constitution of the Republic of Serbia shall be restricted and specific competence of state bodies in the course of a state of emergency shall be defined" (Article 1 of the Order). In terms of a major restriction provided in the Order, the Interior Ministry is entitled to arrest a person jeopardizing safety of other citizens and retain him/her in up to 30-day custody without the right to an attorney or visits by relatives. Both arrest and

<sup>27</sup> Tanjug, March 12, 2003.

custody are regulated by relevant decisions, which are subject to complaints that can be filed with the Minister of the Interior.<sup>28</sup>

Under the same Law, the Order on Preventing Public Information and Distribution of Press and other Means of Mass Communication that Carry Information about the Reasons for Declaring the State of Emergency and Measures To Be Taken in the Course of It was issued on March 13, 2003. Actually, this order bans all public information and dissemination of information related to the motives behind the decision to declare the state of emergency and take underlying steps, except for official releases by competent state bodies. In the case a natural or legal person violates provisions of the Order, the Ministry of Culture and Public Information, being a competent state body, is authorized to fine this person or decide to confiscate all copies of a newspaper or other mean of mass communication, or decide to temporarily ban a newspaper, airing of certain radio or television broadcasts, etc.

By mid-April, papers *Identitet* and *National*, distribution of the Republika Srpska-based *Prst* tabloid and the Podgorica-based *Dan* daily have been banned in Serbia, the *Vecernje Novosti* daily has been reproached, the local TV *Mars* from Valjevo has been closed down and the local *Leskovac TV* has been fined under the Order.

As ordered by the Serbian Minister of Justice on March 16, 2003, the tightest security measures were imposed on all departments within prison institutions, while the rights of prisoners were suspended over the period of the state of emergency. These measures actually restricted prisoners' right to the contact with the outside world, the right to gathering and the like.

Having skipped a relevant public debate, the Serbian Legislature on March 19, 2003 passed the Law on Amendments and Supplements to the Law on Judges. The Law on Judges had been enacted in November 2001, a year after the October 5 overthrow. It was firstly amended on July 2002. A number of appeals for the assessment of constitutionality of certain provisions of this Law have been submitted to the Constitutional Court of Serbia on the grounds that provisions as such violated the principle of independent judiciary. On September 19, 2002, the Constitutional Court of Serbia decided to suspend some actions deriving from the disputed provisions. The Court explained that these provisions "might lead to irreparable consequences affecting functions of courts of law, as provided by the Constitution." According to the Constitutional Court of Serbia's decision of February 2003, some of the amendments were contrary to the Constitution. On the one hand, the March 2003 amendments and supplements to the Law on Judges are partially adjusted to the Constitutional Court's decision, and introduce some new provisions on the

<sup>28</sup> Over the state of emergency, the Interior Ministry arrested over 18,000 persons suspected of being, this way or another, connected with Premier Djindjic's assassination, tied up with organized crime or in possession of information crucial for tracing down suspects. Over 4,500 people were retained in custody.

other. The said amendments primarily refer to a speedier procedure of deposing judges. They also impose a sanction according to which mandates of all member-judges of the Great Personnel Chamber shall be ended unless within 30 days from the day a relevant procedure has been instituted they decide on reasons for a specific recall.

On the very day of March 19, 2003, the Serbian Legislature decided, by virtue of retirement age, to disbench 35 judges from courts of general jurisdiction and special courts. Seven judges of the Supreme Court of Serbia were among them. Protesting such sudden depositions of judges and prompted by longstanding and serious disputes with the Minister of Justice, the president of the Supreme Court of Serbia, Leposava Karamarkovic, resigned on March 20, 2003 obviously under strong pressure.

A day later, as proposed by the Serbian government, the Acting President of the Republic of Serbia issued the Order on Special Measures in the Domain of the Judiciary to be in force during the state of emergency. Under the Order, Sonja Brkic, president of the Novi Sad District Court, was appointed acting president of the Supreme Court of Serbia. The deputy public prosecutor of Serbia, Milan Sarajlic, was arrested for being tied up in organized crime. Since Sinisa Simic, taken responsible in the line of duty, was suspended from the office of the republican public prosecutor, Djordje Ostojic, former head of the Novi Sad Secretariat of the Interior, was assigned the post of acting republican public prosecutor. The Order authorized all these acting presidents and prosecutors to suspend, if necessary, presidents of lower courts or prosecutors and appoint acting presidents or prosecutors in their steads, as provided by law.

On March 24, under the same Order, the Acting President of the Belgrade District Court was replaced by Radoslav Bacovic, president of the Belgrade Fifth Municipal Court. No relevant explanation whatsoever followed the decision. A day later, Rade Terzic, public prosecutor of the Belgrade District Prosecution, resigned for personal reasons. On March 27, Nenad Ukropina, one of Terzic's deputies, was appointed to the office of public prosecutor. The same day, Zivota Djoincevic, judge and president of the Criminal Extrajudicial Chamber of the Belgrade District Court, was arrested for his connections with organized crime.

The police investigation of the Premier Djindjic assassination indicated close ties between organizers and executioners on the one hand, and commanders of the Serbian Interior Ministry's Special Operations Unit (the Red Berets) on the other. Evidence gathered so far, indicate that the Red Berets were connected with an organized crime gang, the so-called Zemun Clan, closely related to some officials in the judiciary and top people of the State Security Service (which formed the Red Berets in early 1990s). Some members of the Unit, apart from being involved in crimes committed in the course of the wars waged in the territory of the former Yugoslavia, were suspected of murdering political opponents at the order of Slobodan Milosevic and the then topmost

state officials, as well as of abductions, blackmails and threats. This is why the Serbian government decided on March 25, 2003, to disband the Unit.

At its session of April 11, 2003, the Serbian Legislature adopted amendments and supplements to the following bills: the Law on Organization and Jurisdiction of State Bodies in Combating Organized Crime; the Law on the High Judicial Council; the Law on the Public Prosecution; the Criminal Law of the FR of Yugoslavia; and the Criminal Law of the Republic of Serbia.

Back in July 2002, with a view to combating organized crime and following the models of some European states, the Serbian Legislature passed the Law on Organization and Jurisdiction of State Bodies in Combating Organized Crime, whereby the institution of a special prosecutor was introduced. To upgrade the Law's efficiency, it had to be amended and supplemented after the Djindjic murder, when involvement of some organized crime gangs became evident the same as the fact that the organized crime had infiltrated all pores of the society. Basically, the amendments changed the definition of organized crime by turning it more inclusive.

Major amendments invested larger competence upon the Department to Combat Organized Crime (a police department) and in the Special Prosecutor. Accordingly, the Department is entitled to preventively retain a person in up to 30-day custody, if it is assumed that such person might provide information or evidence about organized crime, or if gathered information or evidence justify the assumption that such person might interfere with or hinder steps or actions the Department takes in the course of its proceedings. A person under arrest is entitled to a lawyer immediately after he or she has been taken into custody. The Special Prosecutor decides on custody, while the person under arrest has the right to file a complaint to be decided on by the Republican Public Prosecutor within 72 hours from the time he or she has been apprehended.

A person suspected of having committed a crime with elements of organized crime can be retained 30 days in a special detention unit. An authorized official of the Department decides on such custody. When deemed fully justified, the Minister of the Interior can prolong the custody for another 30 days.

Whenever necessary in terms of identification and arrest of people involved in organized crime, an investigating judge of the District Court's Special Department can decide to retain a person identified as a member of an organized crime gang or some other similar group in a special detention unit for 3 months. When reasons for a measure as such are particularly justified, which must be fully detailed by the Special Prosecutor or the head of the District Court's Special Department, the Supreme Court of Serbia can decide to prolong the custody for another 3 months at the most.

Viewed from the angle of the protection of human rights and freedoms, as well as the right to fair trial, these provisions should be considered in terms of their departures from the actual Constitution of the Republic of Serbia. Firstly, the provision whereby a person can be preventively retained in custody

up to 30 days, if it is assumed that such person might provide information or evidence about organized crime, enables detention of witnesses, experts or even victims, which is contrary to Article 16 of the Constitution of the Republic of Serbia. Namely, the article provides that only a person reasonably suspected of having committed a crime could be detained or taken into custody. Any decision on a person's detention (whereby detention hardly differs from custody) made by persons or bodies other than courts is unconstitutional (Article 16 of the Constitution of the Republic of Serbia). In this particular case, the right to decide on a detention or its extension is invested upon an official of the Department, the Special Prosecutor, and the Minister of the Interior. The provision whereby the Supreme Court of Serbia is authorized to prolong a custody for another three months, while the detained person is deprived of the right to file a complaint against such decision, violates Article 22 of the Constitution of the Republic of Serbia guaranteeing any person the right to file a complaint against a decision dealing with his or her rights. The bright side of the issue is that the amendment and supplements to the Law provide that the Serbian Legislature shall reconsider all disputable provisions within 90 days from the day this Law is in force.

Amendments and supplements to the Law on Public Prosecution affect and restrict the independence of this institution, while investing larger competence and authority upon the Ministry of Justice. The High Judicial Council's prerogative to nominate prosecution attorneys to be then elected by the Serbian Legislature has been annulled and placed under the government's jurisdiction instead, i.e. entrusted to the Minister of Justice. Also, the amendments have ruled out the provisions related to prosecution attorneys' right to act as assistant members of the High Judicial Council (the Council's right to incorporate four members in such capacity).

The Law on Amendments and Supplements to the Law on the High Judicial Council backed all the above mentioned provisions regulating the Council's composition and the competence this body used to have in the procedure of nominating candidates for the posts of prosecution attorneys.

The Law on Amendments and Supplements to the Criminal Law of the FR of Yugoslavia (newly labeled as Basic Criminal Law) introduced some novel sanctions and institutions, made changes in others and exacerbated punishment for some crimes.

Confiscation is among these punishments. Namely, property of a convicted person is seized without redemption, according to statutes, in the case when a person convicted of crime with elements of organized crime is sentenced to at least 4-year imprisonment.

The provision setting down a possibility of more severe punishment for recidivists has been exacerbated as well. Such possibility used to be envisaged for offenders already jailed twice or more and showing a tendency to return to criminal habits, while it now applies to persons who have been sentenced for premeditated crimes to one-year imprisonment. The institute of "particularly

serious cases" was reintroduced enabling more severe punishments for crimes considered seriously injurious to the community because "while committing it the offender displayed notable resoluteness, persistence or arrogance, or because consequences of the crime were particularly grave, or the crime was committed in other notably aggravating circumstances."

Provisions of the article on the concurrence of criminal offense and single punishment have been also amended: the earlier total of individual punishments restricted to 15-year imprisonment at the most has been annulled.

Punishments have been turned more severe for the following crimes: attempt on constitutional order; assassination of a high state official; violence against a high state official; rebellion; association for the purpose of hostile acts; assistance to an offender after the crime; planning of a crime; trafficking in persons and transportation of persons forced to labor under conditions comparable to slavery; illegal production and distribution of narcotics; and, storing narcotics and trafficking in them. Commission of the latter act has also been redefined in terms of criminalizing storing of narcotics.

The amendments and supplements to the Criminal Law of the Republic of Serbia have exacerbated punishments for some crimes and criminalized some actions that had not been treated as such before. The former refers to: murder, illegal deprivation of a person's freedom, abduction, forced confession, violation of law and order, robbery, robbery with violence, coercion, perjury, false swearing, manufacture and procurement of arms and tools for commission of crimes, and forgery of official IDs.

As to newly criminalized acts, the amendments and supplements include the following: forceful removal and use of bodily organs or parts of human body, sexual harassment, use of minors for the purpose of pornography, trafficking in persons, destruction of and damage to specially protected natural environments, breach of copyrights and other related rights.

A novel group of criminal activities against databases security has been added: unauthorized use of PCs and computer networks; computer sabotage; creation and incorporation of computer viruses; computer fraud, obstruction of data processing and data transmitting, and unauthorized access to protected PCs or computer networks.

Two new provisions aimed at protecting natural environments have been incorporated: damage to embankments, dams or other facilities preventing the outflow of mining or industrial waste, and damage to or destruction of facilities or devices to protect natural environment.

At its session of April 11 the Serbian Legislature decided to unseat 15 judges of general jurisdiction and special courts, as well as 2 prosecuting attorneys, who have reached retirement age. At the same time, the Legislature decided to appoint 9 new judges of the Supreme Court of Serbia and 14 judges of the Belgrade District Court.

On April 22 the Serbian Legislature put appointments and recalls of court presidents and prosecutors to the vote under summary procedure.



Former acting president Sonja Brkic was elected president of the Supreme Court, former acting public prosecutor Djordje Ostojic was elected republican public prosecutor, while the former acting president of the Belgrade District Court, Radoslav Bacovic, was elected president of the said court by the majority vote. (all these formerly acting officials were appointed during the state of emergency.) Also, the Legislature appointed new presidents of the Novi Sad District Court, the Belgrade Fourth Municipal Court and the Novi Pazar Municipal Court.

Several hours later, the Acting President of the Republic of Serbia revoked the state of emergency.

All the above legislative and personnel changes were explained by the necessity to more efficiently combat organized crime. No doubt that some measures and actions taken by the state bodies have violated the principle of the full respect for human rights and freedoms. The very fact that all these measures and actions have been taken during the state of emergency, particularly those related to recalls and appointments, hardly makes them justifiable.

Now that the state of emergency has been revoked, both negative and positive effects of these measures shall become more manifest quite soon.

### **Admission of Serbia and Montenegro to the Council of Europe**

With a view to assisting ongoing reforms, and particularly so at hard times, the Council of Europe on April 3, 2003, admitted the union of Serbia and Montenegro to its membership. On the occasion, the President of Serbia and Montenegro declared ratification of the European Convention on Human Rights and Protocols 1, 4, 6, 7, 12 and 13. Prior to the admission, on March 31, the Law on Ratification of the Statute of the Council of Europe was enacted.

Within a year from the day it was admitted to the Council of Europe, the state union of Serbia and Montenegro is bound to ratify the European Convention on Human Rights, all the said protocols, as well as the European Convention on Prevention of Torture and Inhuman or Humiliating Punishments or Procedures.

With an eye to meeting basic principles of democracy, the rule of law and respect for human rights the Council of Europe sets down as a precondition to all candidate states, the Republic of Serbia has intensified drafting of a new constitution supposed to define a new judicial system. Accordingly, on April 11, 2003, the Serbian Legislature passed the Law on the Mode and Procedure of Amending the Constitution of the Republic of Serbia. A constitutional commission was formed under the Law's provisions, tasked with drafting a new constitution within 60 days from the day the Law was enacted. After an ensuing 45-day public debate, the constitutional commission shall review the text of a new constitution and put it forward to the Serbian

Legislature within 15 days. The Serbian Legislature adopts the text by majority vote and then calls a referendum on it. The referendum is considered successful if over 50 percent of registered voters go to the polls, while the constitution itself is approved if voted in by more than a simple majority showing up at the referendum.

Should everything go smoothly, the Republic of Serbia would have a new constitution, as a basic instrument of government and supreme law, by mid-August 2003.

Insufficient cooperation with The Hague Tribunal, firstly justified by a non-existent law, used to figure as a major obstacle to Serbia and Montenegro's admission to the Council of Europe. The law was finally passed on April 11, 2002, but its Article 39 still remained a stumbling block. The article said that provisions related to extradition to The Hague Tribunal were applicable just to persons indicted before the Law came into force, while domestic courts would be in charge of any future indictments. The Law was amended on April 15, 2003, and the disputable article was annulled, whereby full jurisdiction of The Hague Tribunal was established. In other words, domestic courts and prosecutors are not entitled to prosecute war crime suspects if such persons are on a presentment or indictment of the Tribunal. Article 11 was also amended – instead of releasing just witnesses from an obligation of keeping military or state secrets, the possibility is now extended to suspects as well.

### **Rights of Detainees and the Police Torture**

More than 10,000 people have been arrested from the day the state of emergency was imposed, on March 12, till its revocation on April 23, 2003. A number of relatives or friends of those detained came to the Helsinki Committee to complain of the treatment of detainees and the conditions in which they were kept. Given that these people were not allowed to see the detainees, they were just able to inform the Helsinki Committee about the date their friends or relatives had been taken into custody and provide some details they had learned from unofficial sources. Some persons claiming they were policemen sent anonymous letters or phoned in the Helsinki Committee. All of them mostly complained of excessive use of force or unnecessary insolence during arrests, police beating during interrogations to coerce confessions and bad living conditions in detention units. Measures implying the state of emergency prevented anyone from contacting persons under arrest as suspects of being involved in organized crime. Therefore, the Helsinki Committee has still not managed to contact the detainees and in most cases is unaware of the institutions they had been taken to.

On April 14, 2003, representatives of the OSCE, the Council of Europe, and the High Commissioner for Human Rights were allowed upon request to visit detained persons. According to Maurizio Massari, head of the OSCE Mission to Serbia and Montenegro, international inspectors did not register any

major departures from standards or violations of human rights. Several days later, Rasim Ljajic, minister for human and minority rights of Serbia and Montenegro, visited the detained and publicly shared the above view.

The Helsinki Committee has requested the Ministry of Justice to let it visit the persons detained in the Belgrade District Prison, the latter being the biggest of all, but a relevant permit has not been obtained up to now.

### Domestic Reactions to the State of Emergency

Against the backdrop of the state of emergency, the efficient police action called "Saber" soon disclosed that segments of state institutions and the opposition, as well as a part of the DOS coalition have been involved, this way or other, in the Premier assassination. A campaign against the state of emergency was launched as a response to these hints, and under the pretext that it was misused for "a showdown with the opposition." Since arrests of two advisers to Vojislav Kostunica opened his role in creating the anti-Djindjic atmosphere over the past few months to controversy, the DSS was immediately on the defensive, claiming it was all about an intra-Mafia conflict, but failing not to hint at Djindjic's ties with the underworld. The party used Djindjic's negotiations with Legija on the eve of the October 5 overthrow as a crowning argument, but disregarded the fact that he had been negotiating on behalf of the whole DOS coalition.

All opposition parties stood against the state of emergency, the DSS included. According to them, "The only way to overcome today's difficult situation in the state and society is to bring together all political forces with no exceptions, so as to reach a political consensus, rather than in restricting democratic rights and freedoms implied in a state of emergency." The DSS put forward forming "all-inclusive government" as "the least bad solution,"<sup>29</sup> and vehemently criticized the law under which the state of emergency had been introduced. This law, said the DSS, dated back at the time of 1991 March protests and was contrary to the 1992 Constitution of the FRY. Anyway, the crowning argument here was that the state of emergency "continues the practice of intimidating people, which was what the Premier's murderers actually had in mind."<sup>30</sup>

The G17 Plus, as a newly emerged political party, kept balancing its statements between the stands taken by the government and the DSS. So, it accentuated the need that "the government should get reconstructed and thus secure the country's political stability," as well as for "a national consensus with a view to protect democratic institutions and continue reforms."<sup>31</sup>

<sup>29</sup> Vojislav Kostunica, Beta, March 14, 2003.

<sup>30</sup> Beta, March 16, 2003.

<sup>31</sup> Beta, March 17, 2003.

Slobodan Orlic, co-chair of the Social Democratic Party (SDP), accused the Serbian Radical Party (SRS) and the Party of Serbian Unity (SSJ) of having "politically inspired" the assassination and announcing "a bloody spring" for months. These parties, according to Orlic, had aimed at destabilizing the government, breaking the cooperation with The Hague Tribunal, dissolving the union of Serbia and Montenegro, isolating Serbia, and removing the Premier for his reform-wise course. Orlic labeled all criticism of the state of emergency as "criticism beneficial to criminals," since, as he put it, it was only the state of emergency that "made a showdown with organized crime possible." Therefore, Slobodan Orlic (SDP), Dragan Veselinov<sup>32</sup> (Vojvodina Coalition) and Nenad Canak (Vojvodina parliamentary speaker)<sup>33</sup> proposed a ban on SSJ and SRS. The proposal provoked negative reactions of opposition parties, but also of some included in the DOS coalition, such as the Democratic Center (DC) that said it opposed "a ban on political parties."

The DSS campaigned against the state of emergency through alleged protection of free media and freedom of expression. Here the party leaned on releases issued by two international organizations – the International Institute for the Media and the South Eastern Europe Media Organization (SEEMO) – saying "effective investigative reporting, crucial for any democratic society, is impossible in Serbia under current circumstances." The DSS also threw stones at the Serbian government for its decision to appoint acting president of the Supreme Court and republican public prosecutor, and called the decision illegal. In its release, the party said, "Only the Serbian Legislature is entitled to appoint a judge from a lower court to a higher court," adding that Minister of Justice Vladan Batic "usurped the authority of the Serbian Legislature, since the Constitution provides not actions as such even in a state of war, allowing by far bigger deviations from some laws than a state of emergency."<sup>34</sup>

The DSS' reaction was the fieriest when two advisers of Vojislav Kostunica were arrested: Rade Bulatovic, his former adviser for security issue, and Aco Tomic, former head of the General Staff Security Department. Vojislav Kostunica pleaded as usual by saying, "I was not upon me to know that they were meeting with members of the Zemun clan, the same as it was not upon me to know about all contacts and meetings my associates had." This was aimed at

<sup>32</sup> Veselinov said, "The Serbian Radical Party and the Party of Serbian Unity should have never been registered as political parties, since their programs are brimming with unconstitutional elements such as racial discrimination. Besides, these parties formed paramilitary units at the time of conflicts in this region." Beta, March 19, 2003.

<sup>33</sup> Nenad Canak advocated a ban on the SRS and called the party "a politically organized evil." "The party's program is based on the fascist theory of blood and soil, and parties as such should not be allowed to exist in our country." Beta, March 19, 2003.

<sup>34</sup> Tanjug – Beta, March 21, 2003.

pinpointing there were no reasons whatsoever for him to be summoned to an informative talk.<sup>35</sup>

Speaking about misused state of emergency, Vojislav Kostunica said there could be no democracy without one dissenting view at least, but that he did not see himself as assaulted just because his party was being called to the carpet. Assaults on the DSS, as he put it, resulted from the fact that "someone" was "intent to entrench himself at any price, by claiming this reformist government indisputable." Besides, the DSS begun to keep its hand in posing daily, public questions to the government – answers to these questions, as the party put it, could have only help the ongoing investigation and solve public dilemmas "related to the organization and activities of criminal groups and individuals."<sup>36</sup> The DSS was adamant about not playing the lead in the bloc of patriotic forces responsible for the March 12 murder of Premier Zoran Djindjic<sup>37</sup>, and put its finger on the Serbian government, which was "solely to blame" for the developments in the Special Operations Unit. Besides, in all his meetings with foreigners, Vojislav Kostunica accentuated the adverse impact of the cooperation with The Hague Tribunal, which "continues to incite public fear."<sup>38</sup>

Throughout the state of emergency, Vojislav Kostunica was putting the blame on the Serbian government for violations of human rights. He released that the DSS "would never accept humiliation of Serbia's citizens, trampling on the media, and the nonsense about a complot allegedly involving several thousand people that insults the police and the Army, but also the killed Premier himself. We would never accept blotting out of democracy, moping up of reforms and disregard for the Constitution."<sup>39</sup> Apart from insisting on an all-inclusive government, Kostunica persistently demanded early elections. The Serbian government deemed such requests as a threat to ongoing reforms and the fight against organized crime. Minister of Justice Vladan Batic said, "What is

<sup>35</sup> Dragan Veselinov, leader of the Vojvodina Coalition, accused Vojislav Kostunica of being involved in last year's coupe d'etat attempt, when, as he put it, the Yugoslav Army tried to break in the Serbian government. "The former head of the Security Department, Gen. Aco Tomic, who was involved in the attempt, was accountable to Kostunica only, and refused to obey orders either of the General Staff or the Supreme Defense Council." He added Kostunica had met with the former head of the State Security, Rade Markovic, "for 20 times at least when the so-called interim government ruled Serbia." Beta, April 12, 2003.

<sup>36</sup> The first question posed to the government was the following: "Who were inspirers, organizers and actors of erstwhile release of the late Dusan Spasojevic (killed leader of the Zemun clan, auth.com.), the investigation proved to be one of key organizers of the Premier Djindjic assassination?" Tanjug, April 11, 2003.

<sup>37</sup> The DSS released that "dedicated to its truly democratic and national course, the DSS alerts the public about the obvious fact that, instead of combating all forms of organized crime, the state of emergency is used for a showdown with the biggest political party in Serbia." Beta, April 11, 2003.

<sup>38</sup> Vojislav Kostunica's talks with Janette Bog, US deputy assistant state secretary. Beta, March 16, 2003.

<sup>39</sup> Tanjug, April 12, 2003.

better for Serbia and its citizens at this point should be thoroughly considered and evaluated. Do we really need early elections at the time we are about to conclude the reform of the security system and the showdown with crime, and about to affirm the rule of law and launch socioeconomic reforms? We shall only waste another several months by undertaking such activities."<sup>40</sup> Serbian Vice-premier Zarko Korac called the DSS' campaigning against the government "a serious symptom of the DSS' being at loss in newly created circumstances."<sup>41</sup>

The fact that the "Zemun clan" was singled out as organizer of the assassination generated a campaign of sorts against everyone who had ever had any contact with its members, but countercharges as well (involving the government and the opposition, and also a part of the DOS). This created an impression about a generally corrupted political scene, which was exactly what "putschists" planned in order to prevent a true breakup with Milosevic's mafia. The decade-long "cohabitation" of the opposition and the Milosevic regime considerably hindered a genuine lustration after October 5, as well as a true breakup with Milosevic's legacy. Therefore, pinpointing that everyone had something to do with the "Zemun clan" was nothing but a skillfully orchestrated campaign aimed at keeping the "Saber" action on a tight rein.

Criticism of the "Saber" operation became stronger and stronger, as the number of arrested and detained grew bigger and bigger. This was particularly evident when outstanding figures from the Milosevic's regime such as Milorad Vucelic and Borislav Mikelic, but from the actual opposition as well, were called to account. The media's odium was specially focused on Vladimir Beba Popovic, head of the government's communication bureau, who daily briefed the press (editors-in-chief) about the outcome of the government's campaign. He was quite definite when saying that the police investigation led to "clearly defined bloc of patriotic forces, encompassing the Democratic Party of Serbia and the ex-President of the FRY as well." However, in spite of all criticism of Vladimir Beba Popovic, not a single editor took the opportunity of daily briefings over the 42-day state of emergency to pose a single question.<sup>42</sup>

Recall of the state of emergency just once again "triggered" the anti-government campaign that was mostly conducted through questioning the efficiency of the "Saber" operation. The DSS<sup>43</sup> laid stress on the selectiveness of the anti-crime struggle and said, "Human trafficking is still going on, and narcotics are still to be bought in the open, though at a higher price, while relevant authorities have not yet tackled the economic crime." Joined by the media and non-governmental organizations, the DSS campaign was mostly focused on the position of detainees, wherein it leaned on releases issued by the Human Rights Watch, International Bar Association, and domestic

<sup>40</sup> TV "Palma Plus", April 13, 2003.

<sup>41</sup> Beta, April 21, 2003.

<sup>42</sup> According to the Helsinki Committee's sources.

<sup>43</sup> D. Marsicanin, Beta, April 14, 2003.

organizations, claiming violation of human rights of the arrested. As this front expanded, even some DOS member-parties more and more sided the DSS. So, for instance, Miodrag Isakov<sup>44</sup> turned down a possibility to have Vojislav Kostunica arrested, since, as he put it, "this is not the purpose of the state of emergency and ongoing action in the country." The SRS also joined the campaign<sup>45</sup>, and, following Vojislav Seselj's recipe, mostly emphasized connections between some outstanding politicians and mobsters. The Serbian Renewal Movement (SPO) joined in by demanding disbanding of the Security-Information Agency, which, according to the party, figured as a shield for the once State Security Department. To illustrate the latter, the SPO said bugs were still planted in the party premises and in the apartment of its leader, Vuk Draskovic, regardless of the fact that a court had ruled their unconditional removal.

Dusan Mihajlovic, minister of the interior, called the "Saber" action "one of the most successful police actions in the history of combating crime, as, over the record-breaking period, it practically cleansed the whole underworld, in spite the fact that this underworld included figures who were, at some point, more powerful and affluent than the state itself, and better equipped than the police." Mihajlovic confirmed the notorious information about the Special Operations Unit (JSO) having been "used for executing crimes at the time of Rade Markovic and the Milosevic family's rule." Here he added, "They never used to leave anything in writing, so it was find any traces." Some members of the unit did not resist arrests, and, according to Mihajlovic, all of them, more or less, showed signs of the "praetorian" syndrome, i.e. believed they had been working for the state. Mihajlovic also said, "The Mafia had better relations with some prosecutors, courts and institutions, and perhaps with some politician sitting in parliamentary benches and holding other offices, than any Serbian administration did." Mihajlovic was clear-cut when stating that the action would have hardly "toppled this pyramid of evil, were there not for the general public's plebiscitary support to the 'Saber.'" The police investigation was not a "witch hunt." Whoever sees it as such must have bad conscience, and, therefore, tries to turn it senseless to the advantage of someone else.

Summing up the effects of the "Saber," the government said it had not been just a showdown with organized crime, but also coming to grips with the issue of war crimes and the political climate generating both crime and war crimes. In this context, Cedomir Jovanovic, a vice-premier, said "there are no untouchables when it comes to these matters."<sup>46</sup>

However, in the course of the state of emergency old grudges within the government and the DOS coalition, and mutual accusations, once again brought to light differences in attitudes, which was probably best manifested

<sup>44</sup> Tanjug, April 14, 2003.

<sup>45</sup> Tanjug, April 14, 2003.

<sup>46</sup> Tanjug, April 15, 2003.

by the conflict between Nebojsa Covic, also a vice-premier, and Cedomir Jovanovic.<sup>47</sup> The conflict clearly indicated growing divisions within the DOS, the more so since Covic announced the possibility that his party, the Democratic Alternative, might join another bigger party.<sup>48</sup> The Montenegrin Premier joined in the inter-party disputes by accusing Vojislav Kostunica of having prevented, in tandem with top military officers, disbanding of a "para-military unit formed at the time of the Milosevic regime with the purpose to discipline democratic Montenegro and keep it on a tight rein."<sup>49</sup>

The state of emergency was recalled on April 22, as proposed by Premier Zoran Zivkovic. Zivkovic said on the occasion, "Over past 40 days the Premier Djindjic assassination, as well as tens murder and abduction cases have been definitely solved, and the drug trafficking chain has been broken." He added, "All this was not just about a scheme of one or several criminal groups to murder the person who has contributed the most to have criminals pulled out by the root. It is obvious that the forces eager to restore Serbia to the Dark Ages were behind this murder." He didn't miss the opportunity to emphasize that the process of reforms would not be ended, and that the investigation would encompass economic and financial crimes as well - ranging from piracy, pensions to false disabled worker, through all illegal acts to everything intent to destabilize the country. Serbia would continue to meet its international obligations, Zivkovic stressed, as well as the cooperation with The Hague Tribunal, which would not "result from pressure, but manifest our readiness to close that dark chapter of our history and take this burden off the shoulders of generations to come."<sup>50</sup> Most DOS member-parties called the state of emergency a breakthrough in the showdown with mafia and organized crime. On the other hand, the DSS insisted on assessing "all cases of violations of human rights during the state of emergency, to which were are obliged by our membership in European and international organizations."

### Impacts of the "Saber" Action

The murder of the Premier turned Serbian economy and reform course more dubious, since it was Zoran Djindjic who had been a driving force of both economy and reforms. Doubts about the continuation of reforms are growing, which makes foreign investment politically risky ventures. Serbia is faced with a debt crisis, i.e. foreign debts debacle, as it will hardly be able to pay them off. "Parasitic syndrome" manifested by permanent looking forward to getting

<sup>47</sup> Jovanovic said, "While I was rallying together with Djindjic, he (Covic) was with Milosevic at a 'counter-meeting.' While I was campaigning for presidential candidate Miroslav Labus, he was attending Kostunica's election campaign rally." Beta, April 15, 2003.

<sup>48</sup> Tanjug, April 19, 2003.

<sup>49</sup> Tanjug, April 17, 2003.

<sup>50</sup> Beta, April 22, 2003.

funds from abroad, makes the danger even bigger. The syndrome counts on the illusion about Serbia's "geostrategical importance," which should be cashed. The Djindjic assassination not only questioned the processes he had launched, but also resulted in a costly "Saber" campaign. According to Finance Minister Bozidar Djelic, the action amounted to several hundred million US dollars.<sup>51</sup> In spite of all, the "Saber" did not manage to track down organized crime's money flows, which figures as its biggest shortcoming.

The "Saber" disclosed that the State Security (DB), its para-military Special Operations Unit (JSO) and the latter's successor, the Security-Informative Agency (BIA), had been infiltrated into the complot to have Djindjic assassinated. It also revealed that the assassination would have never taken place in the way it had, were there not for these para-military formations and a network of "moles." Namely, the investigation showed that the most vulnerable parts of the state administration had been infiltrated with crime, and that the government, in spite of all endeavor, had not managed to transform the Ministry of the Interior. The bottom line here shows that two JSO commanders, their deputies, two DB heads of department, and one BIA assistant director were arrested. Several BIA lower ranks officers, one head of the Army Security Department (adviser to V. Kostunica), one national security adviser (adviser to Kostunica as well) and some DB and BIA officials, accused of logistic support to the complot, were also taken into custody. Arrests of Jovica Stanisic and Frenki Simatovic were crucial for the follow-up of the "Saber," since the two had been perceived as shadow masters of domestic "death squadrons." According to unofficial sources,<sup>52</sup> the government itself was prompting The Hague to issue indictments against the two, since, allegedly, the other detainee were afraid to speak up in spite of the fact that both Stanisic and Simatovic had already been behind the bars.

The "Saber" spread on the neighborhood as well, on the Republika Srpska in particular. The Republika Srpska and Serbia put together stand for a criminal whole for organized crime.<sup>53</sup> This is why the "Saber" so much affected the Republika Srpska - many local figures were placed on the list of suspects. At the same time, representatives of the international community in Bosnia-Herzegovina, having launched an anti-crime campaign after the "Eagle" scandal broke out, took more radical measures in combating organized crime. This is best illustrated by the actions Paddy Ashdown took in the Republika Srpska, his pressure on Premier Mirko Sarovic to resign, and other ensuing depositions.

<sup>51</sup> *Danas*, April 23, 2003.

<sup>52</sup> According to the Helsinki Committee's sources.

<sup>53</sup> *Oslobodjenje*, Sarajevo, 14. March 2003. "The ex-premier of the RS, Milorad Dodik, said some former officers from Serbia and the RS, as well as some active officers of the latter's army belonged to the 'patriotic group.' He also claims it is impossible to eradicate crime in Serbia, unless the same is done in the RS and the whole of Bosnia-Herzegovina. Dodik takes that some criminal gangs are still operating in Banjaluka, adding that the SFOR has tracked down one of them in Praetor before the Djindjic assassination took place."

Illegal capital still attempts to get legalized, especially the one in the Republika Srpska, which makes the most powerful "financial lobby" in Serbia, according to some sources. There are hints that this capital is being laundered through some media, which only justifies the ban on the *National* and the *Identitet* the policies of which were mostly "patriotic" and "anti-Hague."

Momcilo Mandic, notorious for his open advocacy for and financing Radovan Karadzic, was among the first to be arrested. Mandic's assets in Serbia and the Republika Srpska are huge. A suspicion about Legija having taken refuge in the Republika Srpska additionally alerted international organizations. The Banjaluka police checked all persons suspected of being connected with the "Zemun clan." The police also stepped up identification measures in traffic, as well as in hotels, restaurants and other public places where presence of persons connected this way or other with the "Zemun clan" could have been expected.<sup>54</sup>

The "Saber" generated or sped up similar regional campaigns. So, Dragan Cavic, president of the Republika Srpska, was forced to disband the 410<sup>th</sup> Intelligence Center of the RS Army Intelligence Department, and order summary punishment of those responsible for the espionage affair. The investigation conducted by the RS General Staff proved the SFOR's information about this Center being responsible for anti-Dayton activities, i.e. bugging. Members of the SFOR found out that the Center had bugged NATO forces, the SFOR, politicians, and other figures in the Bosnia-Herzegovina Federation, the RS, and in neighboring countries such as Croatia. This was when Paddy Ashdown, the UN high representative in Bosnia-Herzegovina, announced that new depositions might ensue Sarovic's resignation. Even George Robertson, NATO secretary general, said the developments related to the 410<sup>th</sup> Intelligence Center were under authority of NATO forces.

Such interwoven criminal activities lead to the cooperation between the Serbian police and that of the RS. Nenad Milic, Serbian deputy minister of the interior, called the cooperation "good" and announced "an agreement on cooperation between the three ministries." Premier Zoran Zivkovic said the cooperation between Serbia and RS in combating crime and corruption was "a precondition to economic growth of the whole Balkan region, as well as to continued reforms in both countries."<sup>55</sup>

Croatian media also extensively covered the developments in Serbia. Special attention focused on the fact that Legija was in possession of a Croat passport broached the subject of a closely connected regional mafia. Macedonian media carried a news story about numerous politicians, public figures, and businessmen being "closely connected with the Zemun clan, as well with Slobodan Milosevic and Vojislav Seselj." Nebojsa Covic confirmed in an interview that "such contacts with the Serbian mafia existed," especially after sanctions had been imposed on Yugoslavia. "I've said on many occasions that 'a

<sup>54</sup> *Beta*, March 17, 2003.

<sup>55</sup> *Beta*, April 16, 2003.

multiethnic crime' operates in our region. I hope the ongoing cooperation between Serbian and Macedonian police ministries would produce detailed information." Covic actually insinuated that instructors of Macedonian special police unit, called "Lions," should be brought to view as well, the same as some other issue without "turning a blind eye."<sup>56</sup>

Ties between Serbian and Montenegrin mafias also made the subject of speculation over the time of emergency. In its issue of April 17, the Montenegrin *Publika* daily said that, according to its sources in the Serbian Ministry of the Interior, "the Montenegrin police have been connected with criminals from both Zemun and Surcin clans for years." "These ties were so close that even several notorious figures from these gangs, including the two accused of the Serbian Premier's murder, Dusan Spasojevic Siptar and Mile Lukovic Kum, had ID cards and gun licenses bearing seals of the Montenegrin Ministry of the Interior." This news story carried details such as ID cards; serial numbers, dates of issuance, etc. According to a by-liner, back on February 2, 1997, the Podgorica Security Center issued a gun license to Dusan Spasojevic, and four months later a passport. Sometime in the August of the same year, Spasojevic became a resident of Podgorica (14, Hotska Street) and got Montenegrin ID card (with a serial number quoted in the story) on January 30, 1998.

Detection of persons who have murdered Ivan Stambolic was the "Saber's" most shocking outcome. It was political inertness and the lack of political wills that used to hamper solution to this crime. Disclosure of circumstances in which the crime took place is of special importance, given that it was committed "at a crossroads between one criminal regime and another that pledged democratization." This was when, as Latinka Perovic put it, the new administration had "the opportunity to identify itself as a law-abiding one."<sup>57</sup> The fact that the then President himself qualified this crime as a showdown among former communists<sup>58</sup> may result in unforeseeable consequences on the anyway fluid situation Serbia has been in for over a decade. Murders of Zoran Djindjic and Ivan Stambolic completed the circle of the decade-long terror by the state that played the lead and inspired all crimes committed in the territory of the former Yugoslavia.

The "Saber" indicated that the Milosevic couple had been involved in Stambolic's murder. However, the Serbian government has not managed so far to track down Mirjana Markovic, allegedly in Russia now – or, has not come

<sup>56</sup> Skopje-based TV "Telma," March 21, 2003.

<sup>57</sup> *Blic*, May 4, 2003.

<sup>58</sup> In its letter to Vojislav Kostunica, the Committee for Liberation of Ivan Stambolic says, "Such cases of disappearances of former officials who used to partake in communist administration, but, at some point came into collision with Slobodan Milosevic as the last pillar of authoritarianism over here, have a negative impact on normalization and stabilization of political developments and overall life in the country." *The Ivan Stambolic Case*, Helsinki Files, No.6, Helsinki Committee for Human Rights in Serbia, 2001.

public with it. In spite of announcements that an international arrest warrant will be issued for her, there are no signs whatsoever that this has been done. Russian authorities said the arrest warrant had not been issued yet.

## The Army and the State of Emergency

The biggest progress over the state of emergency was made in the Army, which used to the "patriotic bloc's" stronghold. Developments preceding the Djindjic assassination disturbed the military establishment – namely, Premier Djindjic was getting ready for a mop-up in the Army as well. The Army had been agonized ever since Vojislav Kostunica stepped down and the new union of Serbia and Montenegro was created in accordance with the 2002 Belgrade Agreement. Appointment of the new Supreme Defense Council, headed by Svetozar Marovic, president of the union of Serbia and Montenegro, and including Natasa Micic, acting president of Serbia, and Filip Vujanovic, acting president of Montenegro, upset military circles. They were even more distressed when Zoran Djindjic decided to appoint Boris Tadic, the man he trusted, new defense minister. Reforms and cuts in budget have always been a stumbling bloc in the relations between military and civil authorities. This also refers to the state's joining the Partnership for Peace and cooperation with The Hague Tribunal. Military circles perceived Vojislav Kostunica as a sequel to Milosevic's policy and a warrant for *status quo*. This was only logical since Vojislav Kostunica was quite open about his opposition to the cooperation with The Hague. For him the latter was, as he claimed over election campaign, "the chief cook and bottle washer."

The West's prompt reaction to the coupe d'état attempt greatly determined the Army's attitude. Though the military police took part in the "Saber," the Army kept a low profile during the state of emergency. However, it played the key role in disbanding the Special Operations Unit.<sup>59</sup> Branko Krga, chief of the General Staff, was cooperative and displayed good will in his attitude towards the Serbian government. Though Boris Tadic immediately started to implement Djindjic's plans, Krga was in no way disturbed by his appointment. Over his first meeting with the press, he said, "We shall focus on reforms," adding that "all personnel changes will be exclusively related to reforms."<sup>60</sup> Even the newly appointed Defense Minister followed the general trend of having the Army amnestied for war crimes, in spite of the fact that

<sup>59</sup> In an interview with the April 30 issue of the *Vojaska (Army)* weekly, Krga said, "Army officers and soldiers were not included in the arrests of the suspects of the Premier Djindjic assassination, but they contributed to citizens' safety inasmuch as they have been expected to and capable of. It is only natural that military intelligence services conveyed all information to their colleagues in the Ministry of the Interior and the Security-Informative Agency. We also cooperated well with the Montenegrin Ministry of the Interior. In addition, the Army was engaged in collecting illegal arms."

<sup>60</sup> *Vojaska*, April 24, 2003.

testimonies in The Hague courtroom clearly indicated it as the main war planner. Boris Tadic said, "The bottom line is that the Army of Serbia and Montenegro, as an institution, cannot be accused of the issues all of us have faced, and any guilt must be individualized. This refers not just to the Army, but also to the police and all institutions, to the state as a whole, to all ministries and the government. We take this is the crucial question." Balance of power is still unfavorable, the more so when one bears in mind general attitude to the Army reform and its role in the period to come. In addition, the public still holds the Army in high esteem. This is why Tadic says, "Serbia and Montenegro need the Army. The Balkans, Western Balkans, and Europe need regional stability. The Army should, therefore, be a part of an all-inclusive peaceful policy that will no longer imply war risks to which we have been exposed over past years."<sup>61</sup>

Incorporation of the General Staff into the Defense Ministry – i.e. placing military security services under civil control – was among first major decisions made by the new Supreme Defense Council. The Council immediately deposed "some generals."<sup>62</sup> The newly appointed Defense Minister also changed the attitude towards The Hague Tribunal. The Army has anyway been the biggest obstacle to the cooperation with the Tribunal for years – to all demands coming from The Hague, the Army replied by sporadic releases and statements that none of the accused was under its auspices. The order issue by the Defense Ministry of Serbia and Montenegro, saying, "If professional soldiers and other army personnel come across the accused in a military facility, army vehicle, military aircraft or a battleship, they are obliged to take such persons to a command of the nearest military unit or military institution, where these persons shall be kept until they are handed over to the Ministry of the Interior,"<sup>63</sup> stands for a move marking a definite breakup with the old practice.<sup>64</sup> According to Milorad Timotic, secretary of the Center for Military-Civil Relations, former high military officers might have had "a silent understanding to 'safeguard' The Hague indictees." Timotic also pinpointed there were "well-grounded suspicions that the former head of the Army Security Service, Aco

<sup>61</sup> *Vojska*, April 24, 2003.

<sup>62</sup> *Vecernje Novosti*, May 8, 2003. Five generals were deposed: Branislav Petrovic, Branislav Dasic, Zlatoje Terzic (head of the recently disbanded General Staff Commission for Cooperation with The Hague Tribunal, suspected of having procured confidential information to Milosevic, which were significant for the latter's defense), Vukajlo Cadjenovic, and Luka Kastratovic.

<sup>63</sup> *Danas*, May 3-4, 2003.

<sup>64</sup> Tadic said the last contact with Slijvancanin was made on January 16, 2003. This was when he was that he was no longer allowed to enter military facilities, where he has not showed up ever since. Speaking about Ratko Mladic, Tadic said he was last seen on May 15, 2002. These piece of information resulted from a military investigation. Carla del Ponte persistently informed the Serbian government about Mladic's location. However, according to the Helsinki Committee's source, Mladic used to leave Serbia whenever she was in visit.

Tomic, refused to cooperate with The Hague Tribunal.<sup>65</sup> At the same time, the Council annulled "secrecy classification" of some documents required by the Tribunal. The same was done in the case of some documents demanded by the National Council for Cooperation with The Hague Tribunal.<sup>66</sup>

The Defense Minister promptly put forward that the country should join Euro-Atlantic integrations, which was, as he put it, "in Serbia and Montenegro's vital interest, and particularly when it comes to the Partnership for Peace."<sup>67</sup> Fully aware of resistance from the majority of officers,<sup>68</sup> Tadic emphasized that the country's security could be safeguard through Euro-Atlantic integrations only. His visit to NATO headquarters testified his orientation that was fully backed by NATO Council. Bearing in mind that the cooperation with The Hague Tribunal was a precondition to joining the Partnership for Peace, Tadic announced full cooperation with The Hague and said, "I am sure we would meet all preconditions and thus enable Serbia and Montenegro's full-fledged membership in the Partnership for Peace in the course of 2003."<sup>69</sup> Tadic also announced establishment of a council of international advisers (from the USA, Czech Republic, Slovakia and Norway) within his Ministry. The council will be dealing with reforms in some sectors of the defense system. According to him, Serbia and Montenegro's economic power allows 50,000 troops at the most.<sup>70</sup>

The circles close to Vojislav Kostunica that opposed the state of emergency and labeled it as "a concern for the ruling structure's ratings,"<sup>71</sup> are also askance about the cooperation with NATO. According to them, "Joining NATO has more to do with subjugation to the United States, and will hardly speed up our admission to the European Union." When it comes to joining the Partnership for Peace, they exclusively perceive it as America's interest to

<sup>65</sup> *Danas*, May 3-4, 2003.

<sup>66</sup> *Danas*, May 7, 2003.

<sup>67</sup> The FRY's withdrawal of the charge against NATO is among the preconditions to joining the Partnership for Peace.

<sup>68</sup> *Vecernje Novosti*, May 3, 2003. Boris Tadic said, "If many people in this country still take that our weapons can fight back the world biggest power, I truly lack any conclusive argument whatsoever to convince such person or persons that they are in the wrong."

<sup>69</sup> *Danas*, May 8, 2003.

<sup>70</sup> *Danas*, May 16, 2003. In his address to the Vojvodina Legislature, General Blagoje Grahovac, adviser to the President of Serbia and Montenegro, presented a project on demilitarization of Western *Balkans*. The project includes reducing domestic troops from 82,000 to 25,000, transformation of the Navy into a coast guard, annulment of obligatory recruitment and formation of a highly professional army that would be employed in cases of internal armed rebellions, terrorist attacks, mafia and organized crime operations, as well as economic and ecological catastrophes. The project envisages not defense in the case of attacks from abroad, but Gen. Grahovac proposes formation of common battalions, brigades, and corps for Western *Balkans*, under NATO control.

<sup>71</sup> Slobodan Samardzic, "Prizma" magazine, March 2003. Samardzic takes that Milosevic's regime has actually faced by far more difficult problems: dissolution of the state, interethnic war, economic sanctions, secession and military intervention by the world's biggest power.

establish "its bases in our territory, since such bases would be relatively close to Near East and Middle East." And, they emphasize there is no conclusive evidence that being a NATO member-state would "improve relations with Croatia and Bosnia."<sup>72</sup>

The decision to dismiss the Military Commission for Cooperation with The Hague Tribunal is a major one for sure. Little is known about the Commission's role, though it is suspected of having primarily served as documentation-gathering center to assist Milosevic's defense. The fact that now that the Commission has been recalled Milosevic had fewer information at his disposal is rather conspicuous. It is also noteworthy that President George Bush approved the sale of weapons to Serbia and Montenegro, which implies other forms of cooperation such as regular communication between the Pentagon and the Defense Ministry, and officers trained at the West Point Military Academy. Vistas are also opened for joining the International Military Education and Training program, including English language classes. Costs of such training would be covered by the United States government. According to Gordana Comic, vice-speaker of the Serbian Legislature, the visit of Serbia and Montenegro's parliamentary delegation to the United States was aimed at "opening communication channels with a view to upgrading mutual relations," and particularly so since "we have been encouraged by the USA's respect for our country." Comic also said that "reform of the Army and security services, as well as establishment of a civil control over them" had dominated the agenda.<sup>73</sup>

Bearing in mind the "patriotic bloc's" existing strongholds in Serbia, the steps taken by the new Defense Minister should be perceived just as a prelude to a possible "creation of a modern, unaggressive army under strict civil control."<sup>74</sup>

<sup>72</sup> Aleksa Djilas, *NIN*, May 8, 2003.

<sup>73</sup> *Danas*, May 9, 2003.

<sup>74</sup> *Vojska*, May 15, 2003. Excerpt from the interview with Boris Tadic.

## Conclusions:

- The Premier Zoran Djindjic assassination was yet another challenge to Serbia: reforms or isolation. With Djindjic gone, Serbia lost a driving force of its reformist course, and will hardly find an adequate replacement for him in foreseeable future. The vacuum created by his death turned into a seedbed of a fierce struggle over succession, by fair means or foul.

- Results of the investigation showed so far that the consensus to have Premier Zoran Djindjic removed from the public scene – primarily as a reformer and politician ready to go through with cooperation with The Hague Tribunal – had been large-scale. The number of people arrested and detained indicates that the assassination was inspired by topmost state officials, which implies involvement of a variety of secret services such as the Counterintelligence Service (KOS) and the State Security (DB). This is why it will be possible to evaluate the true impact of the state of emergency only on the basis of outcomes of instituted proceedings, as well as those at are nowadays just hinted.

- Information obtained up to now shows close connection between organized crime in Serbia and the Republika Srpska, where it has also infiltrated key government agencies (the arrest of Borislav Mikelic is illustrative in this context). According to available information, the state of emergency was limited to the showdown with organized crime. The public opinion (72 percent of population) strongly supported this aspect of the state of emergency.

- Positive effects of the state of emergency are much too significant to be misused by anyone. Vulnerability of Serbia's political scene calls for a clear-cut selection of people struggling for reforms and ready to cooperate with the international community, particularly when it comes to The Hague Tribunal. Though being a tragedy, the Premier assassination created a unique opportunity that should be maximally utilized for a radical breakthrough in Serbia's Europe-wise policy. Any failure and any new compromise will be another waste of time for Serbia's falling into step with its neighbors and European trends.

- The "patriotic bloc" consolidated through its campaign against the state of emergency. As more and more information were available, and sided by many media outlets and non-governmental organizations, the bloc's criticism of the state of emergency turned more and more severe. The aspiration to maintain *status quo* was their common denominator. This bloc is in the majority and successfully organizes and builds up a front to oppose the government that is still supported by the international community and most citizens of Serbia.

- Murder of Zoran Djindjic, circumstances created by the world's prompt reaction and its support to the reformist government made it possible to launch reforms in the Army that used to be the "patriotic bloc's" main stronghold. In addition to placing the General Staff (and its security service)



under the Defense Ministry's authority, the process of Serbia's joining the Partnership for Peace was launched.

- At this stage of combating organized crime, the Serbian government did not manage to come to grips with military, economic, and financial mafia. Consensus for such showdown has not been reached yet, though a part of the DOS coalition, the Democratic Party in the first place, are resolute to go through with the action. The decision of the Democratic Party Main Committee to put forward a law on disclosing secret services' files, as well as a code binding government officials to go public with their assets and justify their origin, is most indicative in this context.

### Recommendations to the International Community:

- The international community should speed up the process of Serbia and Montenegro's admission to the Partnership for Peace, as this provides the only frame for a full transformation of the union's army.

- Disputes within the government, as well as those between the government and the opposition are generated by the "patriotic bloc's" offensive. This necessitates large-scale presence of representatives of the international community, in order to maintain the government's reformist course.

- The international community should upgrade its assistance to relevant agencies of the Republic of Serbia in the follow-up of combating organized crime, and continue with all forms of logistic support to upcoming trials. The international community would thus contribute to creation of an adequate legal frame, which is crucial for stability and future of the Serbian society. In this context, relevant international organizations and individual governments should back up proceedings of the commission, headed by Vice-premier Zarko Korac, tasked with investigating circumstances surrounding the Djindjic assassination.

Belgrade, May 2003.



# Marginalized Economic and Social Rights

## Achievements of the First Reform-minded Government and Resistance to Reforms

December election results have confirmed anew that clerical and nationalistic political forces still exert the greatest influence over population, while modern political options and pro-European integrating process, like in the past, are still sheer incidents in the Serb politics. Aggressive and biased stance of conservative forces mirrored in their bashing and demonization of the previous authorities and their results, exceeds the customary political means in a legitimate power struggle. Though the previous authorities may be criticized on many grounds, their total results are more than satisfactory, notably if their work is viewed in the context of all relevant circumstances, from having to deal with the inherited state of affairs and pressure that they had to bear in order to satisfy internal and international expectations. Unselective denial of those results calls into question intents of the new authorities, while their ideological and program concepts are much removed from the previous, pro-European and international course. The first moves and announcements of the leading officials of the triumphant parties clearly indicated a clean break with the line pursued by former authorities. Added to that their intransigent stand on non-cooperation with the Hague Tribunal and conditional support received by the Socialist Party of Serbia are rather indicative of continuity of the Milosevic era policy.

Though the massive pressure for the new elections and dissolution of the previous authorities is now justified by "catastrophic economic results of the former authorities, and consequently dire social status of most of population,"<sup>1</sup> statistical figures speak to the contrary. Though the reforms were slowed down in 2003, totality of results of former government was assessed very positively by most important donors and international financial organizations. In early 2003 EBRD assessed that out of all 27 countries of Eastern Europe, Serbia and

---

<sup>1</sup> Vojislav Kostunica, addressing his party's Main Committee, *Danas*, 15 January 2004.

Montenegro made most progress in implementation of reforms. Moreover in the EBRD's Report on Transition Serbia and Montenegro got mark 3 + on the scale 1-4.<sup>2</sup> The Union's economic policy was positively assessed by the International Monetary Fund and the World Bank, and thanks to the attained financial stability and financial discipline new financial arrangements and favorable loans for development of small- and medium-scale companies, as well as for social allowances, are guaranteed. Majority of national economic experts, who backed necessary reforms, frequently criticized former authorities for burdening the budget by interventions in the sphere of social allowances. In those terms promises of the new government that increase in living standard shall be accelerated are far from encouraging.

As expected, in a difficult, third year of transition, lack of readiness and support for reforms became obvious. On the other hand unrealistic and excessive expectations of population slowly melted down after 6 October coup in a clash with reality laying bare a full extent of the collapse of state and society.

According to the currently available 2003 facts and figures, industrial output fell by 3% when compared to the one in 2002, decrease was registered in 23 areas making up 62 per cent of total industrial production, while increase was marked in four areas making up 38% of industrial production. Foreign trade increased by 27.5% when compared to the same period in 2002. In 12 months of 2003 Serbia's exports increased by 19.4% (the biggest partners were Bosnia-Herzegovina, Italy and Germany), while imports increased by 30.5% (the biggest partners were the Russian Federation, Germany and Italy). Foreign trade deficit increased by 37%.<sup>3</sup> Agricultural output was low, and due to privatization and overhaul of large systems unemployment grew by 4%. Despite the aforementioned unsatisfactory figures, inflation was reduced to the projected 8%, GDP grew as did the real wages.

Achievements of former government should be viewed in their entirety, that is, as results achieved throughout the whole government's mandate spanning late January 2001-fall 2003 period. In late October, on the occasion of 1,000 days of government, all ministries issued Work Reports, that is, reviews of government's activities and results. All those reports had been posted on the official site of the government of the Republic of Serbia<sup>4</sup>, but the site, and the web page with general geographic and historical facts and figures on country and population, were removed after the formation of new government.

Labor and Employment Ministry, the Finance and Economy Ministry, the Ministry for Social Issues, and the Privatization and Industry Ministry were in charge of living standard and exercise of so-called economic-social rights. Other ministries also contributed to the transition process and initiated reforms

<sup>2</sup> Analysis of Economic Trends, Republican Development Administration, May 2003.

<sup>3</sup> Republican Statistics Administration, Release, 23 January 2003.

<sup>4</sup> [www.srbija.sr.gov.yu](http://www.srbija.sr.gov.yu).

in areas within their competence by controlling prices and reserve commodities. Tourism, Trade and Services Ministry contributed to preservation of living standard, and to the extent it was permitted by political decisions, liberalization of market. Ministries of Justice, Health and Education, jump-started a serious and long-standing reform of ruined health, education and judiciary systems. Results of work of various ministries differed in quantity and quality, but can be used as a basis –if there is such a political will at all –for the future work of newly-formed government or only- as pointers.

Privatization and fundamental reforms in the public finances sector impacted mostly creation of a new economic environment. Thus a more just and moderate taxation system and more efficient system of management of state funds and resources were put in place. In less than 3 years, the Finance and Economy Ministry passed 50 laws, drafted 77 decrees and 62 sub-legal acts, which contributed to formation of a stable budget and won the confidence of international financial institutions. Still incomplete reform of fiscal system led to reduction of business costs, and helped introduce incentives to employment and investment policies.

Turnover tax rates were reduced (from 20% to 14%), as were a tax relating to income of private businessmen (to 14%), and the one relating to income of farmers (also to 14%). Tax on purchase of equipment by small- and medium-scale enterprises was increased from 20% to 40%, while income tax relating to the newly-employed workers was reduced. Companies were stimulated to employ a larger number of workers by being exempted from turnover taxes in a 10-year period for an investment of over 600 million dinars and employment of over 100 workers, or for an investment of over 600,000 dinars and employment of at least 5 workers in areas of vital importance for the Republic, etc.) This ministry should be credited with a painless transition to the gross pay system and delegating balance of payments to commercial banks. The official site of that Ministry<sup>5</sup> with its diligent, comprehensive presentation of legal provisions and detailed explanations and instructions, greatly helped legal subjects to adjust to the new business conditions.

Some direct measures, notably suspension of taxes on primary medicines, fresh fruit and vegetables, fish, eggs, utilities, and suspension of the VAT on oil, sugar, fats, and on software and computers, suspension of taxes on bonds relating to old foreign currency savings, and of the inheritance and gift taxes on loans for economic recovery, suspension of the transfer of absolute rights tax, and reduced rate of citizens income tax, also improved living standard of population at large.

Reform of the budgetary system, based on the firm international rules for the general state sector, helped establish control of the entire process of management of public finances and ensured a greater transparency and a more responsible conduct of budgetary users. Since January 2001 all salaries,

<sup>5</sup> [www.mfin.sr.gov.yu](http://www.mfin.sr.gov.yu).

pensions, social allowances were paid out regularly. Children allowances were no longer overdue, and as of January 2003 retirees started receiving part of their long overdue pensions. Debt relating to the old foreign currency savings had been slowly repaid through the issue of bonds to the tune of 4.6 billion Euro, of which in the past two and a half years about 0.5 billion Euro were serviced.<sup>6</sup> After the closure of the four large banks, over 6 billion dinars from the republican budget were allocated as support to companies and citizens with deposits in those banks. Thus insolvency of the total financial system and other grave consequences were avoided. That move also led to restoration of confidence in the banking system and consequently to revival of citizens savings deposits. Since 2002 the Finance and Economy Ministry was engaged in overhaul of public companies founded by the Republic of Serbia. (Power-Generating Industry of Serbia, Oil Industry of Serbia, Railways-Transport Company, Yugoslav Airways, Airport Belgrade, Telecom, PTT, Srbijasume (Serbia forests), Srbijavoda (Serbia hydro system), Radio Television Serbia, and national parks Tara, Kopaonik, Fruska Gora and Djerdap, and Public Company for Air Shelters).

Citizens failed to grasp the substance and importance of those reforms, but showed great interest in all the reform-related scandals, marketed in a sensationalistic way and without any arguments by the print media. Thus the Ministry of Finance was accused of "abolishing any responsibility of Milosevic stooges up embroiled in many financial swindles." Moreover public at large turned a deaf ear to the Ministry's explanations that all such cases had been forwarded to courts of law, but that processing of many was pending due to the workload of courts. However, it bears saying that the Ministry in question should have taken more resolute measures with respect to the financial mishandling cases, for its three departments, Inland Revenue Department, Public Payments Department and Customs Department had at its disposal the control mechanisms and means to adequately respond to such cases. But this problem should be also viewed in the broader context of political circumstances, or even, as the biggest mistake of DOS. Namely that coalition shilly-shallied with respect to making a clean break with Milosevic's legacy and the former regime's policy, thus enabling revival of Milosevic-era administration and various lobbies at all levels of public life. Perhaps that non-break was not possible under the given circumstances. On the other hand one should also take into account the fact that many parties currently forming the new Serb government have also contributed to such a "continuity."

Labor and Employment Ministry and its Minister Dragan Milovanovic because of nature of its activities and frequent conflicts with trade unions were very much in the public eye. Though this Ministry has not succeeded in following consistently the reform-g geared moves of the government, the fact is that from the very outset of its work it was opposed by the entire trade-union

<sup>6</sup> Ministry of Finance and Economics Report for January 2001 to October 2003.

movement and workers population. The latter obviously did not constitute a good enough ground for a constructive dialogue and mutual confidence. The conflict was triggered by the very appointment of Milovanovic, a leader of the Association of Independent Trade Unions, to the ministerial post. Many trade unions, notably Independent and "Nezavisnost" trade unions protested against that naming. Though Milovanovic resigned from his trade union post, throughout his mandate charges were leveled at him for favoring his "home base" at the expense of other trade unions. The second, perhaps a more important reason for the failure of that Ministry to take a more pro-active role in reforms, is unwillingness of trade unions proper and their membership to commit themselves to reforms and accept the inevitable burden of transition. It soon turned out that necessary and unpopular measures, were a too great burden for the impoverished and exhausted workers class in Serbia. In fact those measures made them rebel against their political representatives and transformed them into the core opponents of reforms.

In the face of a sour general mood and open opposition of trade unions, Serb Parliament in late December 2001 adopted the *Act on Labor*,<sup>7</sup> as proposed by the Labor and Employment Ministry. That Act in fact kicked off the reform of labor legislation and created conditions for a better employment (flexible forms of labor). Moreover it guaranteed to employees the rights stipulated by international conventions (ban on discrimination in employment policy, minimal wages, kinds of leaves-maternity, annual, etc-, protection of women, young people and labor disabled, trade union membership, collective bargaining, etc.). The Act also envisaged protection of employees (through arbitration, work inspection, and competent court of law), and rights and obligations of job-givers /employers and enforcement of sanctions in case of illegal decision-taking process and deprivation of employees of their rights (the ban on exercise of activities, fining, and payment of damage compensation).

Very tardy -as late as in July 2003-was the adoption of the *Act on Employment and Insurance in Case of Unemployment*,<sup>8</sup> the enforcement of which should stimulate both companies and jobs-seekers to take a pro-active stance towards employment with the aim of increasing general employment, and reducing black market jobs and the dole payments. With further financial policy incentives, a new organization of labor market and new tack to employment, negative effects of privatization should be reduced that is new jobs created for the redundant workers from privatized or liquidated companies, and the young, first time job-seekers.

Trade unions most vocal complaint was that privatization sent workers, deprived of their rights, right to the streets. That oft-heard complaint infected the general public, who soon began speaking about "arrogance and

<sup>7</sup> Official Gazette of the Republic of Serbia No. 70/01.

<sup>8</sup> Official Gazette of the Republic of Serbia 71/03.

incompetence of authorities.<sup>9</sup> Without denying a difficult financial status of most citizens, notably employees, it is worth saying that the government-introduced social program to a large extent soft-cushioned dramatic, decade-long insolvency and made easier painful and inevitable reforms. As we have already mentioned many national and international experts have taken to task shilly-shallying of government to make radical moves and accused it of fearing social unrests. On the other hand workers/employees of collapsed companies, whose unrealistic expectations and perception of situation in the country were manipulated and boosted by numerous political and economic groups, thought that the government made to many radical moves in the labor sphere.

Comparative data on wages in October 2000-September 2003 neutralize allegations about a worsening living standard of employees and confirm that the authorities in the sphere of pays took into account both preservation of living standard and growth of their real value. In October 2001 2.31 average pays and even 25 guaranteed (so -called minimal) wages were needed for a consumer basket (foodstuffs and drinks expenses), in December 2001, consumers needed for that basket 1.2 average pays and 2.6 minimal wages. Average pay in December 2002 increased by 36%, thus 0.92 average and 2.6 minimal pays were needed for a single consumer basket, while in August 2003, for such a basket 0.91 average and 2.3 minimal pays were needed. Average pay in late August 2003, when compared to October 2000, increased four times, minimal wage increased 14 times, and a consumer basket (expanded to include footwear, hygiene, medicines, school material, utilities and PTT, urban transport costs) 1.6 times.<sup>10</sup> One of the primary tasks of macro-economic policy was successfully implemented, namely living costs and prices remained stable. Annual rate of inflation was reduced from 114 % in 2000 to 8 % in 2003 (in 2001 inflation was 40.7%, while in 2002 it was 14.8%).

As of 2001 government social programs followed reconstruction and privatization of all major companies and systems. Thus through the Council for Settlement of Employees Issues and Social Program for Redundant Employees a relatively painless overhaul of the banking system was initiated. Through that social program social status of 11,069 redundant workers from banking sector was resolved. Added to that government also founded several councils for strategic, business-financial consolidation of large companies ("Lola Corporation", "Viskoza", "Trudbenik", "Zastava"etc.). Representatives of trade unions and Labor Ministry took part in drafting of those programs. Program for Utilization of Social Benefits Compensation from Budgetary Means (Transition Fund), representing a support mechanism for Social Program, was also adopted.

<sup>9</sup> Zoran Andjelkovic, MP of the Socialist Party of Serbia, *Blic*, 29 October 2003.

<sup>10</sup> Ministry for Labour and Employment Report from 25 January 2001 to 20 October 2003.

In 2002 over 6 billion dinars were allocated to programs covering social benefits of 51,787 redundant workers in 29 companies, while by September 2003 that allocation for 22,146 employees in 53 companies, amounted to 3.5 billion dinars.<sup>11</sup> The total 2003 budgetary allocation for this purpose was 7.5 billion dinars. Users of the said allocation are companies undergoing transformation under a special government program (covering 50 large systems, and companies, publicly-owned companies, Serbia Forests, Radio Television Serbia, Railway System of Serbia, etc., and companies being privatized through tenders.)

Continuing increase in unemployment, a trend originating from the early 90 s, still affects attempts at creating a stable economic milieu. Contrary to 1991-2000 period when number of employees fell by half a million, due to decline in GNP, reduction in production capacity, and productivity, currently the growth of unemployment is primarily due to -privatization. Unemployment rate in 1991 was 21%, in 2001 28.7%, and in August 2003, 30.03%. It is however worth mentioning that the rate of unemployment in early 90 s grew at a slower pace-due to brain drain of young people and the ban on dismissal of surplus workers, -than in recent years. In relevant statistical data large percents of fictitiously employed and unemployed still feature, though efforts aiming at elimination of such figures are visible. A clearer employment picture shall most certainly emerge thanks to privatization process and the aforementioned Act on Employment and Insurance in Case of Unemployment. In late August 2003 a total of 954, 831 unemployed individuals was registered, which is a lower figure when compared to the one of the previous two months. That last disclosed figure is considered one of the first positive effects of implementation of the new Act.

Tax and social benefits burden on companies is still high, and the former along with a high unemployment, contribute to a large black market employment, that is employment without contracts and registration for mandatory social insurance. For example inspectors in 2001 carried out 26, 776 inspections, whereby they found out 2,449 unregistered workers. In 2002 after inspection of 35,712 companies, 28,000 unregistered workers were found out. By mid-2003 during inspections of 51, 236 companies, 35,092 workers were detected.

Negative trend of a declining employment is visible in most activities and directly linked to the process of privatization and overhaul. For example in early 2002 the highest employment fall was registered in area of financial institutions-24.5 percent. This is seen as a direct result of transformation of the banking system. A 10.3% fall of employment in processing industry is indicative of an accelerated process of privatization and re-structuring. Since 2002, the year which marked the start of an intense process of property transformation, unemployment steadily increased, along with reduction of

<sup>11</sup> *Ibid.*

unemployment of the first-time job-seekers. In late August 2003 537,967 persons -56.3%-sought job for the first time, as compared to 416,864 persons (43.7%) with years of experience. Unemployment of middle-aged workers is also growing. They are the most frequent "victims" of the ongoing process of privatization, and the ones who face most difficulties in finding new jobs. Due to an accelerated privatization and gradual development of private small- and medium-scale companies, in 2003, the share of the private sector in a total number of new jobs increased by 6.3%, while the share of public/state sector decreased by 5.9%.<sup>12</sup>

In 2002 there were only 10 cases of self-employment (redundant workers launching their private businesses thanks to subsidies worth 30,000 dinars and tax relieves), while in 1 January-20 October 2003 period only 258 Self-Employment Contracts were signed. Obvious and discouraging lack of initiative among able-bodied population may be justified by insufficiently stimulating economic environment and not very accessible loans for jump-starting any new private business. However, it seems that the gist of such minor interest lies in the shortage of ideas, inability of employed to use their own potential, and lack of their will-power to assume business risks and responsibility.

Ministry for Social Affairs founded in 2001 made concerted efforts to take good social care of the most vulnerable categories of population. That Ministry jointly with the newly-founded Ministry for Family Care, in the past three years covered the following areas: social care (of financially vulnerable families, users of allowances for care and assistance, institutions for care of the elderly, and social work centers), family and children legal aid (marriage and family, relations between parents and children, foster families, adoption, financial subsidies to families with offspring, and family planning), pension and disabled insurance, disabled and war veterans protection and social-humanitarian activities.

In the follow-up to the reform measures in the sphere of pays and employment (within the changed macro-economic framework), that Ministry as early as in 2001 prepared amendments to the Act on Pension and Disabled Insurance, the Act on Social Protection, the Act on Social Care of Children, and the Act on Marriage and Family Relations. One of the most important Acts from the realm of social policy, the Act on Financial Assistance for Families with Children, was enforced on 1 June 2002. It established successive parent allowances for families with two, three or four children, in view of financial hardships of such numerous families.<sup>13</sup> In October 2003 such parent allowance for the second child amounted to 57,148 dinars, for the third child 102,864 dinars, and for the fourth, 137,151, which represented an increase of 13.8% with

respect to June 2002, the month in which the law was put into place. 2,880 families use every month that allowance.

Added to that 272, 179 families are entitled every month to child allowances for a total of 507,436 children. With respect to January 2001 that allowance was increased by 48.9%. 23,514 families receive every month maternity leave and child care allowances, while there are about 203 users of allowance for children with arrested development or in care of foster families. Ministry for Family Care also subsidizes pre-school institutions. A long-standing debt -incurred before 2001- to vulnerable families was settled and since then all monthly allowances have been increased (for the financial upkeep of families by 68%, for care of and assistance to disabled and sick by 59%, accommodation in social protection institutions by 49%, and accommodation in other families by 40%.) The Ministry has also wholly settled its debt towards war veterans, disabled, families with children, pregnant women and foster families.

In 2003 there were on average 92,943 poor families availing themselves of the right to financial upkeep/subsidies in the shape of various allowances. Allowances for care of and assistance to disabled and infirm were received by 21,126 persons, while accommodation of 14, 806 persons (orphans, elderly etc.) in social protection institutions was subsidized every month. Financial care was taken of 2,365 orphans and elderly in foster homes every month. The Ministry also subsidized regularly 55,889 war veterans, families of fallen fighters, and civil war veterans, while 660 war disabled received a special work capacitation assistance.<sup>14</sup>

Major budgetary allocations went to retirees, a total of 1,505, 244 of them (of whom, 213, 818 were retired farmers, 43,374 private business retirees, and as many as 1,248,051 beneficiaries of the Fund for Pension and Disabled Insurance of Employees. Payment of an enormous debt-amounting to 534 million Euro, and incurred in 1994-1995 period- to retirees covered by the aforementioned Fund, began in December 2002, while the debt relating to pensions overdue from 1999, was paid out in the course of 2001 and early 2002. Although there were four pension hikes in October 2000-October 2003 period, financial status of the oldest population group is still precarious, because an average pension hardly covers communal expenses and basic necessities. Retirees are the most vulnerable group also because of high costs of medicines and medical services and of their non-eligibility for moonlighting or any paid labor market activity. Ministry for Social Affairs on several occasions paid out minimal assistance from the state budget and foreign donations to retirees with minimal pensions and other vulnerable population categories. But the entire problem of pensions cannot be resolved without stabilization of economy and jump-starting of production. In a bid to make this problem less acute the Social-Economic Council-proposed *Act on Pension and Disabled Insurance* was promulgated in

<sup>12</sup> Ministry of Labour and Employment Report.

<sup>13</sup> Official Gazette of the Republic of Serbia No. 16/2.

<sup>14</sup> Ministry for Social issues Report No. 34-03.

March 2003. That Act introduced a more just manner of pension calculation, created the possibility of a pension increase if years of service are prolonged, paved the way for development of a voluntary pension insurance, and established closer links between a pension range and paid-in contributions. But the pension system also depends on further implementation of reforms and transition from grey to regular economy.

Serb Parliament is yet to debate the *Bill on Amendments to Social Protection and Guaranteed Social Security of Citizens*.<sup>15</sup> The same fate is awaiting the long-prepared Family Act, and two Acts from the sphere of disabled and war veterans insurance. Just adopted *Poverty Reduction Strategy* envisaging as its priorities, reduction of poverty, accelerated employment, social protection, health protection and education, is to be implemented in the course of 2004. That Strategy focuses on expansion of scope and quality of services of social protection, improvement of educational and skilled structure of unemployed and young people, education in line with needs of market economy, and multiple protection of the most vulnerable population groups. The newly-formed government should continue the reform course, while preserving at least the achieved level of social security. But if the new government were to try to deliver on its pre-election promises, which had won over the broadest population strata, then the current level of social protection and living standard would most certainly plummet!

Regardless of different perceptions of the current political situation, the fact is that anti-reform forces in 2003 misused economic and social discontent of the broadest population strata and thus turned the major long-term beneficiaries of such reforms into their most bitter opponents. In early 2004 leaders of the two largest trade unions Milenko Smiljanic, from Independent Trade Union of Serbia and Branislav Canak, from the Associated Branch Trade Unions "Nezavisnost" sharply criticized the government and threatened to stage a major strike because of announced amendments to the Act on Privatization. Although the strike was postponed after talks with Aleksandar Vlahovic, Minister for Privatization and Economy, and amendments to the Act adopted, the issue of privatization is still very controversial, and no consent has been reached on its extent. Government took a reserved stance towards workers, having assessed that they were likely to oppose measures making them redundant. On the other hand Serb government tended to take an arrogant attitude towards the leading trade unions, who in turn also acted arrogantly by trying to blackmail the authorities, were fraught with internal strife, had no vision, and were not ready to responsibly share the burden of privatization. Due to their constant jockeying for the leading position, many trade unions tended to strike suspicious deals with various political parties and interest groups, which additionally disqualified them from the status of serious and responsible partners. Hence, Social-Economic Council formed as early as in

<sup>15</sup> Official Gazette of the Republic of Serbia No. 34-03.

August 2001 never wielded any power and was the venue of bitter divisions rather than of a constructive dialogue between partners engaged in the same task.

Process of privatization directly or indirectly remained a major bone of contention before the scheduling of snap parliamentary elections, while the two largest trade unions-Independent Trade Union and "Nezavisnost" kept vying for the position of the most vocal detractor of privatization. Branislav Canak termed privatization as "private government business," and implied its criminal background: "Only criminals may be satisfied with the current privatization for it enables them to purchase companies and launder money"<sup>16</sup>. Similar opinion was frequently voiced by Milenko Smiljanic: "Life in Serbia is hard for many of its citizens, the army of jobless is growing, but shady capitalists are allowed to buy companies."<sup>17</sup> Growing number of smaller and larger strikes, with exclusively social claims (payment of overdue salaries, or pay increases) indicated anti-reform and privatization stance, resentment of government and consequently increased tensions in the society. Major strike of Independent Trade-Union members in late 2003 (the other two largest trade unions declined to join in, although they were in full agreement with the strikers demands), laid bare the very gist of workers and trade unions desires: resignation of government, dissolution of Parliament, and moratorium on privatization.

Speeches by the opposition parties representatives before several thousand workers, and clash with police forces in front of the parliament building (by the way there is an express ban on rallies in front of that building during parliamentary sessions, and striking workers were perfectly aware of that fact), marked the end of the first pro-reform government and made official a new political deal between trade unions and opposition parties). Only the time shall show who was right and who was wrong.

Attempt to stall reforms by assassination of their mastermind and enforcer, has not been fully successful, but they have been nonetheless been slowed down and even called into question. Non-compliance with international commitments, and resumption of the trend to fly in the face of international community, could easily lead to new sanctions. Added to that political instability presages absence of already minor foreign investments. Numerous announcements of revision of privatization and change of the legal framework thereof by the leading parties officials, have brought about the mood of uncertainty and hesitation in companies and among potential buyers. All the foregoing could impact negatively economy of the country. Some top government appointments also don't infuse any optimism, while a strident denial of recent positive economic results is more indicative of a spirit of vendetta than of a serious and continuation-gearred approach to reforms. When one adds to the whole mixture the ingredient of extremely conservative mind-

<sup>16</sup> *Danas*, 4-5 January 2003.

<sup>17</sup> *Politika*, 28 August 2003.

set and lack of understanding of global processes in Europe and in the world, as well as rejection of key changes at all levels of the society, future of reforms looks very bleak if not altogether –doomed.





## **Privatization: A Major Step towards Market Economy**

The year 2003 will probably go down in Serbia's history as a year of transitional crisis, with forces bent on preserving the *status quo* even going so far as to assassinate the prime minister and chief reformer, Dr Zoran Djindjic. All the same, the year saw a crucial switch in the economy from collective to private ownership: internal political blockade failed to stop the march of privatization and large foreign companies, both from the West and from new Russia, made substantial investments in Serbia's economy.

The early parliamentary elections in Serbia, held on December 28, could be viewed as a by-product of vigorous privatization during the course of 2003, for such epochal processes are inevitably accompanied by gross injustice, social upheaval, financial scandals and political turmoil. Judging by the election results, Serbia made a rightward turn which will no doubt slow reforms and may even block them for some time to come. Nevertheless, the victory scored by the Right and conservative parties was not so decisive as to wipe out the far-reaching effects of the privatization drive: even if the process is decelerated, legally revised (modifying its course to enable another set to reap its benefits), and even fundamentally challenged, the structure of Serbia's market and property relations are unlikely to revert to the period of predominant political and economic collectivism in spite of the fact that populist and nationalist political parties now hold sway in the National Assembly.

Although some 55 per cent of all capital in Serbia remains in state and social ownership, it is generally agreed that the ongoing privatization is an irreversible process that cannot be halted or cancelled by any political force, given that 65 per cent of the 'real economic sector' has already changed hands. Since the bulk of non-privatized capital is concentrated in economic infrastructure (power generation, transport, mining) in the form of state capital, there is no pressing need to change its status right now in order to complete a picture of a fully-privatized economy, although such a move would no doubt be welcome in view of the low productivity of these sectors.

Accelerated privatization during 2003 not only directly affected economic decision-making in Serbia but also indirectly paved the way for other reform-oriented moves, the increasing revenue from privatization making a major contribution towards consolidating the state budget without there being any appreciable increase in fiscal pressure on current production. That year the state collected about 1 billion euro from the sale of socially-owned property. The privatization of the 1000th company was announced early in December,<sup>1</sup> the state revenue from accelerated privatization over the past two and a half years coming to 1.3 billion euro. The investors pledged to invest 700 million euro in the companies they had acquired and another 280 million euro in social welfare programmes.

In terms of living standards, however, most people in Serbia will remember 2003 as a year of gloom and hardship, mostly because the economy failed to emerge from the deep recession into which it had sunk during the Milosevic era: industrial output was down by 3 per cent compared with 2002 (a year of stagnation), with agricultural output falling by as much as 10 per cent owing to draught. The economy having ground to a halt, exports declined by over 10 per cent while imports continued to rise, pushing up the trade deficit to nearly 5 billion euro (according to the latest figures, the January-November 2003 trade deficit stood at some 4.3 billion euro).

Unemployment continued to rise and the fact that the restructuring of large economic systems had not even begun caused further apprehension among employees, so much so that a great many of them who need not have worried began to fear for their jobs. In spite of substantial foreign investments and numerous promises made by politicians during the election campaign, the feeling of economic uncertainty was compounded by poor prospects of massive job creation, given that gross domestic investment accounted for only 16.4 per cent of the social product (GDP) or half as much as necessary.

In spite of the fact that only some 55,000 people were made redundant as a direct result of privatization (with roughly as many agreeing to leave voluntarily with adequate compensation payoffs), unemployment remained Serbia's number one economic (and therefore also political) problem. For this reason, every political party contesting the December 2003 election placed employment at the very top of its agenda and tried to outbid its competitors in terms of the number of new jobs it promised to help create already in 2004 in case it won. But these promises, ranging from 150,000 to 1,000,000 new workplaces, were toned down shortly after the election; it was, of course, totally unrealistic to promise jobs for 500,000 people (as the Democratic Party did in its programme) considering that the creation of each new job requires investment of some 5,000 euro or, in this case, a total of 2.5 billion euro as early as 2004! Prior to the December election some opposition parties, including G17 Plus, the

<sup>1</sup> Minister for Privatization Aleksandar Vlahovic said that a total of 1,080 companies had been privatized by 31 December 2003.

Serbian Renewal Movement (SPO) and New Serbia, put forward even more ambitious employment schemes; the Serbian Radical Party (SRS), however, eclipsed them all by glibly promising a 'system of full employment' (i.e. communism).

Unemployment is certainly a huge social problem in Serbia, the unemployment rate (expressing the ratio of jobless population to working-age population) officially exceeding 32 per cent being both economically and politically intolerable, for it means that every third adult resident of Serbia is looking for work. At the end of 2003 Serbia had 943,000 officially registered unemployed citizens, an increase of more than 4 per cent over the year before. True, this number included a good many who were employed in the grey sector of the economy or were cultivating land, but such people are to be found in other European countries where the unemployment rate rarely exceeds 15 per cent (it should be borne in mind that whereas in these countries the grey zone accounts for up to 20 per cent of economic activity, in Serbia it is believed to be twice as high).

In view of the above, the political parties quite expectedly put forward various programmes aimed at creating employment by means of granting tax relief, stimulating housing construction and the establishment of small enterprises, and providing accessible and cheaper credits to farmers, artisans and small-scale producers. Although the objectives are on the whole too ambitious, there is at least a commitment to attempt to do something useful in a sector which has not enjoyed sufficient government support so far. Of course, Serbia must first form its government and make sure it does not get bogged down in a quagmire of recurrent elections.

During this third year of transition – its harshness further exacerbated by political agitation – one saw a number of good economic results indicating that things might improve in Serbia after all if the politicians could finally see eye-to-eye regarding reforms. Inflation was brought down to 8 per cent, wages continued to rise in real terms reaching about 190 euro on average, the dinar's exchange rate declined by a mere 10 per cent, and the country's foreign currency reserves rose to about 4.5 billion US dollars, which was enough to pay for six months' worth of imports. In his defence of the government in response to a no-confidence motion in the Serbian National Assembly at the end of October 2003, Minister of Finance Bozidar Djelic pointed out that the democratic authorities had succeeded in increasing the gross national product from 9.5 billion to 17 billion US dollars in only three years, ensuring 2 billion euro in foreign assistance, attracting 1.4 billion euro in foreign investments in 2003 alone, and doubling the living standards of the population. Judging by these and other achievements, one might argue that the situation was not as black as it appeared to the citizens of Serbia; but they continued to take an increasingly gloomy view of the prospect of further changes necessitated by transition, their feeling of insecurity deepening especially after the attendant injustices began coming out into the open.

As if Serbia did not have enough trouble to cope with that year, there occurred one of the worst draughts on record. Temperatures as high as 32 degrees centigrade were registered as early as May, and this after an exceptionally dry winter that left the ground with the lowest moisture content in 100 years. The wheat harvest was clearly going to be a disaster. To make matters worse, wheat reserves were low after 640,000 tonnes had been exported in 2002, at prices 30 per cent below the purchase price.

As the draught continued into the summer, the wheat harvest amounted to a mere 1.4 million tonnes of bread-grain or some 850,000 tonnes less than in 2002. Except for sunflower, other crops failed too. That autumn, farmers were economically ruined when they gathered in some 25 per cent less maize – their principal ‘cash-equivalent’ – than in 2002. Unfortunately, the government both projected a small agricultural budget for the year and failed to implement it fully. Some economists estimate that the social product in agriculture was down by 25 per cent and output by some 10 per cent, indicating a significant drop in tariff protection of this important economic sector and resulting in domestic price falls in spite of low output. The damage the draught caused Serbia’s agriculture was put at nearly 700 million euro. The government could not possibly produce so much money or even adequately compensate the worst hit farmers.

Critics of the government’s pro-reform policy, charted by Democratic Party (DS) president and DOS coalition leader Dr Zoran Djindjic as far back as 2000, sought to capitalize on such calamities and other setbacks in order to play down its positive effects, continuing to do so even after Djindjic was assassinated on March 14. Djindjic’s successor as Serbian prime minister, Zoran Zivkovic, did his best to refute the growing criticism; for instance, in a speech on the occasion of the first 1,000 days in power of the ‘Djindjic Government’, he stressed that the government had succeeded in large measure in turning Serbia into a ‘normal European state’ – petrol was again on sale at the filling stations, regular power cuts were a thing of the past, prices were almost stable in spite of the absence of state controls, and average monthly earnings had risen from 30 to some 200 euro though poverty could not have been eradicated in so short a period. He cited these achievements as proof of the government’s genuine pro-reform policy and promised to stay firmly on course until the next regular election. However, the government failed to hold out because Zivkovic failed to take resolute action to put a stop to growing corruption in the government apparatus reaching as far as the very top of the administration. The government was likewise powerless to retain its majority support in parliament: at the first sign of its weakness, some minor parties and certain minor leaders of those parties hurried to switch sides in the long-standing feud between the DS, the leading party in power, and the Democratic Party of Serbia (DSS), the leading party in the de facto opposition.

Economic experts who took part in a large public debate on whether the Djindjic government was truly reform-minded or merely perceived itself as

such, acknowledged successes in monetary stabilization efforts despite high budget deficits, did not much criticize the procedure for selling off companies scheduled for privatization, and agreed that the preferred fiscal reforms model, which was to result in a law on value-added tax (whose adoption was postponed from the end of 2003 to the middle of 2004) was theoretically sound and the only one acceptable. On the other hand, they did not have much praise for the government’s other moves and were rather critical of its reform course. The prominent analyst, Vladimir Gligorov, observed that for all its reform rhetoric, the government had allowed the country to slip back into the dilemma of whether to proceed in the direction of radical market liberalization or to revert to a command economy and protectionism. Economic observer Dr Dana Popovic noted that while the government did the easy part of the job quickly, it began to knuckle under when it came to making economic changes that really hurt. Dr Danijel Cvijeticanin (close to the DSS), who had been criticizing the participation of state agencies in privatization as excessive, accused the government of taking advantage of low demand for Serbian firms to sell them off dirt cheap to political sympathizers or buyers willing to pay large kickbacks. Dr Bosko Mijatovic, head of the Liberal Studies Centre in Belgrade, said the government did less than expected because of the political circumstances standing in the way of its pro-reform orientation.

In the heady days after the 5 October 2000 take-over, with democratic forces holding sway in Serbia, the government did start off on reforms with much ardour; but as time went by, the pace of reforms slackened each time the government came across a problem calling for breaking up various interest groups deeply entrenched in the enterprises, banks, police, commercial jurisdiction, and local bureaucracies. As early as mid-2002 people noticed that the government was neither politically powerful nor willing enough to make a resolute start on unpopular measures necessary for reforming Serbia, although that was precisely what the government had proclaimed as its chief objective. After the assassination of prime minister Djindjic early in the year the transition effort, which had already ground to a halt, entered a period of deep crisis. Nonetheless, the continued accelerated privatization throughout the year, as we have already pointed out, will probably help prevent the termination of the transition processes, something which would have disastrous effects on Serbia’s future.

The thesis that Serbia managed to survive 2003 thanks to proceeds from privatization, as well as that it made transition an irreversible process, ought to be substantiated in greater detail. The main privatization deals that year started on April 4 with the publication of notices of invitation to tender for the cigarette factories at Nis (Tobacco Industry Nis – DIN) and Vranje (Tobacco Industry Vranje – DIV); the successful outcome was announced on August 4 when, after some delay, the bids were made public. The highest bid for DIN amounting to 518 million euro (including price, investment, and social welfare programmes)

came from the multinational company Philip Morris, while British American Tobacco offered a total of 87 million euro for DIV.

The success of the transactions can best be gauged by the fact that in the previous two and a half years the Privatization Agency collected a total of some 600 million euro from the privatization of 760 companies, while the sale of a controlling block of shares in these two companies alone brought in 437 million euro. True, the sale contracts with Philip Morris and British American Tobacco were later fine-tuned to grant the two companies certain (insufficiently transparent but at least adequately paid for) privileges on the domestic market.

Soon afterwards, a large portion of the oil trading sector was sold off also successfully. On August 25, Minister Vlahovic announced that Russia's Lukoil had made the highest bid for the oil trading firm Beopetrol, which supplies 20 per cent of the domestic market with 400,000 tonnes of oil and oil derivatives a year, having offered 117 million euro for a controlling block of shares, 85 million in investments, and 5.35 million for a social welfare programme. The signing of the contract with the Russian giant at the end of September by Privatization Agency Director Mirko Cvetkovic marked the beginning of the transformation of Serbia's oil industry, i.e. the breaking up of the state monopoly of the sector. Russian capital was now officially pouring into the country, and there seem to have been some other considerable investments in the milk and food industries at the same time.

Substantial advantages from privatization that year were enjoyed not only by budget beneficiaries and investors, but also by some workers fortunate enough to be employed by companies that had sold well. A case in point was the Apatin brewery, which was bought by the Brussels-based Interbrew multinational brewing concern, the world's sixth largest. Interbrew not only injected fresh capital exceeding 600 million euro but offered the remaining small shareholders, mostly employees of the brewery, 167.64 euro per share until March 31 next year. This is over seven times more than their impatient colleagues had got on the Belgrade Exchange from Salford Fund of London. As there are still over a million and a half unsold shares, Interbrew is prepared to invest another 250 million euro or so to become sole proprietor of the brewery.

Ironically enough, the economic situation worsened as a result of the establishment on February 4 – amid much controversy and after much delay – of the State Union of Serbia and Montenegro (in accordance with the Belgrade Declaration concluded with EU assistance). In theory, 'harmonizing' the two members' economic systems is the crucial economic issue in the union. In practice, this merely calls for 'harmonizing' the disparate tariff systems, on which the EU keeps insisting. There is hardly an economist or an economic official in Serbia who believes that business conditions and economic policies in Serbia and Montenegro will ever be adequately harmonized in accordance with the constitutive documents of the state union. The insurmountable problem of different tariffs has forced the member states to work out different mechanisms for protecting or opening up their internal markets and, in the last analysis, to

develop their own economic strategies. Whereas in the past states have usually entered into customs unions as a first step towards unification in order to expand their internal markets, Serbia and Montenegro have practically already declared that they will harmonize their tariffs when they both enter the EU.

In truth, at the beginning of June 2003, the Serbian government adopted a Draft Law on a Plan of Action to Harmonize the Economic Systems of Serbia and Montenegro, its chief objective being to reach agreement on equalizing tariffs on some 80 per cent of categories of imported goods with the proviso that the remaining 20 per cent be harmonized over the next two years. On one hand, the agreement did not fully satisfy the EU Commission (which put off its decision to give the green light for a feasibility study preparatory to the state union's accession to the EU); on the other, it provoked a heated debate at home and caused further political divisions within Serbia's democratic bloc, having been fiercely attacked by Mladjan Dinkic, a leader of the newly-established political party G17 Plus.

Dinkic, who saw an opportunity for political promotion of his fledgling party, tore the agreement to pieces on the grounds that it would reduce Serbia's budget revenue by some 70 million euro a year, as well as have adverse effects on some major industries. By way of example, he said that under Montenegrin pressure import tariffs on 79 agricultural products had been reduced from 30 to 20 per cent, whereas many countries undergoing transition were protecting domestic food production by tariffs in excess of 100 per cent.

In addition, Montenegro won for itself the privilege to continue by-passing Serbia in importing certain key products subject to import quotas, i.e. cooking oil, flour, wheat, maize, pork and others. To put it simply, this means that the agreement with Montenegro will expose Serbia's producers to even keener European competition on their own ground while still rendering them uncompetitive in Montenegro.

Minister Vlahovic dismissed the allegation, saying that although the budget would be down by 70 million euro through average tariffs being reduced from some 9 per cent to about 7.5 per cent, the citizens' living expenses would decline accordingly. And he warned that even when Serbia's tariffs were brought down to below 7 per cent in two years' time, they would still be far higher than those in the EU. In other words, Serbia had no other choice but to start reducing the tariff protection of its economy right away if it wanted to become a member of the EU. And Minister of Finance Bozidar Djelic added that the EU would compensate Serbia for the loss of budget revenue resulting from the agreement with Montenegro.

The altercation which erupted over the partial tariff agreement between Serbia and Montenegro soon grew into a political rather than an economic controversy amid grave economic repercussions: the EU, for instance, suspended preferential sugar imports from Serbia and Montenegro on the grounds that they did not have a single customs office to control the origin of goods the state union exported to the EU. The decision dealt a further severe

blow to Serbia's staggering economy that year: as early as February, Belgrade was notified from Brussels that as of May 7 the EU Commission would suspend preferential tariffs on sugar imports from Serbia and Montenegro for three months because Serbian exporters had over the past two years sold more sugar in the EU than Serbia could possibly produce (the suspension was later extended for an indefinite period of time).

The affair should not have come as a total surprise, for Belgrade had already been warned several times during 2002 that the tariff-free export privilege was being 'abused'. Unlike in the case of Croatia and Macedonia, the EU Commission did not charge specifically that sugar had been imported into Serbia at a preferential price, repacked and then re-exported under preferential terms at a profit; it merely stated that the measure had been taken because of an inadequate system of origin certification. Although no foul play on the part of domestic producers and exporters has been established to date, it is generally believed that there was plenty of it.

The import and export figures cited in connection with the Serbian sugar affair apparently surprised many a foreign and domestic observer and gave rise to considerable confusion. While the government announced that 347,000 tonnes of sugar made from sugar beet had been exported and 179,000 tonnes of the same kind imported (plus 20,000 tonnes made from sugar cane) between 1 January 2001 and 7 May 2003, the political group Otpor and the government's Anti-corruption Committee presented different figures. The government's commission set up to investigate the affair is still working.

Frequent public references in this connection to the Novi Sad firm MK Komerc owned by Miodrag Kostic, former DS director, added a political dimension to the affair. But nothing was clarified in the end, the suspension is still in force, the whole burden is now shouldered by the farmers, and Serbia's authorities have been warned that they must change their attitude to the European Anti-Fraud Office (OLAF) if they want further cooperation from the EU.

The sugar affair focused attention on the chief weakness of the 'Djindjic Government', namely its inability to deal with the powerful economic centres and lobbies formed during the Milosevic regime who have succeeded in establishing themselves as 'partners' of the new 'reform-minded government'. This tangle is most complex and conspicuous in the field of telecommunications, the Serbian government making several unsuccessful attempts during 2003 to sort it out.

At the end of 2002, prime minister Djindjic announced that it had been agreed with Telecom Italy, which has a 29 per cent stake in Telecom Serbia, to buy it back. At first sight it looked like a very advantageous arrangement: the holding for which the Italians paid 497 million dollars would be bought back for 195 million euro; actually it would be less than that because the sum included Serbian borrowings as well as management and book-keeping fees coming to at least 60 million and some 75 million euro respectively. The

repayment schedule also looked favourable: the Serbian Posts and Telecommunications company (PTT Serbia) undertook to pay 120 million euro within four months (by the end of April 2003) and the remaining 75 million euro over the next six years (in theory, the latter sum would be paid for by running yields). Later, however, it turned out that repaying the 120 million euro would be too large an order for domestic banks, so the then minister of transport, Marija Raseta-Vukosavljevic, gave instructions to raise a domestic loan under exorbitant terms to pay for the last tranche. The loan brought PTT Serbia on its knees and the whole arrangement turned out to be a rather unfavourable affair in terms of its repayment schedule because Serbia needed much fresh capital in 2003 to mitigate the effects of usual transition recession. The agreement fell through owing to the uncompromising opposition of the only remaining foreign shareholder, Greece's OTC. Having acquired a 20 per cent stake in a deal with Milosevic providing for a monopoly of conventional telephone services up to 2005, OTC considers it has been cheated and remains unmoved by any proposal to soften its stance.

The problems in the sphere of telephone communications were augmented by the stalemate over Mobtel, the mobile telephone operator in which BK Group holds a majority interest. Whether the state has only a 49 per cent stake, or roughly so, or much more than that is anyone's guess because various figures have been in circulation. The government was unable throughout 2003 to sort this out with the Karic family which owns BK Group in order to proceed with privatization or first to nationalize the whole communications sector (with a view to working out a rational strategy of its possible partial privatization).

A deal appeared have been reached towards the end of 2003 but fell through for some reason or other. Rumours had it that the Karics had agreed to 'gift away' 6 per cent of their holding in Mobtel in return for what both they and Mobtel had had to pay in tax on 'extra profits' (amounting to just under 400 million euro, the tax refund would have been an extravagant compensation for so small a 'gift'). The tax appears to have already been returned to the family and Mobtel by decision of the Supreme Court, without the state acquiring any further stake in the company.

Nevertheless, the failure to prevent by institutionalization big capital from influencing the course of reforms and to set economic relations in Serbia on a new sound footing, does not mean that nothing was done towards creating a proper market ambience. Early in the year, for instance, payments traffic was transferred from the state Accounting and Payments Office to commercial banks in a highly complex but necessary operation. True, there were some initial problems such as long queues, fumbling or late payments, but they were not nearly as serious as one might have expected in view of the fact that many ruined, insolvent or fraudulent firms with several accounts had hitherto been involved in payment operations. After a while, Vice-Governor Vesna Arsic was able to announce that of the 154,000 registered legal persons in Serbia who had

been given their tax codes (PIBs), 30,000 had had their accounts blocked. Of course, the transfer of payment operations from the state apparatus to commercial banks alone could not have solved the pressing financial problems of the Serbian economy: company arrears amounting to about 1 billion euro at the end of 2002 pushed into bankruptcy proceedings scores of thousands of companies. The draft bankruptcy law not having been passed in 2003 (and in view of the fact that the average bankruptcy proceedings in Serbia last over seven years), the only ones who are currently making profit out of the staggering problem of old and new bad debts are privatization wheeler-dealers.

Unfortunately, the payments transfer operation carried out at the very start of the year was about all the Serbian government did to reform its institutions that year. The very next step – the adoption of the new Law on the National Bank of Serbia as late as July – was taken in the context of the rekindled power struggle within the democratic bloc, triggering a new political crisis culminating in the early elections to the National Assembly of Serbia on December 28.

The Law on the National Bank of Serbia, which ought to have been passed after the establishment of the State Union of Serbia and Montenegro and the virtual ‘abolition’ of the National Bank of the Federal Republic of Yugoslavia, led to the dismissal of Mladjan Dinkic as governor. The move brought about the fall of the government because the controversy surrounding Dinkic’s dismissal first united the anti-reform bloc and then brought it to power.

The international community, whose policy in principle had been to support Serbian reforms, continued to back the Serbian government during 2003, signalling its approval of the law and the election of Kori Udovicki as new governor when an IMF mission endorsed a current economic and monetary policy report and released another 140 million dollars in credit to Serbia as part of a three-year arrangement.

In its official statement in July, the IMF advised Belgrade to tie the budget deficit firmly to 4.5 per cent of gross domestic product in order to continue reducing inflation; on the other hand, it asked it to ensure by the end of the year continuous economic growth, strengthened external position and increased economic competitiveness.

But there was also a warning from Washington that these objectives must be achieved by sound macroeconomic policy and accelerated structural reforms dynamic.

Significantly, the IMF made an indirect recommendation that in its negotiations with Belgrade the London Club should agree to rescheduling Serbian debts under conditions similar to those granted by the Paris Club, as well as advised Belgrade to keep exercising caution in banking transactions and to give foreign investors – as both strategic partners and future proprietors – greater access to domestic commercial banks. But as the government’s position at home declined and no resolute action followed over the next few months, the

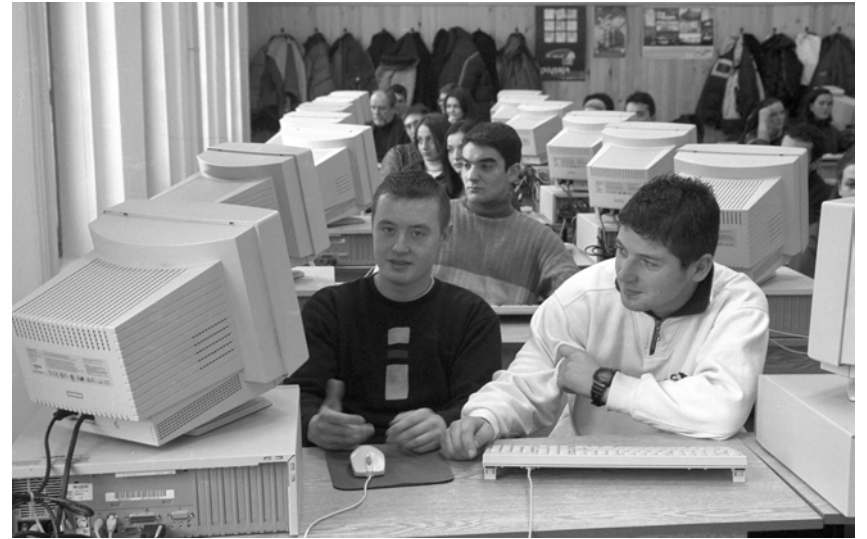
IMF modified its stance and discreetly and indirectly ‘froze’ its support; for instance, it did not rubber-stamp the next report issued in November, thus effectively blocking a new World Bank credit tranche for 2004 worth 140 million dollars (and much more beside).

The IMF’s attitude to the Serbian government and its institutions is on the whole representative of other international centres’ attitude to the political turbulence in Serbia during 2003, their assurances of support for reforms not being of much help to the government in dealing with internal difficulties. At this juncture, it is worth recalling that unlike in previous years, in 2003 the Serbian government succeeded in making headway in Moscow and Beijing towards sorting out substantial liabilities.

In the autumn, state delegations meeting in Moscow did much towards particularizing and discharging the former Soviet Union’s debt in clearing dollars to the former SFRY. On the strength of these talks, Belgrade reckons that of the 1.3 billion clearing dollars or so in net claims by the former SFRY, Serbia and Montenegro will have some 38 per cent. The Serbian Ministry of Finance believes that the matter will be settled fairly shortly, in which case it could look forward to some 490 million clearing dollars in Russian bonds. The bonds would be sufficient not only to repay the arrears for Russian gas of some 250 million dollars, but also to commission the Russian firm Energomashineksport to carry out overhaul of the Iron Gates (Djerdap) hydro-electric power plant on the Danube estimated at over 100 million US dollars. Such a favourable outcome is, of course, only what the Serbian government hopes to achieve because no such arrangements have been made.

During his visit to Beijing in November, Serbian Prime Minister Zoran Zivkovic and his Chinese hosts agreed in principle on details of discharging the arrears claimed by the Chinese company Sinochem from Naftna industrija Srbije (Serbian Oil Industry – NIS). The controversy revolves around debt for some 2 million tonnes of crude oil imported by Serbia in the summer of 1996. The importers still owe some 160 million dollars in principal, plus some 90 million dollars in default interest accumulated over the past five years. It was agreed to write off nearly 70 million dollars in interest, with Serbia servicing the principal over the next eight years according to a favourable variable rate. The average annuity to be paid by NIS is estimated at between 23 and 25 million dollars. This arrangement, too, has no legal effect yet.

The two preceding examples show that Belgrade received support for its reforms not only from west-European centres but also from the East. One may therefore conclude that the fall of the Serbian government at the end of 2003 was brought about by internal rather than foreign-policy factors.



## Reform of University System

An important aspect of reforms implemented by government led by Prime Minister Zoran Djindjic was the overhaul of educational system. The foregoing indicates that he had a vision and a comprehensive strategy for the totality of social changes. Educational system already marked by ideological legacy of the socialist Yugoslavia was devastated during the Milosevic era. University and educational system (primary and secondary schools) have been professionally and financially impoverished, and the socialist ideology was to a large extent supplanted by the nationalistic one. Added to that the University belongs to the most conservative institutions, as indicated by a debate on the Bill on High Education. This is notably true of the humanistic sciences institutions, notably Law, Philosophical and Political Science Faculties, which generate new nationalism. Principal objections to the Bill were related to its universal character, and in those terms, the loss of national identity.

### Activities of the Ministry for Education

Ministry for Education and Sport of the Republic of Serbia during 2002 prepared a *Strategy of Reform of High Education System in Serbia*<sup>1</sup>. That document contains the analysis of current state of universities in Serbia and suggests solutions in line with the *Bologna process*<sup>2</sup> and contemporary trends in the

---

<sup>1</sup> [www.mps.sr.gov.yu](http://www.mps.sr.gov.yu).

<sup>2</sup> In 1988 during celebrations of 900th anniversary of foundation of the first university in Bologna, *Magna Carta Universitatum*, initiated and signed by nearly all high school institutions in Europe, was promulgated. This Charter, among other things, defines the notion of a high school autonomy and lays down basic guidelines for implementation of high education. Compliance with principles from the charter is monitored by the *Observing Committee of Magna Carta* founded in 2001.

In 1977 at the proposal of the Council of Europe Committee for High Education and the UNESCO-CEPES Department for High Education in Europe the *Lisabon Convention* was promulgated. The Convention regulates the procedure of acknowledgment of diplomas in countries-signatories of the convention.



overhaul of high education in Europe. The *Strategy* listed goals of high education reform and the chosen tack to that end. *Strategy* also detected factors critical for the success of reforms, divided in three groups: factors of *power*, factors of *risk* and factors of *weakness*. The fact that "the university system in Serbia is traditionally structured, entrenched, and dominated by a stance that it would be perfect were it not cash-strapped", was assessed as a risk factor. Then: "A marked fear of any exterior influence which the state (in the past considered a synonym for the ruling party) could exert over the university. Hence, due to an aspiration for an absolute autonomy, feeling of responsibility was totally lost." Finally: "Fear of establishment of a different set of values without possibility to foresee its place within it."

Elaboration of *Strategy* was preceded by the analysis of the state of affairs at universities published by the media<sup>3</sup> under a headline "Institutional Evaluation of Universities in Serbia during 2001/2002 - General Report of European Association of Universities". In November 2001-June 2002 institutional evaluation of five universities in Serbia, founded by the Republic of Serbia, (in Belgrade, Kragujevac, Nis, Novi Sad and the Arts University in Belgrade) was done. After internal evaluation, a group of European experts engaged by the European University Association did an external evaluation. Both evaluations were used in drafting the high education system reform. However a year -long debate indicated that large part of university system

---

In 1998 during the 700th anniversary of foundation of the Sorbonne University in Paris, the *Sorbonne Declaration* promoting "an open space of European high education", was signed by France, Italy, England and Germany.

On 19 June 1999 Education Ministers of 29 European countries at a meeting in Bologna signed the *Bologna Declaration*. It stipulates that unification of Europe must be based on strengthening of European intellectual, cultural, social, scientific, and technological dimensions, in which universities should play a central role. The Declaration also underscores that "knowledge is the basis of European citizenship and awareness of the common values and common social and cultural space in Europe must be raised." Also defined is the procedure for monitoring of Declaration s implementation and its ultimate goal: creation of a unique European space of high education by 2010.

During the process of adoption the *Bologna Declaration* students rallied around the European Student Association (ESIB) requested participation in the meeting. But their plea was rejected. That notwithstanding they opted to back the process, but insisted on future partnership.

European Universities, in view of resolve of their governments to ensure implementation of conclusions of the *Bologna Declaration*, in 2001 decided to participate in elaboration of the whole process. After the Salamanca Rector s Conference guidelines of the declaration were in principle adopted and a linkage between the European high education system and the European research system was urged.

At the Prague meeting of countries-signatories of that declaration, in June 2001, it was decided to accept proposals of ESIB and EUA (European University Association) and that both institutions get involved in the process. A decision was also taken that the process be opened for countries-non-signatories of declaration if they applied for accession.

Source: Prof. Dr. Srbijanka Turajlic, "Bologna Process in Serbia", www.mps.sr.gov.yu.

<sup>3</sup> *Danas*, 15-16 February 2003.

resisted any change and had no wish for innovation. The strongest resistance was marked at the Belgrade University. But Professor Sima Avramovic from the Belgrade Law Faculty argued that "for the first time all members of the the Belgrade University Council were in agreement, the Association of Law Faculties unanimously rejected the High Education Bill, as did Associations of Medical and Economic Faculties in Serbia, which agree with the Belgrade University proposals."<sup>4</sup> However, rector of University in Nis and Kragujevac, had a different stand on signing of the *Bologna Declaration*. He underscored that "developed European countries in Europe initiated reforms as early as in 1999, hence we are lagging behind them. But, if we take a united stand, if we are flexible, and ready for changes, we shall manage to latch on that process. Adoption of the new University Act heralds the beginning of our struggle for a better education. I think that educational system in Serbia is ready for a great challenge." After the Berlin conference, the Nis rector underscored that: "we are facing a major task, but also a challenge we should not eschew. Our students and the society as a whole, must be aware that without changes and European standards there shall be no quality or improvement."<sup>5</sup>

On the basis of *Concept of the High Education Law*, the Ministry elaborated the *High Education Bill*<sup>6</sup>, and an *Overview of Adopted Solutions*. On 18 September Education Minister Gaso Knezevic signed the *Bologna Declaration* in Berlin. That move marked the beginning of Serbia s accession to the process of creation of a joint European High Education space. Srbijanka Turajlic, Deputy Education Minister, stated that the *Bologna Declaration*, promulgated in June 1999 at the oldest European University was an adequate response to the process of globalization and establishment of a unique labour market in the united Europe. According to her the Declaration promoted fine-tuning of European universities, along with preservation of specific national, cultural and linguistic features. Turajlic pointed out that the bulk of objections was related to the fact that the Declaration was signed by Education Ministers and not representatives of universities. There were also complaints relating to the fact that the Declaration was linked to the national identity and the role of university as a symbol of culture of a people. According to Turajlic that fear was unfounded for every country or its university brings to a unified structure of education its specific features. However she underscored that students disgruntled with the state of Serb universities, backed the Bologna declaration, in contrast to the majority of professors. In her mind: "We should not be overly concerned, because a similar problem arose in the whole Europe."<sup>7</sup>

---

<sup>4</sup> *Blic*, 20 October 2003.

<sup>5</sup> *Balkan*, 15 July 2003.

<sup>6</sup> www.mps.sr.gov.yu.

<sup>7</sup> *Svedok*, 23 September 2003.

Draft of the High Education Act was not debated in parliament in 2003, and the new Education and Sports Minister, Ljiljana Colic announced that "the new government would try to do more in that area."<sup>8</sup>

## Reactions to Proposed Reforms

Most criticised were the provisions relating to the suspension of the legal status of faculties, their funding, a national council, an ethnic committee and autonomy.

Prof. Dr. Ivan Juranic underscored that "more attention should be paid to the quality of lectures", "manner of securing the necessary funds" and "imparting more interesting and modern lectures". Prof. Dr. Milan Paunovic from the Law Faculty stated that the proposed Act is "a total misinterpretation of the Bologna Declaration which abolishes autonomy of university and autonomy of scientific work at faculties". According to Paunovic, "it is an attempt to introduce an American, artificial concept of education, very much removed from our tradition." He also stressed that "all former Yugoslav republics adjusted their educational systems to the Bologna declaration" and added "we should do the same thing, we should modernize our teaching methods instead of abolishing economic independence of faculties by introduction of a single giro-account, for that would be tantamount to suspension of autonomy of the very Belgrade University".<sup>9</sup>

Prof. Dr. Srbijanka Turajlic stated "the new High Education Act shall not take effect immediately, for the changes brought about by that act are too fundamental to be introduced overnight. Our idea is to first put in place interim provision for a period of several years, and then gradually introduce more permanent legal solutions." According to Turajlic "the key changes require a comprehensive concept defined by the law. In the second stage some institutions shall be able to set their own pace of reforms and adjust them to their possibilities." According to Turajlic "the idea that only the University may have the status of a legal person leads to strengthening of university, and not to its weakening. Under this Act the state's control shall be limited to the quality control of University's work through an Independent Agency for Accreditation."<sup>10</sup>

At the session of the Council of the Belgrade University Turajlic stated: "The Ministry was reluctant to publicly disclose the whole concept, for it could have been interpreted as imposition, and consequently would stand less chances of success. Instead we requested the Council for Development of University to set up a working group composed of representatives of all universities." Some Council's members thought that the Belgrade University

<sup>8</sup> *Vreme*, no. 687, 4 March 2004.

<sup>9</sup> *Politika*, 30. January 2003.

<sup>10</sup> *Politika*, 5 February 2003.

should take on a pro-active role in elaboration of concept of the future reform, and remarked that those who thought up the concept dictated a too accelerated pace of its implementation, which could affect negatively the University as a whole. Dr Budimir Kosutic was adamantly against "the suspension of an institution founded in 1841, call it department or similar", while the dean of Faculty of Organizational Sciences, Dr. Nevenka Zarkic-Joksimovic, pointed out that "some solutions were designed for rich countries, and not for our poor reality." Rector of the Belgrade University Prof. Dr. Marija Bogdanovic appealed to the Council's members to engage in a tolerant and peaceful debate, while pro-rector Dr. Bogdan Djuricic stressed that "no-one compels us to implement fully all solutions envisaged by the novel concept." He also pointed out that the Ministry of Sciences was in parallel working on the Scientific Work Act, which encroached onto the gist of University. Djuricic added that: "The two ministries are separating by dint of legal provisions two inseparable activities."<sup>11</sup>

Ljubomir Madzar, rector of University of "Braca Karic" thinks that the Bill "abolishes an organizational level (faculty), which is the pillar of the current high education system, and pushes to the forefront the University as a whole.. Suspension of faculties as legal persons means that their prerogatives from the most important area of business and financial management are transferred to the university, that is its, rector's department." However Madzar objects mostly to "a uniform price- list of services", as a criterium for evaluation of visible achievements and results of the university personnel. Professor Madzar thinks that an educational professional should be rewarded for his whole performance and efforts behind his results, which, alas, are not often most visible at faculties. He adds: "in rewarding specific features of some disciplines (for example, a difference in the work of professor of economy and the work of professor of Old Greek) must be taken into account".<sup>12</sup>

Professor Nada Korac from Pedagogical Faculty in Belgrade says that the Bologna Declaration "offers a host of good ideas, including the reform of curriculum. Idea of the university as a whole leads to real links and harmony, much more than the idea of university as a sum of faculties. Hence the new concept is good and logical for it paves the way for a better co-operation and multi-disciplinary studies. This has a major bearing for us, as the Pedagogical Faculty is in fact composed of two small universities-the Belgrade and the Arts University. And we must co-operate." According to Nada Korac many places in the world have fully implemented the proposed high education concept. She thinks that the proposed concept would strengthen the autonomy, for it would constitute a linkage between departments, autonomous faculties with respect to university. In her mind that is a much better option, for the current structure of

<sup>11</sup> *Politika*, 8 February 2003.

<sup>12</sup> *Politika*, 13 February 2003.

faculty may make more difficult functioning and work of university... faculty as a university unit is disappearing".<sup>13</sup>

Marija Bogdanovic, Rector of Belgrade University thinks that suspension of the faculty's status of legal person could seriously upset the scientific and educational work of universities. Hence the right solution is preservation of the current status of faculty, and not denial of 165-years long tradition. She was also hopeful that "the government would not pass a law contrary to stances of Belgrade University." Her assessment was that we should face Europe with a high quality and efficient studies, while the university set-up and organization were an internal matter and not a precondition for accession to the European academic space. Association of Universities of Serbia (ZUS) thinks that the new act should be called the University and High School Act and "faculty within a framework of a state university may be founded, in association with other faculties or suspended only with the university's consent". According to Marija Bogdanovic "the new Act should not rigidly define internal set-up and organisation of University, while suspension of the current status of faculty is not a precondition of the university reform." During a debate on the Bill many professors of Belgrade University maintained that a similar debate in Austria lasted 8 years (plus 5 year-long preparations thereof), that a pertinent debate in Italy was also very long, so "it would be odd if our Act were adopted after just 2 months". They also pointed out that 90% of universities funding in the world comes from the state, while in Serbia that percentage was much lower-between 50- 80%.<sup>14</sup>

At the round-table on Status of the State-run and Private Universities and the Forthcoming High Education Reform, held on 21 July 2001, Marija Bogdanovic, stated: "Belgrade University shall retain all 30 faculties, we shall not break them up or allow them to lose their legal status. Any other solution at this moment of time would demotivate our professors. Added to that no-one has proved with a single fact or figure that classes and lectures would become better if the status of University were to be changed as of tomorrow. Belgrade University functions like a complex corporation with autonomy of some of its components, and an overnight overhaul of such a corporation would better be substantiated with very good arguments."<sup>15</sup>

Prof. Dr. Sima Avramovic from the Belgrade Law Faculty resigned from the post of member of the working group tasked with preparation of the High Education Act. In his letter to the Belgrade University rector he stated: "reckless, extreme solutions within the concept of the Act lead up to an even deeper crisis of high education system." And noted: "I cannot agree with quick and superficial solutions, legislative amateurism, and lack of insight into real possibilities of implementation of such a radical overhaul of University, and I

<sup>13</sup> *Politika*, 17 February 2003.

<sup>14</sup> *Politika*, 22 February 2003.

<sup>15</sup> *Politika*, 23 July 2003.

am against lack of a serious analysis of downsides and upsides of such an overhaul, for both have a major impact on the university functioning." He was also against the Bill "because it inspires suspension of tradition at any cost and abolishes all values of domestic academic education."<sup>16</sup>

James Stevens, an educational expert of the World Bank, stated that the WB wanted to back the high education reform, but "it is a complex issue, and it would be very difficult to change the management structure of the Belgrade University". In his mind "it is difficult to root out an old model of East European high education system, under which every faculty is a unit per se, and as such directly subsidised by the state, and consequently-totally inefficient" He thinks that the World Bank would back the university if "there were an agreement on the change of the Belgrade University management structure, that is if a legal subject were university, and not faculties... for it would correspond to the Western practice, that is, organisation of universities in the United States, Western Europe, and also to the one in place in Novi Sad University."<sup>17</sup>

Marija Bogdanovic qualified that statement as "utterly incorrect... for Stevens failed to talk with faculties deans and professors in order to establish, on the basis of their experiences, how efficient or inefficient such an university organisation was."<sup>18</sup>

There was also some resistance to the idea of founding an Ethical Committee. Pro rector of Belgrade University Bogdan Djuricic said: "to raise moral and ethics to the level of the committee founded by the government, which is in fact a party government, does not seem like a good idea... It is argued that such a move would contribute to rooting out corruption... but the latter, being a criminal offence, should be dealt with by the police. Other elements relating to ethics are not palpable, and cannot be the function of a single state body, namely the Ethical Committee for High Education." He reminded that "all universities have ethical codes and courts of honour which have manifested their will to combat all forms of violations of ethnics by university professors".<sup>19</sup>

Srbijanka Turajlic thus commented those remarks: "Belgrade University is against the Ethical Committee, for, in its mind, the very university should put in place its ethical code. That stance is contrary to the ones voiced by other universities, and ours. We think that such a committee is of a paramount importance, for it could fine-tune ethnical code on the level of the whole Serbia... After all the devastation of the past decade I think that the university which represents the most educated part of this nation should make a concerted effort to re-establish some long-lost segments of moral, thus setting

<sup>16</sup> *Danas*, 6 February 2003.

<sup>17</sup> *Danas*, 20 November 2003.

<sup>18</sup> *Danas*, 26 November 2003.

<sup>19</sup> *Danas*, 18-19 October 2003.

up a good example to be followed by other institutions in the country. Their counter-argument used in the defence of their stand is that high education is not the most corrupt segment of society, but I say that we are the ones who should combat for a better moral."<sup>20</sup>

Market Research Centre of the Faculty of Organizational Sciences in Belgrade conducted a poll on the university corruption. According to the poll 41% of respondents-students of Belgrade University *do not know* if since "5 October" enrolment on the university studies and passing of exams has improved, while 37% of them were convinced that "nothing has changed for the better." Tested were students stands on illegal enrolment, greasing of professors, irregular admission to students hostels, overall corruption of the system, and their plans for the future. Students think that "the judiciary and police are most corrupt institutions, closely followed by customs, education and health." As regards enrolment 90% of students said that they had enrolled thanks to their success in secondary schools and good results at the admission exam, while 38% admitted that they enrolled thanks to personal connections. The poll indicated that the corruption was most widespread at the Medical Faculty and frequent during admission procedure to students hostels, while 33% of students knew someone who had passed exams thanks to backhanders (228- 690 Euros per exam) or via some other favour.<sup>21</sup>

After the ID and students index forgery scandal at the Law Faculty, Dean of the faculty, Vladimir Milic announced a rigorous control during exams, and fining of those who used the services of graphologists. The First Municipal Court instituted proceedings against 22 persons who took part in the forgery scandal "for there is a reasonable doubt that they organised false passing of exams for 900 law students... and that a large number of students majored from the faculty thanks to this or other kind of swindle... and some of them have even become a prominent lawyers."<sup>22</sup> Vuk Vucic, co-ordinator of the students group "Centar" thus commented the scandal: "under rules of this faculty students can replace their examining professors if they pay a certain bribe, and if a certain sum of money is involved they can also change the date of their exam... High tuition fees and enormously high salaries of the Law Faculty professors are problems which should be tackled first, backhanders meted out for the "purchase" of exams are of secondary importance..." He added: "Students of this faculty are an inexhaustible source of revenue for the management of this high school institution. For example, change of the exam date costs 250 dinars, change of professor, 350 dinars, issue of studies certificate, 200 dinars. In view of the fact that the Law Faculty has 15,000 active and about 20,000 passive students, a lot of money is obviously flowing into the faculty's coffers... Though the Medical Faculty has much better teaching and

<sup>20</sup> *Vecernje Novosti*, 3 November 2003.

<sup>21</sup> *Politika*, 11 April 2003.

<sup>22</sup> *Politika*, 8 May 2003.

lecture standards its prescribed tuition fees do not exceed 50,000 dinars, while the Law Faculty proposed tuition fees to the tune of 45,000 dinara, though exercises and lectures are organized only for students funded from budget."<sup>23</sup>

Court of Honour of Belgrade University after five years concluded that "the 1998 Act in fact abolished the autonomy of university in Serbia." On that occasion the Court accused "some members of Belgrade University of enforcing that act personally, out of personal, family and political interests... those professors do not deserve to be members of academic community, for they have violated basic ethical principles."<sup>24</sup>

## Strikes and Finances

In the course of 2003 in parallel with the polemics surrounding the overhaul of the high education systems, there were developments related to the financial situation of both high school institutions and university professionals.

Because of adoption of the Act on Amendments to the Budgetary System, under which as of 1 January 2004 revenues of faculties shall be deposited in the account of the Treasury of Serbia, Belgrade University sent a protest letter to Serb government. Professor Dr. Bozidar Cerovic, dean of Economic Faculty in Belgrade, stated: "the Council of Belgrade University has assessed that move as illegal and unconstitutional. It derogates the University Act and also the constitutional principle that any legal subject should freely and without limitations use its financial means, except in cases of war and natural disasters." He added: "the state has the right to control the university revenue, as it does with public companies, through auditing houses and management boards. We are not trying to avoid such a control, but we are against inefficient state moves." On the other hand the Treasury maintained that "the move was due a technical problem, for a small server for only 20,000 users could not immediately separate budgetary from other revenue, and the job had to be done quickly. All faculties with their own revenues may submit relevant documentation to the Board for Public Payments and demand opening of their own, separate, sub-section account for that kind of revenue."<sup>25</sup>

Financial status of educational professionals was a salient topic the whole year, in view of great disparities between salaries at various faculties. During 2003 many strikes were announced because of low pays of educational professionals. Dr Tomislav Zivanovic, Dean at the Belgrade Faculty of Agriculture, stated that the price of work, amounting to only 827 dinars, has not been changed since November 2001. At the same time price of work in secondary and primary schools was 1,177 dinars. For example, full-time professor of Agricultural Faculty, receives monthly 18,300 dinars, an associate

<sup>23</sup> *Vecernje Novosti*, 15 May 2003.

<sup>24</sup> *Danas*, 1 July 2003.

<sup>25</sup> *Nedeljni Telegraph*, 15 January 2003.

professor gets 15,600 dinars, assistant with the M.Sc.degree 13,000 dinars, and the one without that degree, 12,300 dinars. At some faculties situation is even more dramatic. So-called mass faculties, enrolling a large number of the first-year students, boasting a lot of money and high tuition fees, like those faculties which can earn additional money through various projects and co-operation with companies, are not so threatened. In some cases pays of their professors are ten times superior to the average ones.<sup>26</sup>

Ministry of Education and Trade Union of High Education have reached an agreement on the pay increase for university professionals, "which ended the strike of twenty high-school of institutions."<sup>27</sup>

Marija Bogdanovic, Rector of Belgrade University, criticised the new phenomenon of professors of state faculties teaching for high pays at the newly-emerged private faculties. She announced that the said problem would be the main topic of the next session of the teaching-scientific council. She added that the session would also discuss "concrete moves by faculties deans to downsize the number of professors and assistants also working at private faculties which keep mushrooming in Serbia". According to her: "It will be difficult to solve the problem of moonlighting at private faculties, for many professors violate the legal provision stipulating that a permission for such work must be first granted by faculties or their deans." In order to resolve that problem Marija Bogdanovic said that she would "suggest to deans to adopt rules of procedure banning the state university professors from simultaneous work at private faculties."<sup>28</sup>

As regards prices of studies for self-financing students at some faculties, -up to 1,500 Euro- Marija Bogdanovic stated: "faculties in Belgrade are in no position to lower tuition fees for self-financing students, for it would affect the quality of lectures and classes."<sup>29</sup>

Professors of the Novi Sad University staged a strike to push forward the adoption of the Act on University and Faculty Financing "in order to know who receives the money, the amount of money received, and the source thereof, be it a subsidy or tuition fees paid by students parents. According to Prof. Dr. Gordana Bojkovic: "Through such transparency we would avoid misuses..for currently some faculties have a lot of money, while other are very poor. The state always gave a lot of money to faculties, but that money was usually distributed in an uncontrolled manner. We urge promulgation of the Act on Universities and Faculties Funding, the one based on benchmarks of European education, and regulating income earning and distribution in line with those standards."<sup>30</sup>

<sup>26</sup> *Politika*, 18 June 2003.

<sup>27</sup> *Politika*, 1 October 2003.

<sup>28</sup> *Balkan*, 9 July 2003.

<sup>29</sup> *Balkan*, 9 July 2003.

<sup>30</sup> *Svedok*, 15 July 2003.

Ministry of Education and Sports maintained that it would not allow any increase in enrolment quotas in faculties, despite many demands to that end. In an official letter several faculties, namely the Law, Philosophical and Political Sciences Faculties, requested the Ministry's approval for an additional enrolment of the first-year students. A group of applicants who failed to enrol in the Law Faculty submitted a petition with 138 signatures to the Law Faculty dean and the Ministry of Education, requesting approval of subsequent enrolment. In its reply the Ministry stated that it would not take into consideration separate demands of faculties relating to the increase in enrolment quotas without a prior opinion and proposal of the University and made it clear that "quotas were established on the basis of the maximum capacities of faculties... the number of the first-year students was decided in line with the University's opinion."<sup>31</sup> Marija Bogdanovic, rector of Belgrade University said that "the Council decided not to increase the enrollment quotas."<sup>32</sup>

<sup>31</sup> *Danas*, 17 July 2003.

<sup>32</sup> *Politika*, 23 July 2003.



## Reform of Educational System

In February 2001 the Ministry of Education and Sports initiated preparations for the reform of educational system in the republic. In 2003 it carried out many planned activities with difficulties which had been envisaged a priori.

### Activities of the Ministry for Education and Sports<sup>1</sup>

At the first conference on the reform of education "Prospects of education in Serbia-Reform of education: goals of strategy", backed by the Council of Europe, Kulturkontakt (Austria), Stability Pact (SP - TF E&Y), Open Society Fund (FoS-YU), OECD, UNICEF, Swiss Agency for Co-operation and Development (SDC), goals of educational system reform were presented:

- re-organization of educational system in keeping with the need to efficiently contribute to *economic revival* of the country;
- modernization and reorganization of educational system with a view to contributing significantly to *democratic development* of the state;
- modernization and reorganization of educational system with a view to contributing significantly to the future *European integration* of the state.

The Ministry set up local experts groups dealing with global areas of decentralization, democratization, ensuring of quality, professional training of teaching personnel, and specific areas of expert education and training of pre-school, and higher education professionals.<sup>2</sup> In the course of 2001 in 85 places Serbia-wide, numerous local consultations were held. They dealt with the following topics: decentralization, democratization, ensuring of quality,

---

<sup>1</sup> In this first part we presented information posted on the official web site of the Ministry of Education and Sports of the Republic of Serbia - [www.mps.sr.gov.yu](http://www.mps.sr.gov.yu).

<sup>2</sup> Expert and other assistance necessary for capacity-building was provided by UNICEF, UNESCO, OECD, CoE, FOS-YU-a, Open Society for Educational Programs-South East Europe, European Foundation for Training (ETF), and governments of Austria, Denmark, Germany, Greece, Italy, Switzerland, Great Britain and United States of America.

training of teaching staff, curricula, and encompassed 9,000 persons Serbia-wide in order to prepare them for implementation of the reform ventures.

The second conference – "From vision to concrete steps" held in the early 2002, presented to over 700 participants the *White Book 'High-Quality Education for all-the road to developed society'*, Strategy of reform, and Action plan, with assistance of UNICEF, OECD, the World Bank, TFE&Y, OSEP-SEE and Kulturkontakt. Consultations at the school level were continued as were discussions on reforms ("We in reforms"). In 207 schools a total of 8,468 participants engaged in a constructive exchange of ideas, suggestions, and problem-resolution. They also voiced their opinions on the current reform developments and the necessary, next steps in that direction. In September 2002 the third conference "First steps and forthcoming challenges" was held in Belgrade. It rallied over 1,200 participants. The conference represented a kind of litmus test for the first stage of reforms, the official entry into the second stage of reforms and announcement of the third stage.<sup>3</sup>

In February 2003 a public presentation and debate on the national framework of the school curricula was held, while in March 2003, Serb government approved the national framework of the school curricula envisaging the beginning of the reform of the first grade of primary schools for September of the same year. On 17 June 2003 parliament of the Republic of Serbia passed the Act on the Guidelines of Educational System.

During elaboration of the reform it was decided that its focus would be on: decentralization and democratization of educational system, betterment of quality of educational factors, namely of educational process, educational contents, achievements in learning, and raising of level of educational infrastructure and of equipment of educational institutions.

The planned reform process was to evolve in three, partially overlapping, stages:

- The first stage covers decentralization and democratization in education, professional training of educational personnel, admission exams, and ensuring the quality, education for a democratic life in a community, secondary vocational education in a flexible system and higher education.

- The second stage concerns developmental concepts currently debated and elaborated: principles and goals of education; structure of the school curricula and areas of education; structure and organization of educational system; higher vocational education and training.

- In the third stage issues would be raised and reform activities launched: development of strategy for education of minorities, education of Romany, education of children with special needs; evaluation and accreditation in higher education.

<sup>3</sup> Conference was backed by the the Canadian International Development Association (CIDA), FOS-YU, the German Agency for Technical Co-operation (GTZ), Kulturkontakt, OSEP-SEE, SP-TF and SDC.

## History Textbook

History textbook for the 3rd and 4th grade of secondary school attracted most attention of the public in 2003<sup>4</sup>. In January 2003 a seminar on promotion of teaching methods and history textbooks was held under auspices of Council of Europe and the Ministry of Education. Participants in the seminar were history professors from Serbia, members of the Commission for Social Sciences, Philosophy and Culture, representatives of the the History Commission, and expert lecturers from Slovenia, Great Britain, Russia, Germany and other European countries. Biljana Stojanovic, the Ministry's official, stated that "the history curricula for primary and secondary school pupils were dry, uninteresting, and burdened with political history and factography, while some textbooks even contained material mistakes."<sup>5</sup> Participants from Slovenia underscored that the new history curricula in that state were relieved of political and ideological themes, and geared more towards social and culturological problems and history of everyday life". Hence "their focus is on history of Europe, while the national history was placed within an international framework."<sup>6</sup>

In January 2003 Documentation Centre "1991-1999 Wars" held a conference titled "How to learn history: new textbooks-new times." Much of discussion was dedicated to the new history textbook. Wolfgang Hepken, Director of Institute "Georg Eckard" from Branschweig, stated that "the textbook, currently denied and renounced by all and sundry, is similar to the first textbooks published in all the post-communist countries"<sup>7</sup>, but also indicated "inaccurate statements by the authors of a controversial textbook, who in their response to criticism voiced in weekly *Vreme* alleged that lessons contained in the new textbook were positively assessed by the German Institute."<sup>8</sup> According to Hepken, the textbook "is a new story, from one perspective. Events and personalities are not described from several angles. The text does not quote its sources, and such a textook in Germany or in other EU countries would not go to press. This new Serb textbook is not convincing, it does not incite or inspire pupils to independent thinking."<sup>9</sup>

There was not official competition for this textbook, nor its drafting was accompanied by a historians debate. According to a representative of the Institute for Textbooks and Teaching Aids "a large number of renowned historians refused to take part in writing of the nex history textbooks hence, due to deadlines, we were compelled to hand-pick our authors and renounce

<sup>4</sup> Authors of controversial textbook are Kosta Nikolic, Nikola Zutic, Momcilo Pavlovic and Zorica Spadijer.

<sup>5</sup> *Danas*, 22 January 2003.

<sup>6</sup> *Danas*, 22 January 2003.

<sup>7</sup> *Danas*, 23 January 2003.

<sup>8</sup> *Danas*, 24 January 2003.

<sup>9</sup> *Politika*, 25 January 2003.



the official competition."<sup>10</sup> Tinde Kovac Cerovic, Deputy Education Minister, stated that "due to inadequate legislation the Ministry is involved only in the final stages of textbook-writing, that is, it approves only the final version of a textbook. If a textbook is not approved, schools are left without it. Our hands are in fact tied... and thus the procedure shall have to be changed."<sup>11</sup> Biljana Stojanovic stated that "due to many objections I refused to approve that textbook. Objections were related to the wording and also some photographs. When the authors introduced the requested amendments, I greenlighted the textbook."<sup>12</sup> After the conference the textbook was proclaimed "an interim solution" and was not withdrawn. The Ministry stated that pertinent legal regulations should be amended and the Institute for Textbooks and Teaching Aids should be stripped of its monopoly.

This controversial textbook, which for the first time "officially changes interpretation of recent history" was much debated by historians and the public."<sup>13</sup> Most objections are related to the description of the WW2. Dr Dubravka Stojanovic, full-time professor at the History Department of the Belgrade Philosophical Faculty cautioned against the new interpretation "for it does not contribute to our better understanding of the WW2 developments". She added "in parallel the rift between executioners and victims is being deepened in Serbia, for families of those who were victims of Nedic, Ljotic or Chetniks may feel exactly like the families of partisan victims during the era dominated by 'partisan truth textbooks'. That new interpretation of the civil war in Serbia during the WW2 is the most burning issue of that secondary school textbook. For partisans were depicted as the only side which collaborated with the occupying forces and the only side which killed its political opponents and civilians. There was no mention whatsoever of Chetnik collaboration with the occupying forces nor the Nedic s regime co-operation with Germans. The fact that Ljotic s police forces arrested people Serbia-wide and placed them in domestic and later German concentration camps was also obliterated. There is no mention of concentration camps in the Fairgrounds, and Banjica. Dubravka Stojanovic underscored that "the textbook contains no novelties in didactic terms, nor it was written in keeping with international standards contributing to new approach to history, that is a serious consideration of problems and not mere learning by heart of facts and figures." According to her "facts and figures were not given from different angles, nor different stands of different sides, that is participants in events, were voiced. Thus history remains a boring subject." She also underscored that "an ethno-centric approach was retained, thus major international developments from the history of the world are interpreted only from our angle. This notably applies to

<sup>10</sup> *Glas*, 24 January 2003.

<sup>11</sup> *Blic*, 24 January 2003.

<sup>12</sup> *Glas*, 24 January 2003.

<sup>13</sup> *Danas*, 24 January 2003.

the treatment of the November 1943 Teheran Conference, and its key decisions on the future course of the WW2. There is no mention of those key decisions. It is only implied that Churchill, Roosevelt and Stalin met in order to decide whether to render support to Draza or Partisans!" According to Stojanovic "opening of the Western front, that is, the D-Day, is not mentioned. The facts relating to the future organization and division of power in Europe, the division of Germany by allies, and the Soviet entry into war against Japan are totally glossed over. Such writing of history leads to a conflict with the world, for it deepens the impression that we think that we are the centre of the world... moreover it makes more difficult a rational perception of our relations with international community."<sup>14</sup>

As regards the WW2-related lessons, the textbook detractors agreed, that according to its authors, "that war ended only recently - by wars during which the former Yugoslavia disintegrated," "the true hero of WW2 was Draza Mihailovic, a fighter against communists and an innocent victim of misunderstanding of the the Yugoslav government in exile and Western allies." Detractors of the textbook also imply that "futile calls for 'a national reconciliation' between Partisans and Chetniks voiced in the late 80 s, at the peak of national homogenization, were muffled ... according to the textbook Chetniks were the genuine, moral victors, of the WW2 in former Yugoslavia, while the partisan-led offensives were totally erased, along with ideological layers of communism, as essentially anti-Serb actions."<sup>15</sup>

When the textbook was made public, the Ministry received only few objections, one of them in the shape of a letter by Aca Singer, President of the Jewish Community of Yugoslavia. Davor Salom, Secretary of the Jewish Community said that the aforementioned conference that "we are yet to receive the Ministry s official reply to that letter". The Jewish Community remarks were related "to a very superficial coverage of holocaust in lessons on the WW2". This prompted Tinde Kovac Cerovic, Deputy Education Minister to state that "at insistence of Council of Europe schools in Serbia shall soon introduce the Holocaust Day."<sup>16</sup>

Criticism is aimed at the tone of lessons, and it is deemed as "dictated, like the contents of some teaching units, by a well-known nationalistic discourse which reveres national stereotypes. By listing facts and figures on presence of Serbs in Bosnia in late 19th century, before the WW1, and after the WW2... the historic claim of Serbia to a much broader territory is 'proved.' It is also maintained that 'numerous Arnauts, according to contemporary research, were in fact islamized Serbs, and that in early stages of the WW2, Serbs 'could not' and Croats 'did not want' to put up resistance to occupying forces."<sup>17</sup>

<sup>14</sup> *Politika*, 11 February 2003.

<sup>15</sup> *Danas*, 24 January 2003.

<sup>16</sup> *Danas*, 24 January 2003.

<sup>17</sup> *Danas*, 24 January 2003.

Contents of textbook were assessed as "a showdown with earlier authors of history textbooks". According to a publicist Desimir Tosic, the texts "are rife with inaccurate, unchecked figures... notably the number of fatalities in the Jasenovac Concentration Camp of 1,700,000... this is a clearly an anti-communist, anti-democratic textbook, and it does not benefit us..." Desimir Tosic appealed to the Serb Academy of Arts and Sciences to "stop using once and forever the words like 'traitors and foreign mercenaries' for they denote 'a national impotence to discuss objectively certain historic events'."<sup>18</sup> According to Tosic "Children see everyday in their textbook photographs of corpses, and the former Yugoslav president Slobodan Milosevic still embodies the predominant stand and mind-set of the nation." Tosic added that authors of the textbook used terms to be strictly avoided: agents, mercenaries, traitors... while the focus was on some minor occurrences instead on the momentous historic events, like holocaust, the 1948 conflict with Inforbureau, and the 1968 demonstrations. According to Tosic: "it is a shame that the historian Kosta Nikolic, author of 'Ravnogorska textobk'<sup>19</sup> was allowed to write this textbook too."

In the text titled "Book from the garbage of history"<sup>20</sup> author Milica Jovanovic notes: "the problem of the new textbok is its language, which befits more voluntary associations for nationalistic incidents like 'Obraz' and 'Justin Filozof' than the wording befitting lessons for pupils - its worst part are questions at the end of each teaching unit, notably 'Why Ustashi enjoyed great backing of the Croat people?', 'Why Serb partisans from Bosnia violently attacked their fellow-nationals in Serbia?' etc. She also pointed out that "Serbs were marked as eternal victims of their enemies, Muslims, Catholics and their own renegades, that is all others in view of the fact that the next history textbook contains an explicit assertion that "Albanians 'according to contemporary research' are in fact islamized Serbs... like the majority of population of Bosnia-Herzegovina and a good part of Croatia ('catholicised')... Authors of the new textbook omitted all facts which not fitting into the projected picture of a more recent history of Serbs - the article about development of 'political nationalism of Croats' in the 19th century is devoid of the decision of the Croat parliament to proclaim as a equal, official language 'Croat or Serb', portrait of the hero Draza Mihailovic is devoid of some points of his program, notably 'the issue of Muslims should be solved during the war aimed at creation of a great and ethnically cleansed Serbia', the lesson on 'the upsurge in inter-ethnic tensions' in the former common state speaks about the first separatist demonstrations by Kosovo Albanians, while omitting the terror campaign against the Kosovo population conducted by the security service in mid 50's. Contrary to the recommendation of the Ministry of Education the

<sup>18</sup> *Danas*, 24 January 2003.

<sup>19</sup> *Blic*, 24 January 2003.

<sup>20</sup> *Danas*, 27 January 2003.

authors decided to include at the end of the book the period of the 90' and disintegration of the SFRY-in fact the 'true' end of the WW2 in former Yugoslavia. That chapter fails to deal in an objective way with the 'true reasons' for the wars in Croatia and Bosnia, and consequently fails to mention the siege of Sarajevo and massacres in Srebrenica and Foca".

Defenders of the predominant concept in Serbia, also defended the contents of the controversial textbook. Thus professor Tomovic<sup>21</sup> stated that "many detractors voiced in fact their political condemnation of the textbook."<sup>22</sup> "It is a sheer exaggeration to maintain that the 8th graders, learning about Chetnics only from two lessons out of 60, would become backers of the Ravna Gora movement. This is the first generation of textbooks of the post-5 October period and as such it contains results of contemporary history. Some lessons are different than the previous ones, but in fact the plan and program of the Education Ministry was complied with... One can of course try to imagine non-existent photos of corpses and to take out of context some lessons... but despite its failures this textbooks offers basic knowledge and gives a solid basis for learning historic facts... Serbs may write an idyllic textbook, presenting all kinds of occupations in the best possible light, and glossing over victims and crimes on all sides, but if other peoples failed to that, then our effort would be futile. Pacification of history, tolerance and mutual respect are not easily reached in the Balkans, they require great expertise and hard work. And participation of Bulgarians, Hungarians, Bosniaks and others in that process. Stereotypes about other peoples should be omitted, but historic textbooks of our neighbours should follow suit."<sup>23</sup> "A textbook cannot change the Serb history, it cannot change the situation in Serbia, which is totally depressed... it cannot be done even by the newly-formed blocks of the new Right and the new Left, for both the Right and Left, as maintained by our neo-Communist detractors, were defeated by Communists."<sup>24</sup>

Dr Kosta Nikolic, one of co-authors, says that "criticism is not founded, and detractors are not competent to judge history"<sup>25</sup>, for they still "believe in the myth of heroes and traitors and in the eternity of the Yugoslav myth based on the partisan concept. Although the science of history as early as in the mid-80 s prevailed over their WW2 ideological stereotypes, they resist scientific truths, and strive to a desirable image of the past."<sup>26</sup>

Dr Nikola Zutic, one of the co-authors, maintains that his texts related both to the general and national history of the 19th century and the first decade

<sup>21</sup> Panel discussion "How to learn history: new textbooks - new times", Dom omladine, 22 January, organized by documentation centre "1991-1999 Wars".

<sup>22</sup> *Glas*, 24 January 2003.

<sup>23</sup> *Politika*, 13 February 2003.

<sup>24</sup> *Glas*, 24 January 2003.

<sup>25</sup> *Glas*, 24 January 2003.

<sup>26</sup> *Politika*, 13 February 2003.

of the 20th century "are permeated with ideology of civil liberalism and democracy, the dominant ideologies of that period."<sup>27</sup>

In his response to criticism, Dr Rados Ljusic, professor of history, argues that "our detractors in fact imply that monarchy and dynasty of Karadjordjevic were retrograde phenomena. Serbhood was condemned as Greater Serbia aspirations, and the WW2 was an exclusive Partisan fight against German and domestic traitors, that is Chetniks. This textbook has a different perception of events. Partisans and Tito were stripped of some credits, and some credits went to Chetniks and Draza, thus the right balance was struck... This irritates the remaining Communists and their followers, and also displeases descendants of Chetniks. And this is normal, but their criticism is not normal, for the textbooks are not written for them, but for children. I have compared biographies of Duke Pavle, Tito, Draza and Nedic, and am of opinion that, perhaps with some corrections, they may keep their place in any future textbook."<sup>28</sup>

In the second half of 2003 several conferences on the delivery of history lectures were held in Vrnjacka Banja. Among the participants were history and educational experts from the EU countries. Majority of questions posed by domestic professors were related to the manner of imparting history lessons dealing with controversial issues, events and personalities. A multi-perspective tack to such sensitive issues was highly recommended. According to manual "Teaching history of the 20th century" (Robert Stradling, 2001) that tack is "based on understanding that there is no single, absolute version of an event, but rather, that different versions are equally good, if they reflect in a faithful way different experiences and contexts. Future historians are already being taught at the first year of university how to use different sources in elaboration of historic events."<sup>29</sup>

## New Primary School Act

Minister Gaso Knezevic announced a swift adoption of system laws aiming at "fine-tuning our educational system with the European one. All generations of pupils shall be covered by those reforms in the next 6 years." In the course of 2003 only one Act was adopted, namely the Act on Primary Schools (on 17 June).

Here are some novelties introduced as of September 2003: "The first change is extension of primary education from 8 to 9 years, in three stages: three years of classes with teachers, three years a mixed work of teachers and parents, and three years of normal school classes. This change covers only the first graders in the school-year 2003/2004. Pupils of the first two grades shall be evaluated descriptively... There shall be no timetable of classes, which means

<sup>27</sup> *Glas*, 24 January 2003.

<sup>28</sup> *Politika*, 11 February 2003.

<sup>29</sup> *Danas*, 30 September 2003.

that teachers would schedule their classes in line with their professional goals, for example, one whole week may be dedicated to Serb language classes, and the next week, for example, to math classes. As regards the number of classes, the burden of the first graders shall not be taken off their shoulders, for they shall have the same number of classes or even face an increase of 10% ... But now children shall work in school, do their exercises there, take additional classes, and engage in leisure activities after school, or at home. The first graders shall have the following subject-matters: Serb language, mathematics, biology, sociology, physical education, arts, one foreign language and information- wherever the conditions for the last subject-matter exist. Under the new Act those pupils with 3 bad marks shall not have to repeat the year. "We have established in practice that there are only 0.29% of pupils with three bad marks, on the scale of 1-15 subject-matters, that is why we suspended the 3 bad mark limit."<sup>30</sup>

As regards secondary schools, in the course of 2003 new professions, and new curricula and syllabuses in experimental classes were introduced. First steps towards the reform of vocational schools were also taken with assistance of European experts. This reform aims at meeting the society's needs for certain professions. Hence both the curricula and syllabuses were modernized. As regards the secondary school education it shall last three to four years, while vocational schools shall last two years. According to the Ministry's plan the first generation to attend thus reformed school would be composed of the current classes of the fifth grade of primary school. The whole process of reform shall be completed by 2009/2010.<sup>31</sup>

Leaders of educational trade-unions of Serbia, of trade union "Nezavisnost" and Association of Trade Unions of Educational Professionals of Serbia, were against the Bill on Guidelines of Educational System, having assessed it as "detrimental to all employees in this field of work." They were also disgruntled with the fact that trade unions were not consulted during elaboration of the Bill. According to President of "Nezavisnost", Zdravko Kovac, "it is visible that the Act vests pupils, parents, and representatives of the local milieu in many rights, and insufficiently deals with the rights of educational employees." Trade unions also rejected the provision envisaging extension of work licence every five years... "for the licence should be issued for an indeterminate period, along with a provision regulating conditions for the loss thereof."<sup>32</sup>

During the parliamentary debate some objections were also raised. Many MPs challenged the foundation of councils and centres tasked with ensuring development and quality-promotion of education. The government envisaged foundation of Educational Council, Council for Expert Education, Council for

<sup>30</sup> *Blic*, 18 May 2003.

<sup>31</sup> *Blic*, 7 April 2003.

<sup>32</sup> *Danas*, 28 May 2003.

Harmonization of Educational Stands, Centre for Evaluation of Quality of Education, Centre for Approval of Educational Programs, Centre for Professional Development of Employees, Centre for Expert Education of Adults, Centre for Artistic Education, Centre for Development of Educational and Textbook Programs, and Centre for Education of Persons In Need of Special Social Support. Opposition was against establishment of such a large number of unnecessary institutions. The largest number of amendments, proposed mostly by the Serb Radical Party and the Socialist Party of Serbia, called for suspension of legal provisions relating to their foundation, composition and field of work. The SRP and SPS MPs also criticised the idea proper, deeming it very expensive. Objections were also raised as to the composition of those councils, for, according to opposition parties, "foundation of 7 centres should serve the following purpose: employment of a number of people from NGOs, though many centres shall not have enough work for them... moreover their establishment would increase an already large bureaucratic apparatus."<sup>33</sup>

The Serb Orthodox Church responded by demanding withdrawal of the Bill from the parliamentary procedure. Minister Knezevic stated that the SOC had already backed the Bill on 30th April, after receiving its version. According to Knezevic, "SOC is invoking a resolution"<sup>34</sup> written in the Writers' Club signed

<sup>33</sup> *Politika*, 11 June 2003.

<sup>34</sup> "Resolution against violence over children and school" was drafted and adopted at the round-table on the school reform. The resolution was, inter alia, signed by Episcopo Atanasije (Jevtic), Dr. Miodrag Ignjatovic, writer and former adviser in the Ministry of Education, Prof. Dr. Nikola Milosevic, member of the Serbian Academy of Arts and Sciences, Prof. Dr. Stanislav Nikolic, psychiatrist and writer, Prof. Dr. Ljuba Protic, Director of Mathematical Secondary School, Bogdan Zlatic, scriptwriter, Prof. Dr. Aleksandar Lipkovski, Dean of Natural Sciences Faculty, M.A. Mihailo Scepanovic from Philological Faculty, Dr. Drago T. Pantic, pedagogue, Dr. Isidor Graorac, pedagogue, Miodrag Maricic, Director of Philological Secondary School, Prof. Dr. Milos Kovacevic from Philological Faculty, Dr. Mirosljub Jankovic, Prof. Milutin Micovic, writer, Labud Dragic, writer. The Resolution underscores: the Bill did not undergo a democratic procedure; it was not approved by all educational trade-unions; it was subjected to a summary procedure "after scandals relating to underrating of Cyrillic alphabet, attempts to re-name the subject-matter Serb language and literature into 'language and communications', and "program orgies in a workshop-style pedagogy"; "experts, lecturers, teachers, or institutions of educational and cultural importance did not have any say in the reform process, as it was exclusively designed by compatible psychologists "; Ministry is carrying out "an unenlightened dictate, and not democratization and de-ideologisation of education" thus "plunging schools into chaos"; governmental and non governmental organizations were tasked to "train" educational personnel and run "educational workshops for children in which kids were taught to resist 'authority and rules imposed by educational personnel", thus the Ministry "admitted its incompetence; "the principle of de-individualization, implemented in the reformed programs does not in fact strives to build personality but rather to humiliate that very personality (scandal of the camp reform)" and "the ultimate goal of camps and workshops is de-infantilisation of children and de-humanization of human beings"; and finally, "the school reform which does not contribute to creation of a healthy society and society of knowledge but rather to a cloned ideology of the

by Episcopo Atanasije Jevtic. The SOC's response was probably prompted by that resolution, which criticized the Ministry for attempting to annul a pedagogically progressive legacy." The key word here is progressivism, the teaching method originating from the 17th century, which advocates an active participation in the teaching process, and takes into consideration the life experience and interests of children. According to Knezevic "we are promoting those very principles in this Act."<sup>35</sup> Knezevic also noted that the Act was backed by all religious communities in Serbia<sup>36</sup>. Representative of Democratic Party of Serbia, Bojana Aleksic, underscored that "the SOC as the oldest national institution is concerned about the future of people and thus its stances should be carefully considered. She reiterated the DPS stances that the Bill has good solutions, but "its enforcement should be postponed for the next school-year 2004/2005."<sup>37</sup>

After the Act's promulgation Minister Gaso Knezevic visited the Serb Patriarchate and had talks with its dignitaries, "Patriarch Pavle, Mitropolit Amfilohije, Episcopo Irinej of Nis, and Grigorije of Zahumlje-Herzegovina, Episcopo Irinej of Backa, Episcopo Hrizostom of Zica, and Episcopo Pahomije of Vranje". The dignitaries stated: "the SOC does not want to sit on the fence with respect to "this most serious and responsible venture", which should be properly prepared prior to its implementation... it is necessary to foil attempts of some social groups to continue, this time around with a different ideological hallmark, a 60-year long annihilation of traditional and fundamental values of our people." According to Church, "the reform should not be a mere emulation of the foreign school system model, for other peoples also strive to preserve their national, spiritual and cultural idiosyncracies... hence our educational system should be also based on an authentic popular and Orthodox character, and not on foreign examples and models."<sup>38</sup>

As regards dilemmas related to introduction of religious education as a subject-matter and the pending certification of its constitutionality, denouncement came after statement given by the Minister of Education Gaso Knezevic and "authorized representatives of traditional churches and religious communities" to the effect that: "all pupils of primary and secondary schools shall attend classes of one of the two proposed subject-matters (religious education and civil education), like in the past, while other alternate subject-matters shall be selected separately."<sup>39</sup> And Constitutional Court of Serbia on 4 November assessed that "legal provisions introducing religious education and

post-modernist child is equal to the crime against enlightenment and spirituality and should be legally considered a crime, for it ignores a pedagogical, progressive legacy."

<sup>35</sup> *Politika*, 12 June 2003.

<sup>36</sup> *Danas*, 12 June 2003.

<sup>37</sup> *Danas*, 12 June 2003.

<sup>38</sup> *Politika*, 5 July 2003.

<sup>39</sup> *Novosti*, 11. July 2003.

an alternate subject-matter are in keeping with Constitution."<sup>40</sup> In Vojvodina a comprehensive poll, first of this kind, was conducted on influence of religious education on the process of democratization and ethnically heterogenous population structure in the province. The poll was carried out by the Centre for Development of Civil Society of Zrenjanin and *Danas* ran its findings as a serialized feature.<sup>41</sup>

With the start of the new school-year in September 2003, responses to the school reform continued. Thus, for example, parents of pupils of three classes of primary school "Uzicka republika" of Belgrade demanded re-introduction of the old textbook, because on illustrations in the new one: "Little Red Riding Hood's grandma is uglier than the wolf, Tarzan is not recognizable, and Vuk Karadzic is sticking out his tongue"<sup>42</sup>.

Association of Writers of Serbia organized the second meeting on the school reform. In his opening speech Predrag R. Dragic Kijuk remarked: "We may have understanding for their reform of educational system, but we cannot justify it. While Europe has not intention of reducing lessons of mathematics, or renouncing mother tongues, our Ministry of Education is trying hard to become a branch office of American culture. Reform is conducted by people without any expertise, they are just obeying their masters. Prime movers of the reform are so-called international revolutionaries who are invoking prominent educational experts from the whole Europe, though none of us is familiar with the names of those experts." Nikola Milosevic, "a full-time member of the Serb Academy of Arts and Sciences" thinks that: "all of them are prisoners of Josip Broz Tito's policy... instead of effecting division of political power in a democratic way, neo-Titoists have grabbed the monopoly over our educational system and are bent on reforming it." Milosevic argues that "revolutionaries toeing Tito's line belittle our historic personalities, Vuk Karadzic and Saint Sava. I wonder if in any other textbook Mother Teresa winks, or Saint Frances of Assisi sticks out his tongue?!... It is just an attempt to root out the feeling of national belonging." At the same time, participants in this meeting announced signing of the second "resolution against violence over school and university." "In support of stands of all three educational trade-unions- of lecturers, free intellectuals, and NGO representatives- we urge non-enforcement of the Act on Guidelines of Educational System and suspension of the government's Draft on High Education."<sup>43</sup>

<sup>40</sup> *Danas*, 5 November 2003.

<sup>41</sup> *Danas*, 12, 13, 14, 15. and 18 August 2003.

<sup>42</sup> *Novosti*, 12 September 2003.

<sup>43</sup> *Novosti*, 18 November 2003.

## Instead of Conclusions

Conservative forces in the society succeeded in stalling the entire process of reforms, including the educational one. After a recent political changeover it remains to be seen if the reforms shall be continued at all, or the aforementioned Act, as pledged by those from Francuska 7, shall be suspended.



# The Media: Freedom of Expression and Accountability

## Introduction

Tensions between politicians and journalists culminated in 2003, while influences of various interest groups and political and financial structures over print and electronic media became manifest in that very year too. After suspension of a state of emergency in Serbia, few new print media were launched to supplant tabloid *Nacional* closed down during the "Sward" action. There are indications that a few leading and politically most influential Serb tycoons have financed the launching of several print media with a view of exerting full control over them. Even though the issue of media financing, or of influence of some lobbies, was raised occasionally, no-one dared tackle it seriously. This issue should have been addressed immediately after closure of paper *Identitet*, whose financier was accused of being a member of the Zemun clan charged with assassination of the Prime Minister Djindjic. Currently there are over 15 dailies, 150 magazines and over 1,000 electronic media in Serbia. Having in mind a very small circulation of the print media, suspicions that some of them are merely money-laundering vehicles seem to be well-grounded. President of Independent Association of Journalists of Serbia, Milica Lucic Cavic, thinks that "an Act should regulate the acceptable background of media founders" in order to pre-empt money-laundering via founding of the new media, and the media representation by persons "alike those from Schiller street"<sup>1</sup>.

Responsibility of media was rarely questioned, although they played a key role in dissemination of nationalism and hate speech during the Milosevic era. All attempts to seriously scrutinize and analyze that role of the media failed. Raising of that issue and any criticism of the media in the post-October Serbia was usually interpreted as an attack on media freedoms. Representatives

---

<sup>1</sup> *Vreme*, 23 April 2003.

of authorities and media organizations have not managed to embark upon a dialogue, let alone to find a solution to one of the key issues, notably formation of the Radio Diffusion Council. Government, media representatives and NGOs obstructed even preparations for the launching of that body, considered of a paramount importance for putting some order into the sphere of electronic media and transformation of Radio-Television Serbia.

One of the principal sources of tension in the media sphere was a *status quo* with respect to distribution of frequencies. Namely government of Serbia was supposed to name members of the Agency for Telecommunications tasked with frequencies-granting. This left room for speculations as to which national radio or TV shall get frequencies, and which shall be deprived of them, and consequently for misuses by political groupings. Struggle for frequencies should not be only seen in the light of media freedoms and political influences, but rather in the light of media work adjustment to the market economy. In other words, it is a well-known fact that TVs which are granted national frequencies may thus improve their rating.

In the course of 2003. godine, almost all media clearly aligned themselves with some political options. The media, as Dr. Jovanka Matic from the Social Sciences Institute, noted, "by and large failed to transform themselves into an autonomous source of information, knowledge, and analysis of key importance for a democratic society." <sup>2</sup> According to her words, professional engagement of journalists is currently focused on minimal achievements: straightforward coverage of statements, communiqués, speeches, press conferences given by various power-holders, or on something a bit more complex, interviewing of power-holders. In both cases prime movers of the society are thus given a good opportunity to set social priorities and define problems and solutions thereof. Consequently, as Dr. Matic argues, journalists are used as sounding boards, or loud speakers, instead of acting independently as the genuine researchers of developments in the society. Majority of print and electronic media, even those which engage in a serious research journalism have treated many financial and other political scandals very lightly, never questioning the veracity of a sudden bevy of scandal-related information. "Information" imparted by all and sundry, as long as they gave their name and surname, were marketed. In tabloids that criterium was even lower. Hence at the end-year, during the pre-election campaign, there was a veritable inflation of information by unidentified sources. All the above is indicative of the following: media positioning was not in the function of key reforms in the society, but rather served the purpose of a political changeover, that is, of the unseating of DP-dominated government.

Trend of the slander-related lawsuits, entailing high fines, continued throughout 2003. Currently over 220 various lawsuits against journalists are pending. Most of them cannot be interpreted as pressure on the media, but

<sup>2</sup> NIN, 20 February 2003.

rather as a warning to them that they must assume responsibility for the published word which helps shape public opinion. Number of lawsuits is also high in the interior of the country.

Although the government in the past three years passed most key media-related acts (Act on Public Information, Act on Radio Diffusion, Act on Telecommunications) it failed to pass an act on free access to information. The Minister for Culture and Media Branislav Lecic in June announced that the Bill on Free Access to Information, drafted by the media experts of Council of Europe would be soon debated by MPs. <sup>3</sup> But the Act was not adopted because the Serb Parliament, in the wake of Prime Minister's assassination, never engaged in debates on new laws.

### Media During a State of Emergency

During a state of emergency,<sup>4</sup> introduced after assassination of Prime Minister Zoran Djindjic, media freedoms were only partially limited under the 18 March 2003 Decree published in the Official Gazette. All those who tried to impart information relating to reasons for proclamation of a state of emergency were to be fined (by 50,000 to 500,000 dinars legal persons, and by 100,000 corporate bodies). Media suspected of being financed by criminal groups bore the brunt of that decree. Namely during a state of emergency papers *Identitet* and *Nacional* were banned. Financiers of *Identitet* were charged with assassination of Prime Minister, and the paper's editor-in-chief Gradisa Katic was arrested during the "Sabre" action. *Nacional* which was banned only during a state of emergency, in the late 2003 was re-launched first under the name *Inter-nacional*, and later as a daily *Centar* edited by the very Katic. Also banned were *RTV Mars* from Valjevo (for emitting inadequate music during the official mourning period), and distribution of Podgorica-based paper *Dan* in Serbia; heavily fined was *TV Leskovac*, while *Vecernje novosti*, the largest-circulation daily in Serbia, was just warned.

Government of Serbia, notably Bureau for Communications, headed by Vladimir Beba Popovic, at the end of a state of emergency, was accused by the media and some opposition parties of suppressing freedom of information. Government was harshly criticized for briefings conducted by Popovic during a state of emergency.

Government of Serbia appealed to editors-in-chief to stick to official communiqués and statements, and avoid speculations, allegations and analysis by experts during a state of emergency. The warning was issued that all media violating this rule could be temporarily closed. Vice President of government of Serbia Zarko Korac clarified that media, after the suspension of a state of emergency "shall be able to run all kinds of commentaries and ask information

<sup>3</sup> *Danas*, 2 July 2003.

<sup>4</sup> From 12 March to 22 April 2003.



from whomever they want." He added that the government knew that some of media analysts were on the payroll of some power-holders and very corrupt. "There is a group of commentators, and lawyers directly working for criminals"<sup>5</sup>.

On 16 March police forces sealed premises of *Identitet* in line with decision signed by the Culture and Media Minister Branislav Lecic. 500,000 dinars fine was meted out to publisher of paper "ID press", while fines to the tune of 100,000 were meted out to editor-in-chief Gradisa Katic and his deputy Slobodan Jovanovic. A day before Djindjic's assassination *Identitet* ran a text headlined "Djindjic -targeted by a sniperman, Serbs indicted by the Hague Tribunal order assassination". Journalists stated that the pertinent information was sent to *Identitet*, other media houses and district public prosecutor, by the Radical leader, Vojislav Seselj, before his departure for the Hague. In the material sent to the above addresses it was stated that "this confidential, intelligence was collected by agents 'Laufer', 'Maksa', 'Milutin' and others"<sup>6</sup>. Two weeks before assassination of Prime Minister *Identitet* ran an unsigned text describing in detail the way Prime Minister was guarded, and quoted the number of his bodyguards and security vehicles around his house, government building etc.

Minister for Culture and Media, Branislav Lecic stated that *Nacional* was banned because of violation of the aforementioned Decree on Information during a State of Emergency, and suspicion that its journalists and founders were linked to a gangland clan.<sup>7</sup> Lecic also said that *Nacional* was banned for running misinformation that the police official Dragan Karleusa interrogated the arrested singer Svetlana Ceca Raznatovic. Printing, distribution and publishing in electronic or in any other shape of *Nacional* was banned because "the paper carried several texts explaining the reasons behind proclamation of a state of emergency and application of pertinent emergency measures." The paper's publisher NIP Info Orfej was fined with 500,000 dinars. Fines to the tune of 100,000 dinars were meted out to director of the publishing house and editor-in-chief of the paper.

Head of the International Crisis Group for Serbia and Montenegro James Lyons stated that *Identitet* was a cover for Milorad Lukovic Legija, the prime suspect in Prime Minister's assassination case. He added that it was public knowledge that *Nacional* was owned and ran by Momcilo Mandic. According to Lyons "those papers did not back the government's de-criminalization efforts", they misused media freedoms in Serbia, and "were at the service of criminal groups"<sup>8</sup>

<sup>5</sup> *Nacional*, 14 March 2003.

<sup>6</sup> *Danas*, 18 March 2003.

<sup>7</sup> *Danas*, 20 March 2003.

<sup>8</sup> *Vecernje Novosti*, 26 March 2003.

Milica Lucic Cavic, thus commented the banning of *Nacional*: "Our Association has frequently warned that the media tend to bash and demonize prominent individuals... and that due to the prevailing mood in Serbia the authorized bodies should try to prevent media-instigated violence"<sup>9</sup>. Liquidation Council of the Commercial Court in Belgrade initiated liquidation proceedings against media houses publishing *Nacional* and *Identitet*.

Ministry for Culture and Public Information on 18 March banned distribution of Podgorica daily *Dan* in Serbia because of texts ran by the paper on the day before, denying emergency measures of government of Serbia and emergency state-related measures. All copies of that paper were seized and distribution of *Dan* in Serbia was banned. Distributor of paper "Stampa Komerc" was fined with 200,000 dinars, while director of company was fined with 30,000 dinars.

Broadcasts of RTV MARS from Valjevo were also banned, and that television station was fined with 500,000 dinars. Director of that TV house was fined with 100,000 dinars. Ministry for Culture and Public Information issued a warning to daily *Vecernje novosti* of 18 March 2003, and its editor-in-chief Manojlo Vukotic, for running the text "Small Village, Big Rat".

During a state of emergency Serb police detained a journalist Milovan Brkic and Dragisa Petrovic, correspondent of Montenegrin daily "Dan", under suspicion of collaboration with Spasojevic group and publishing texts obviously forwarded by that criminal gang.<sup>10</sup> Independent Association of Journalists of Serbia on 8 April, after the news on arrest of Milovan Brkic, at the emergency session of its Executive Board, excluded from its membership Brkic and also Gradisa Katic, editor-in chief of *Identitet*. NUNS President Milica Lucic Cavic then stated: "We should have done it earlier, but members of our Court of Honour, after departure of Petar Lukovic, did not want to deal with that issue... they are sensitive when it comes to their colleagues."<sup>11</sup> Because of the aforementioned moves, pressure was brought to bear on President of NUNS. For example, a photocopy of a letter by the Deputy Interior Secretary, was sent to some media. In that letter the Deputy Interior Secretary instructed Head of Anti-Organized Crime Department to appoint agents for co-operation with Milica Lucic Cavic, and advises him that "incrimination of a certain number of journalists should be done exclusively with her consent." Head of Public Security Department, Sreten Lukic, stated that "the photocopy was a blatant fake."

Minister Lecic stated that some media were directly linked to organized gangland, that is, "their founders are members of Zemun Clan" and "the police is currently investigating their activities." According to Lecic "the second group was composed of so-called free-lancers... .." "They kept writing for many print

<sup>9</sup> *Novosti*, 18 March 2003.

<sup>10</sup> *Politika*, 8 April 2003.

<sup>11</sup> *NIN*, 10 April 2003.

media, and in 90% of their texts vilified both the Prime Minister and government. The fact that they were on the payroll of that criminal gang adds weight to their culpability." <sup>12</sup> Vice President of government of Serbia, Zarko Korac stated during a state of emergency that the work of some media was "backed by the block of so-called patriotic parties."

Media stepped up its accusations of the work of the Bureau for Communications, at the end of a state of emergency, and after its suspension. Those media attacks were used by some opposition parties to discredit the government of Serbia. Vladimir Beba Popovic, the Bureau's Head, was accused of using the state of emergency briefings to criticize journalists, renowned as the government's detractors. 17 April issue of *Vreme* in its editorial stated that Head of Bureau used briefings to confuse the general public and manipulate public opinion. Popovic was also criticized for allegedly giving misinformation to the media. After suspension of a state of emergency, government of Serbia adopted the Bureau's report, and the Justice Minister Vladan Batic had only words of praise for the report. He moreover maintained that the Bureau did an excellent job and that Popovic did not float his personal stands, but rather disclosed data in possession of the Ministry of the Interior of Serbia. <sup>13</sup> No government official denied Popovic's claim that at briefings he only communicated data forwarded to him by "the competent investigating bodies."

During a state of emergency the Ministry for Culture and Information repeatedly announced formation of a commission tasked with analyzing articles considered part of the smear campaign against Djindjica. But that analysis never materialized, and consequently a public debate on responsibility of the media—a debate contributing to demystification of propaganda, and its separation from the professional, critical journalism—was never organized. The only attempted analysis by the media documentation "Ebart" was reduced to a quantitative analysis of media articles contents and as such was criticized on methodological grounds by some experts.<sup>14</sup> "Ebart" established that of 3,259 texts published in January 2001- 12 March 2003 period a total of 2,823 were neutral, (86.62%), 350 were biased-negative (10.74 %) and 86% were positive (2.64%)<sup>15</sup>. The researched sample covered the following dailies: *Vecernje novosti*, *Blic*, *Politika*, *Glas javnosti*, *Nacional* and *Danas* and weeklies: *Nin*, *Vreme*, *Blic News*, *Reporter* and *Ekonomist*.

From government of Serbia kept flying serious accusations of "existence of an organized media pressure group tasked with demonizing Prime Minister Djindjic and his government". In almost all media and opposition circles (notably among the Democratic Party of Serbia ranks) the mere mention of that group was interpreted as an attack on the media freedoms. It also bears saying

<sup>12</sup> *Novosti*, 9 April 2003.

<sup>13</sup> *Politika*, 29 April 2003

<sup>14</sup> See text by Ljiljana Bacevic, *Politika*, 18 September 2003.

<sup>15</sup> *Politika*, 11 September 2003.

that no-one tackled the issue of responsibility of journalists launching randomly scoops and uncertified information. Government of Serbia failed to present full evidence against that group. The IWPR site indicates that the Bureau of government of Serbia suggested that members of the group were: Aleksandar Tijanic, media adviser of Vojislava Kostunica, during the latter's presidential tenure, editor-in-chief of Blic News, Zeljko Cvijanovic (currently columnist of *Centar*) and editor of "Nacional" Predrag Popovic, currently editor-in-chief of *Centar*. At the Bureau's 11 April briefing, as carried by Fonet, it was imparted that the principal task of Aleksandar Tijanic was to demonize Zoran Djindjic and to stage-manage a smear campaign against Djindjic, focusing on the Prime Minister's alleged ties with the gangland thugs. <sup>16</sup> Tijanic, as it was disclosed, set up a broad media group, including some prominent journalists, and tasked it with piling pressure on Djindjic's personality. "Their goal was to depict Djindjic as a criminal and the government as the treason-minded. Some post-assassination statements testify to that. Tijanic and Cvijanovic rejected those accusations, and in turn accused Head of Bureau of misusing the combat against gangland to settle private scores with some of the implicated criminals.

President of Association of Journalists of Serbia, Nino Brajovic, in the wake of a state of emergency, said: "in 2003 journalists were exposed either to threats or harassment by mafia bosses, by local authorities Serbia-wide, and by the Secretary of Communication Bureau of Government of Serbia."<sup>17</sup> He went on to note that "accusations are flying around that many journalists were collaborators of the Zemun gang, although criminal charges were filed only against Gradisa Katic".

Ministry of Culture and Information of Serbia announced that, at the request of the Ministry of Interior<sup>18</sup>, it would jointly with NGOs and media set up an expert team tasked with preparing a report on the media coverage of the first verbal assaults on Prime Minister Zorana Djindjica and the one related to his assassination. The study should cover all articles and statements on Djindjic by politicians, parties, journalists, and other prominent personalities. The goal of the study is to "possibly discover identity of those who ordered those texts and gave derogatory statements with a view to compromising Djindjic"<sup>19</sup>. Paper *Panorama* printed in February 2001 in Bijeljina was quoted as an example of a smear campaign vehicle. It was maintained that "its first issue—of a total of two—was entirely devoted to verbal assaults on Prime Minister Djindjic and linking of his name to the gangland." It was furthermore noted that Bratislav Grubacic received funding for the publishing of that issue of *Panorama* from a person under investigation. Government sources also noted that the smear campaign

<sup>16</sup> *Danas*, 12 April 2003.

<sup>17</sup> *Novosti*, 4 May 2003.

<sup>18</sup> *Novosti*, 1 April 2003.

<sup>19</sup> *Novosti*, 1 April 2003.

was continued through Grubacic-edited VIP bulletin distributed to foreign diplomats.

One article was quoted as an example of journalists knowledge of existence of those familiar with the smear campaign: a paper ran the news that just before assassination of Zoran Djindjic, Cedomir Jovanovic (the then head of MP group of DOS parties) was on a skiing vacation in France. As even Jovanovic's mother and his collaborators did not know his whereabouts, the article in fact implied that the said information could have been imparted only by "a person who tailed Jovanovic or located him through his phone calls"<sup>20</sup>. In interpreting the government's decision to form a commission, Minister Lecic, stated that the said body would be open to any kind of communication with the public.<sup>21</sup> Lecic went on to explain that the first reason for formation of the commission is "separating the wheat from the chaff", that is finding out journalists paid by criminals to wage a propaganda war. The second reason is: "assistance to investigation, for there are some people who made public statements conveyed by journalists... thus we may conclude that some persons people announced what would happen to Djindjic". Commission was tasked with assessing if a negative mood towards the Prime Minister and government of Serbia was created in the six months preceding Djindjic's assassination ("a mood resulting in a crime"). Lecic explained: "This is primarily important because of our future. We want to draw a lesson from the way media or the fourth estate may impact public opinion and the image-crafting in the society."<sup>22</sup> That announcement was criticized on the grounds that "formation of the commission was ordered by the police." President of NUNS Milica Lucic Cavic stated that "after learning thanks to some hard police evidence that some media were financed by mafia, NUNS has some understanding for the idea of the commission. But it is also important to separate the wheat from the chaff. According to us, the second danger is -autocensorship."<sup>23</sup> Commission was to be composed of representatives of the Ministry and Bureau for Communication, NGO and independent experts and prominent journalists.

Independent Association of Journalists of Serbia stated that the media and journalists suspected of collaboration with gangworld should be criminally investigated. Despite its declared reservations as to formation of the aforementioned commission, the Association posed the following question: "who shall draw a clear line between a serious, analytical journalism critical even of the work of government, on the one hand and the gangland-controlled propaganda, on the other hand."<sup>24</sup>

*Nin* in its 10 April 2003 issue noted that the overall impression was that criticism of the idea of commission would not have stopped the government in

<sup>20</sup> *Novosti*, 1 April 2003.

<sup>21</sup> *Danas*, 2 April 2003.

<sup>22</sup> *Novosti*, 9 April 2003.

<sup>23</sup> *Danas*, 2 April 2003.

<sup>24</sup> *NIN*, 10 April 2003.

its intent "if there had not been a leak about naming of Petar Lukovic the commission's president. The weekly also remarked: "That naming was stopped, only when one of the editors-in-chief talked to the US and British Ambassadors, William Montgomery and Charles Crawford... when they voiced their concern for the media freedoms and made a few calls, Serb government immediately changed its tack, that is- its mind." The Ministry of Culture and Media on 4 April communicated that neither the Ministry nor the government would find any commission for the media analysis. Tamara Luksic Orlandic, Deputy Minister of Culture stated that after her talk with journalists, prospective candidates for the commission members, she knew that the project would come to nothing.<sup>25</sup>

One of the rare journalists favouring the formation of the commission was editor of the Cultural Program of Radio-Television Serbia, Isidora Sekulic. She told the radio RFI: "It pained me too see the media silence, unwillingness of society to effect lustration. On the day of Djindjic's assassination, in the afternoon hours, all those who waged a battle with Milosevic came to RTS... The fact that the Interior Ministry proposed the formation of the commission is irrelevant ... I am sure that journalists would do a better work than the police and government. By the way, Serb government showed the acumen to do its part of the job, now it is up to us, journalist to do the second part."<sup>26</sup>

Commission was also taken to task by Democratic Party of Serbia. In its communique the party mostly criticized a much-announced naming of Petar Lukovic for the commission's president. DPS communique also mentioned that "formation of Commission was met with skepticism by journalistic circles."<sup>27</sup>

At the beginning of a state of emergency, on 21 March 2003, Democratic Party of Serbia issued a communique drawing attention to the warnings by the International Media Institute and Vienna-based Organization of South East Europe media, namely that "efficient research journalism, of key importance for any democratic society, is not feasible in Serbia in current circumstances". Democratic Party of Serbia stated that the concern voiced by the two highly reputed international organizations with respect to the manner of enforcement of the decree on a state of emergency, should serve as a serious warning to the incumbent Serb authorities<sup>28</sup>. A month later *Vreme* commented: "It is quite certain that there will be much criticism of the information monopoly imposed, and probably unnecessarily misused and perhaps even compromised, by the government"<sup>29</sup>.

After suspension of a state of emergency, editors-in-chief of 14 Belgrade media sent a letter to the parliamentary spokeswoman Natasa Micic, Prime Minister Zoran Zivkovic, President of Information Committee, Ivan Andric,

<sup>25</sup> *NIN*, 10 April 2003.

<sup>26</sup> *NIN*, 10 April 2003.

<sup>27</sup> *Politika*, 4 April 2003.

<sup>28</sup> *Politika*, 22 March 2003.

<sup>29</sup> Milan Milosevic, *Vreme*, 23 April 2003.

Vice Prime Minister, Zarko Korac and the Minister for Culture and Media, Branislav Lecic. In the letter they voiced their "concern for increasingly serious misunderstandings and incidents between journalists and authorities, which became expressly manifest during a state of emergency."<sup>30</sup> Editors-in-chief called on a dialogue about "consequences of enforcement of important media acts during a state of emergency", fiscal policy towards the media, briefings, "re-appraisal of all unlawful and unprincipled moves taken towards the media during a state of emergency" and "negative stance of government officials on the media, along with threats to some editors-in-chief". The letter was signed by editors-in-chief of *Vecerne novosti*, *Beta*, *Glas*, *Ekonomist magazine*, *B92*, *Mreza*, *Radio Beograda I Program*, *Nin*, *Fonet*, *Blic*, *Radio Beograda 202*, *Danas*, *VIN*, *Politika* and *Vreme*.

Vice Prime Minister of Serbia Zarko Korac stated that he expected those talks to cover also "some topics less pleasant to journalists ears, but of a major public interest". Korac added: "Whether any threats were issued or not is debatable, but I would like the issue of threats to be placed in a broader context, in the context of the media role from the beginning of process of democratization of Serbia." Talks between editors-in-chief and representatives of authorities (Prime Minister Zoran Zivkovic, Vice Prime Minister Zarko Korac and Minister Branislav Lecic) were held in early May. Little was attained,<sup>31</sup> and one can even say that relations between the media and authorities grew even more sour.

### Council for Radio Diffusion and Electronic Media

Most contested by the media associations was the government-propelled formation of the Council for Radio Diffusion. In that regard neither side showed any propensity for finding a compromise solution. Problems arising from the formation of that Council were a good vehicle for bringing pressure to bear on Serb government and fueled accusations that the authorities were not respectful of the media freedoms. The Council would be tasked with regulating a series of issues of key importance for the electronic media and formation of a public TV service in Serbia, that is, overhaul of Radio Television Serbia. The Council would in charge of setting up the RTS management board, the issue of program-broadcasting licences, drafting of provisions for the licence-granting, rules of procedure relating to the work of radio and TV stations, monitoring of the work of radio and TV stations, and take decisions on the interim or lasting withdrawal of the said licences. The gravest consequences of non-enforcement of the Act on Radio Diffusion is postponement of transformation of Radio Television Serbia and local electronic media.

<sup>30</sup> *Blic*, 25 April 2003.

<sup>31</sup> Turnover tax was suspended thanks to the media demands.

Radio Diffusion Act took effect on 27 July 2002, after an 18-month long process of its fine-tuning. The deadline for the Radio Diffusion Council formation was 27 October 2002.

Both the government and Serb Parliament were late in putting forward the names of their candidates (each was entitled to one representative in the Council). In January 2003 Independent Association of Journalists of Serbia, Association of Independent Electronic Media, and Association for Development of Private Radio Diffusion "Spektar" in an open letter to a parliamentary spokesman Natasa Micic indicated that "the process of formation of the Council and Agency for Radio Diffusion was stalled due to the parliament's delay in naming its contenders for the Council." The letter also focused on the following issue: "Non-enforcement of the Act on Radio Diffusion favours those stations thriving on pirate programs, known for their disloyal conduct on the ad market, making huge profits thanks to programs crammed with ads, and without any obligation to adjust their programs to desired international standards."<sup>32</sup>

Culture and Information Committee of Serb Parliament suggested a debate on the Council for Radio Diffusion on 8 April. Andric noted: "There are no hints that any parliamentary party would oppose the Council's formation. We took a decision to urgently elect members of the Council. In the next period, the Council should first set up its logistical basis. That move would then enable its proper functioning."<sup>33</sup>

Serb Parliament elected the Council as late as on 11 April 2003. godine. Its members were: Nenad Cekic (candidate of government of Serbia), Snjezana Milivojevic (candidate of Association of Journalists, Composers, Film and Theatre Actors), Vladimir Vodinelic (candidate of NGOs and associations of citizens), Vladimir Cvetkovic (candidate of Serb Parliament), Mirosljub Radojkovic (candidate of Rectors Conference), Vladimir Marko (candidate of Vojvodina Parliament), Dragana Rogavac (candidate of Executive Council of Vojvodina) and Bishop of Jegerje, Porfirije (candidate of a religious community). In keeping with the law, the Council then elected the ninth member from Kosovo, Goran Radenovica.

Representatives of media and civilian sector who had most vocally urged a swift adoption of that law and its enforcement immediately after the Council's naming by parliament, suddenly started denying that body, that is, election of its three members – Cekic, Cvetkovic and Radenovic. They accused Serb parliament of breaching the election procedure by not disclosing biographies of Cekic and Cvetkovic within the legally prescribed deadline of 30 days ahead of voting. The media also maintained that Radenovic's permanent place of residence was not in Kosovo.

<sup>32</sup> *Danas*, 14 January 2003.

<sup>33</sup> *Danas*, 7 April 2003.

Independent Association of Journalists of Serbia, Association of Independent Electronic Media of Serbia and Association for Development of Private Radio-Diffusion "Spektar" lodged a complaint to Serb parliament to the effect that "in case of appointment of Vladimir Cvetkovic and Nenad Cekic the procedure was blatantly breached for their biografies/candidacies have not been put forward within the set time-frame, that is, 30 days before official voting in parliament. Similar tack was taken by numerous international organizations. In April Special Council of Europe envoy Verona Taylor said the following: "Though I am pleased with the formation of Radio Diffusion Council I must note that during the election of its members the legally prescribed procedure has not been complied with." She also underscored that the Council of Europe insisted on a law-abiding election process, and went on to note: "In my meeting with the Serb and Montenegrin officials I communicated to them our dissatisfaction caused by the manner of election of the Radio Diffusion Council, though I can understand that pragmatism and the urge to jump-start its work may have played a role in not-so-full compliance with the law."<sup>34</sup>

Although under the law the first constitutional session was to be held within 50 days since the Council's inception, it was in fact held after 50 days. The very first session -4 June 2003-was marked by vocal differences and rifts. After the third round of voting Nenad Cekic was elected the body's president, while Snjezana Milivojevic announced its resignation on grounds of "a controversial election of 3 members". In its post-session communique the Council expressed its regret for "the failure of the Serb parliament to comply with the electoral procedure."<sup>35</sup> Milivojevic thus justified her resignation "the law was violated during the election of the two members, and consequently the Council should not have been elected at the first session."<sup>36</sup> Milivojevic also protested because of non-transparency of the session:"it was not open for public though the OSCE observers were in attendance." Cekic explained that the session was closed in order to avoid "unnecessary tension-raising among the public."

Several days later Vladimir Vodinelic also handed in his resignation, while Miroljub Radojkovic announced that he would ask the University Conference's permission to resign. That Conference had put up his candidacy. (Radojkovic remained the member of the Council, while Vodinelic and Snjezana Milivojevic stuck to their decisions). Democratic Party of Serbia also demanded that the Serb Parliament relieved Goran Radenovic of his duties<sup>37</sup>, and declared null and void parliamentary decision on the election of the other two controversial members. DPS stated that Radenovic "was not eligible due to

<sup>34</sup> *Danas*, 22 April 2003.

<sup>35</sup> *Politika*, 5 June 2003.

<sup>36</sup> *Politika*, 6 June 2003.

<sup>37</sup> 11 June 2003.

his unfit biography", while "Cekic and Cvetkovic were elected in the face of a blatant violation of the election procedure."

In a letter to the parliamentary Spokeswoman Natasa Micic, Nenad Cekic asked her to "find the right legal possibility to empower MPs to express their stands on the legitimacy of the membership of Cekic and Cvetkovic in this very important body"<sup>38</sup> Cekic went on to note: "none of those who denied the legitimacy of the two members, 60 days on have managed to put in writing their pertinent objections to their candidacy and membership." He then assessed "the launching of a public parliamentary debate and rejection of a dismissal proposal, would enable the Council to carry its work in a normal way." Despite all protests and denials, the Council started working without 2 members, thanks to a legally prescribed basis for such a work.

In July, Association of Independent Electronic Media demanded that the Act on Election of Council's Members be abolished, and that the election of all members be repeated.<sup>39</sup> Such a repeat of electoral procedure was also urged by 15 NGOs: Otpor, trade union Nezavisnost, Belgrade Open School, the Belgrade Centre for Human Rights, Civil Initiatives, Jurists Committee for Human Rights, Women in Black, Centre for Democracy Fund, the Humanitarian Law Fund, Open Society Fund, Forum for Ethnic Relations, Centre for Anti-War Action, Centre for Free and Democratic Elections<sup>40</sup>. The above developments prompted the following reaction by Maurizio Massari, Head of the OSCE Mission for Serbia and Montenegro "the Council should be elected in a legitimate and transparent way to be fully respected by the general public."<sup>41</sup> Parliamentary majority voted against dismissal of controversial members of the Council (Cekic, Cvetkovic, Radenovic) on 15 July 2003. Nearly all DOS MPs voted against dismissal of the three members (barring MPs of Slobodan Orlic-led Social Democratic Party)a). MPs of SPS and PSU were also against a renewed election. Radicals abstained from voting, while DPS members favoured new election of Council's members. Candidacy of Radenovic was denied by MPs of DPS, SRP and New Serbia. 107 MPs of DOS-Reforms then proposed a new debate on the election of three controversial Council's members.

In the face of the new parliamentary decision, the media and NGOs continued to pile pressure. Association of Independent Electronic Media stated in its communique "a recent parliamentary decision cannot obliterate legal failures in the election of Cekic and Cvetkovic", and "the fact that Serb parliament ignored his non-eligibility for the post, does not enhance the reputation of the Council for Radio Diffusion."<sup>42</sup> Cekic and Cvetkovic in their public letter accused director and editor-in-chief of B92 Veran Matic of being

<sup>38</sup> *Politika*, 12 June 2003.

<sup>39</sup> *Danas*, 4 July 2003.

<sup>40</sup> *Danas*, 4 July 2003.

<sup>41</sup> *Danas*, 4 July 2003.

<sup>42</sup> *Politika*, 16 July 2003.

behind "the public campaign conducted against them in recent months"<sup>43</sup>. B92 also accused Cekic and Cvetkovic" of misusing the Agency for Radio Diffusion for the sake of their own interests and settling of old scores, by asking in writing the competent state bodies to launch a probe into the post-5 October financial and legal transactions of director of RTV B92 Veran Matic"<sup>44</sup>. Parliamentary decision was also criticised by Otpor and Democratic Party of Serbia.

President of Civil Initiatives Miljenko Dereta stated:"I shall not be a candidate in the renewed election due to an obvious lack of readiness of Serb government and Parliament to set up a body with a major authority.". He also noted "Over 80 organizations took part in the election procedure, when invited by Serb Parliament... and the renewed election of NGO candidates would pose a major challenge for the third sector."<sup>45</sup>

The OSCE Mission for Serbia and Montenegro, the OSCE Commissair for the Media, Fraimunt Duvet, the media and NGOs backed anew the idea of an election repeat.

Miroљjub Radojkovic, the Council s member warned that after resignation of Snjezana Milivojevic, the media and branch associations lost their voice in institutions. He added: "We shall no longer be able to ask questions, or demand evidence." <sup>46</sup> On 5 September the Council of Radio Diffusion Agency adopted the Statute, interim Rules of Procedure, Rules of Procedure on Internal Organization, and the Agency s Financial Plan. Statute and financial plan were forwarded for fine-tuning to the parliament. The Council also adopted a host of recommendations to broadcasting stations, and took a decision on kicking-off public proceedings relating to the naming of members of management boards of public radio-diffusion services of Serbia and Vojvodina. Slobodan Djoric was elected the Secretary General of the Council.

In fall 2003, several organizations put forward names of new candidates to parliament. Association of professional broadcasting stations APRES suggested a prominent writer Filip David and journalist Aleksandar Vasic. As candidates of the media and artistic organizations they were slated to replace Snjezana Milivojevic. Five NGOs <sup>47</sup> put forward candidacies of a journalist Nedim Sejdimovic and Izabela Kisic from the Helsinki Committee for Human Rights in Serbia. Helsinki Committee opted for that move in order to de-block the Council s work and empower it to start tackling the resolution of important media-related issues. The above proposals were resisted by Democratic Party of

<sup>43</sup> *Politika*, 16 July 2003.

<sup>44</sup> *Politika*, 16 July 2003.

<sup>45</sup> *Danas*, 21 July 2003; Election of NGO representatives in the Radio-Diffusion Council see also Report of Helsinki Committee for the year 2003, "In the shadow of nationalism".

<sup>46</sup> *Borba*, 19 June 2003.

<sup>47</sup> Helsinki Committee for Human Rights in Serbia, Sandzak Intellectual Circle, Sandzak Committee for Protection of Human Rights and Freedoms, and two NGOs from Vojvodina, Agro and Agra.

Serbia. However parliament failed to place that issue on the agenda prior to its dissolution in mid-December. On the other hand the Council began its work without representatives of the media associations and NGOs. For the latter branch associations and NGOs are also to be blamed.

Independent Association of Journalists of Serbia and Association of Independent Electronic Media demanded in October 2003 that the Act on Radio Diffusion be amended by introducing a provision that "professional associations instead of one should propose three members. That proposal was thus justified by Director of Radio Belgrade and member of the Working Group for Law Elaboration, Rade Veljanovski: "Our objective is to change the structure of membership and consequently eliminate the possibility of having a single body or person control the entire radio diffusion system in Serbia and the work of a public service into which the state-run TV should be transformed."<sup>48</sup>.

Council asked the government and parliament of Serbia (5 November) to urgently adopt amendments to the Act on Radio-Diffusion and the Act on Financial Transactions, to greenlight the Statute and the Agency s Financial Plan, to adopt a division balance between Radio Television Serbia and RTV Novi Sad, to elect the two Council s members and the Management Board of Telecommunications Agency, in order to launch a frequency-granting competition. Nearly identical demands were made by the five media associations: Community of Radio Diffusion Stations of Serbia, Association for Development of Private Radio Diffusion "Spektar", Association of Professional Radio and TV Stations of Serbia, Grouping of Radio Diffusion Organizations PKS, and Association of Electronic Media of Vojvodina, "for that decision blocked the work of the Agency for Radio Diffusion and of its Council."

Before the government and parliament put forward their candidates, representatives of most media associations and NGOs insisted on a swift formation of the Council, in view of the importance of an accelerated enforcement of the Act on Radio Diffusion. But in the wake of government s proposals, the media associations and NGOs started obstructing the Council s work. For example in January Veran Matic, editor-in-chief of RTV B92 and president of ANEM cautioned that the non-appointment of the Council s members dramatically affected the process of morphing of RTS into a public service. Matic then said: "The lack of political wish to effect a successful transformation is quite obvious. Any such transformation would pose a great danger to any authorities. The failure to control the strongest medium could become a backlash, that is affect the work of the incumbent authorities."<sup>49</sup> Matic added:" The above is due to a general paralysis of a political life. ... I have lodged many complaints with competent bodies, which then responded in different ways. The latest justification for non-election of the Council was the following: "an article of the law stipulates that 126 yes votes are needed for the

<sup>48</sup> *Danas*, 14 October 2003.

<sup>49</sup> *Svedok*, 21 January 2003.

election of a candidate... which is currently an impossible turn of event in Serb parliament. Therefore when the law was adopted the assessments relating to that provision were not good... consequently we now demand an immediate amendment to that article, and thereafter the election of the Agency's members.<sup>50</sup> President of "Spektar" Slobodan Djoric stressed that the non-enforcement of the Act "creates chaos in the air, and much jamming and obstruction by competing radio and TV stations.". He added "The ad market is a veritable jungle, because of unloyal competition between many stations, and non-existence of production costs for the radio and TV stations owned by some company owners, in contrast to the exorbitant production costs incurred by stations with numerous journalists and other technical staff."<sup>51</sup>

In commenting the election of representatives of professional associations, Djoric said that "Snjezana Milivojevic and Nino Brajevic, President of Association of Journalists of Serbia were elected by a secret ballot". He added: "We had 8 candidates, and all of them were elected, but the law prescribes that in case of more than 2 candidates an agreement-reaching process must be effected. A lot of lobbying was going on. And due to the foregoing Association of Journalists of Vojvodina and Association of Electronic Media of Vojvodina were not invited to put forward their candidates."<sup>52</sup>

In June Nenad Cekic accused Snjezana Milivojevic of a conflict of interests. Namely he accused her of being a director of an organization-Centre for the Media Analysis-"which among other things engaged in tackling the issues of radio diffusion and marketing... the activities which constitute a conflict of interests as her organization repeatedly co-hosted various conferences ... while a RTV station waged a smear campaign against the Council for the past 2 months."<sup>53</sup>. By extension, Director of Radio Beograd and co-author of the Radio-Diffusion Law Rade Veljanovski, also implied that Cekic might also have a conflict of interests for "as far as I know he was editor-in-chief of *Radio Indeks*". "I am familiar with Cekic's resentment of me, so I also expect his bias when it comes to granting frequencies, for example, to members of ANEM".<sup>54</sup>

## Frequencies and Radio-Television Serbia

This major interest in the Radio-Diffusion Council stems from the fact that this body is authorized for issuing/granting broadcasting licences. In Serbia 1,400 radio and TV stations are currently operational.<sup>55</sup> The major responsibility of this body is reflected in the fact that its should close down

<sup>50</sup> *Svedok*, 21 January 2003.

<sup>51</sup> *Svedok*, 21 January 2003.

<sup>52</sup> *Svedok*, 21 January 2003.

<sup>53</sup> *Politika*, 14 June 2003.

<sup>54</sup> *Blic*, 19 April 2003.

<sup>55</sup> Of 800 radio stations, 87 air their programs from Belgrade.

about 1,000 electronic media in order to put some order into the broadcasting system. This was confirmed also by Vice Prime Minister of Serbia Zarko Korac<sup>56</sup>. Added to that few TV stations are vying for a national frequency.

Agency for Telecommunications is also participating in taking decision on the number of broadcasting stations. But the job of distribution of licences has been also delayed because of the government's failure to name members of Agency of Telecommunications.

Most serious contenders for the national frequencies, aside from RTS-to be granted two channels-are the following TV stations: *B92*, *Pink i BK*. All three TVs are private, with different backgrounds and editorial concepts. It was repeatedly announced that about 5 national frequencies would be granted. Due to the foregoing last year was marked by a conflict between two TV stations, *Pink i B92*<sup>57</sup>, through different pressure groups. TV houses which get national frequencies would have a major influence in the media sphere and an increased financial, market value. On the media market private TV stations in possession of national frequencies would be serious rivals. Morphing of Radio Television Serbia into a public service was overshadowed by the struggle of private televisions to get national frequencies.

According to Slobodan Djoric, it is up to the Council to decide how many national TV services Serbia would have, and how many frequencies would be granted to private TV stations.<sup>58</sup> Djoric thus puts it: "Under the law they are all equal, so one can say that now all stations are illegal, for all licences are invalid. Under article 9 of the Act on Radio Diffusion "after taking into consideration different information needs of citizens and social groups, as well as their need to be educated and entertained, the number and kind of broadcasting stations, services zones, and other parameters for a public competition are established. According to Djoric, Secretary of the Radio Diffusion Council, the Council is duty-bound, on the basis of article 9, to define program profiles of national broadcasters, "for if we consider both their past experience and present work we shall pinpoint the real contenders for the national networks."<sup>59</sup>

<sup>56</sup> *Danas*, 3 June 2003.

<sup>57</sup> *TV Pink* was founded during the Milosevic era. It quickly became one of the most popular TV stations thanks to its programs dominated by the mass culture contents, that is, turbo-folk subculture. During Milosevic rule that station enjoyed many privileges thanks to its close ties to the regime. Its owner Zeljko Mitrovic was a member of the top Associated Left leadership. After the 5-October changeover, *Pink* launched an information program supportive of Djindjic-led government. On the other hand *RTV B92* during Milosevic regime was a station much harassed and punished by the authorities for its anti-regime information programs. In Milosevic era international donors heavily funded *Radio B92*. In the post-5 October period that radio station evolved into a serious RT house, employed a lot of new people, and in 2003 relocated to a new address, that is, moved to an adequate building leased to *RTV B92* by the National Bank of Serbia for a ten-year period. *B92* is now a private, commercial TV.

<sup>58</sup> *Danas*, 7 May 2004.

<sup>59</sup> *Danas*, 7 May 2004.

In late April, the Council's member, Goran Radenovic stated that "we still don't know the exact number of national frequency TVs. It is envisaged that frequencies of that kind may be granted to all those applicants which meet all technical and legal conditions."<sup>60</sup> He added that the competition would be based on market guidelines, and that the Council would look into the financial, technical, personnel and program potential of the contenders. Those who best meet the market conditions shall get the national frequency<sup>61</sup>. When asked who was the likely winner, Radenovic replied: "RTS shall probably get two channels, and then *BK, Pink, B92...* too"<sup>62</sup> He underscored that the Council would not interfere into their program policy, but that it was an established fact that "broadcasting of contents rife with religious, national and political hatred was banned."<sup>63</sup>

29 candidates registered for a management board of a public radio-diffusion service in Serbia, while 22 were registered for the Vojvodina one. In order to effect their election a division balance between RTS in Belgrade and RTS in Novi Sad must be carried out in the near future. List of candidates must be published in a paper, in order to make it possible for citizens, organizations or institutions to file their objections within 15 days. Miroljub Radojkovic, the Council's member, adds: "But in order to make that move in a legal way, it should be in keeping with law and our statute. However the latter is yet to be certified by the parliament."<sup>64</sup> According to Radojkovic thereafter management boards would have to separate public services not only from the government, but also from the Radio-Diffusione Councils.

Due to a delayed enforcement of the Act on Radio Diffusion and RTS overhaul, introduction of subscription fees-the only secure financing source of that company-was also deferred. Ivan Andric, President of Parliamentary Committee for Culture and Information, stated: "Political decision is to save a public institution, and hence introduce subscription, because commercial TVs are not interested in producing educational programs... ..the Finance Ministry cannot finance such a TV from tax revenues, for it would then make that TV directly dependent on the authorities."<sup>65</sup>

President of Radio Diffusion Council Nenad Cekic announced that in the course of the frequency-granting process all broadcasting stations would be required to submit all kinds of data: "what they did before after and during 5 October 2000, who is the owner of capital, who used RTS relays? All those data shall be made public. Now everybody is expecting only one culprit, but there are likely to be several of them."<sup>66</sup>

<sup>60</sup> *Nedeljni Telegraf*, 30 April 2004.

<sup>61</sup> *Nedeljni Telegraf*, 30 April 2004.

<sup>62</sup> *Nedeljni Telegraf*, 30 April 2003.

<sup>63</sup> *Nedeljni Telegraf*, 30 April 2004.

<sup>64</sup> *Glas*, 17 November 2003.

<sup>65</sup> *Glas javnosti*, 24 January 2003.

<sup>66</sup> *Politika*, 15 June 2003.

In a reply to a journalist's question about his lack of response to the formation of the Council, Aleksandar Crkvenjakov, Director of RTS, said: "If we took actions, then we would act as a pressure group, and such a move would not benefit us, nor it does benefit other media. Just look at the way that action is conducted. They are only interested in protecting their private property. Other media only focus on the Council-related developments. Well, I wonder if that Council is of such a crucial importance for Serbia?! But that Council is of paramount importance for the media, hence such an extensive coverage of developments relating to its formation. By extension it makes me wonder how good their information programs are if they only focus on their pet projects, or vested interests<sup>67</sup>."

Some media covered extensively the conflict between *B92 and Pink* or their alleged collaboration with RTS during the Milosevic era. Member of the Anti-Corruption Council Ivan M. Lalic, said he would demand RTS documentation on the background of the frequency-granting process to "Pink TV". Republican MP and member of Committee for Culture and Information, Bosko Nivic, MP of Liberals of Serbia, questioned the whys and wherefores of such a demand, "when perhaps a more comprehensive probe into the background of other frequency-granting should be also launched." In his open letter to the Council for Anti-Corruption, Nivic said that he fully backed the nature of that request, but thinks that it should not only concern TV *Pink*<sup>68</sup>. Nivic told *Nedeljni telegraf* that *Radio B92* signed co-operation agreements with RTS, when at the helm of that media house was the notorious Dragoljub Milanovic. The said contract was signed in December 1996, and since 9 May 2003, 15 contracts between the two media houses, according to Nivic, were also concluded.<sup>69</sup> On the other hand, according to Nivic, *RTV Pink*, -Andric also asked public re-appraisal of its co-operation with RTS-concluded only one contract with the two annexes in 1994, while RTS was headed by Milorad Vucelic. Conclusion of such contracts during the Milosevic era was the only way to get a work permit and frequency licence. Added to that *Vreme* published a series of articles testifying to the fact that "RTS was forced to yield to *Pink* an enormous package of facilities, equipment and services, with minimal compensation. De-construction of RTS for the benefit of construction, or rather build-up of *Pink* began during Milorad Vucelic mandate and was continued during leadership of Dragoljub Milanovic". That article of weekly *Vreme* was corroborated with various documents<sup>70</sup>.

*Radio B92* stated that the contract between *Radio B92* and RTS from 1996, "regulating the status of *B92* since its inception in 1989, was in fact concluded under pressure of civil protests in Belgrade, but also under international

<sup>67</sup> *Danas*, 7 July 2003.

<sup>68</sup> *Politika*, 2 June 2003.

<sup>69</sup> *Nedeljni Telegraf*, 18 June 2003.

<sup>70</sup> *Vreme*, 19 June 2003.



pressure. Its communique furthermore reads: "Thesis about close ties between Dragoljub Milanovic and B92 and its comparing to "the buddy relations which RTS had with other pro-regime media is very cynical. However it bears stressing that the thesis is launched with the aim of "apportioning the blame of co-operation with RTS to all all stations".<sup>71</sup>

General Director of RTS Aleksandar Crkvenjakov told *Nedeljni Telegraf*<sup>72</sup> that after 5 October 2000, pressure was brought to bear on him (RTS) to give up one channel in Belgrade, that is yield it to B92. Crkvenjakov said: "I got various letters, there were various interventions, but we did not want to give in, even at the cost of losing our jobs. Only a crazy person would renounce a channel for the benefit of its rival".<sup>73</sup> When asked by a journalist to interpret pressures piled by B92 on RTS, Crkvenjakov replied: "It indicates that some other media have... mechanisms for lobbying, an image from the recent past." In 2001 the then government asked for the exemption of TV B92 from the moratorium on frequency-granting imposed by the then Federal Telecommunications Ministry. *Nedeljni telegraf* on 1 October 2003. published a letter by the Vice Prime Minister Zarko Korac in which government of Serbia asked the Federal Telecommunications Ministry to help RTV B92 get a broadcasting licence. In the letter he also quoted the importance of B92 "in the struggle for the democratic transformation of the country and its contribution to better information of citizens". After that letter the Ministry issued licences to B 92 for relays in several locations.<sup>74</sup>

## Privatization of Local Media

Government of Serbia postponed the process of privatization of local media for a year. According to Zarko Korac, Vice Prime Minister of Serbia, that move was due to an explicit request of local media: "They are important in their milieus, so their closure caused by privatization would not benefit anyone." (*Nedeljni Telegraf*, 7 May 2003) Privatization of municipal radio and TV stations should be effected within the next four years under the Act on Radio-Diffusion and instructions on privatization adopted by the Ministry for Culture and Media. For the first time founders of a public medium cannot be neither the state, nor a local self-rule body or institution, unless otherwise envisaged, that is under a special act regulating the area of radio diffusion. Under the Act on Radio-Diffusion public media founded by the state, or a local self-rule body, must be closed down two years after the entry into force of this act.<sup>75</sup> In keeping with the general principles of the Act on Radio Diffusion, the Act on

<sup>71</sup> *Danas*, 24 June 2003.

<sup>72</sup> NT, 1 October 2003.

<sup>73</sup> NT, 1 October 2003.

<sup>74</sup> *Nedeljni Telegraf*, 1 October 2003.

<sup>75</sup> Act On Public Information took effect on 30 April 2003.

Public Information, and European standards, the state cannot be a founder of a public medium and a public service on the local level cannot be put in place.

Nebojsa Samardzic, lawyer of ANEM, says: " Having in mind specific features of the media scene in Serbia, the importance of local media, protracted process of morphing of RTS into a public service, as well as the fact that a large number of local media discharge the function of a public service, the law-maker envisaged the existence of such media, and also obligation that they be privatized within the next 4 years. <sup>76</sup> He stressed that retaining a certain percentage (25 to 30) of state property should be limited to a period of 3 or 5 years after privatization. If that model is accepted the question remains what would happen with the state capital after that time- frame.

Municipal assemblies have the right to appoint management boards, name directors and even editors-in-chief in private, local radio and TV stations. Thus the links between those media and politics are direct. Member of the Council, Miroljub Radojkovic cautioned that "such a concept was contrary to European standards, which impose a strict separation between the political and media sphere and require democratization and depolitization of the media.". He added: "Municipal stations are mostly insolvent, and their main revenue stems from local budget. Aside from that citizens who contribute to municipal coffers are totally deprived of any influence on the work of local media." <sup>77</sup>.

## Act on Telecommunications

Act on Telecommunications took effect on 1 June 2003. According to explanation of the law-maker, it is a technical Act aiming at the reform of the telecommunications area. Moreover, "that area is regulated on lines of the market principle, provides for an equitable status of all participants, monopoly is prevented, quality of services is enhanced and fine-tuned with international standards. Decision-making process on the rights and obligations is transferred from the state to the Republican Agency for Telecommunications, the latter representing "an independent organization", vested in certain public authority and prerogatives. At the proposal of a competent ministry the government is duty-bound to set a policy and adopt a strategy of development of telecommunications and plan of purpose of radio frequency range, while the agency would be in charge of control of telecommunications affairs and management of radi-frequency spectrum. Agency issues operating licences to radio stations, and licences for program broadcasting. It also acts as an arbiter in dispute resolution, but any agency decision may be subjected to the judicial control. The right to getting a licence for construction, possession and exploitation of a public telecommunication network is vested under equal

<sup>76</sup> [www.anem.org.yu](http://www.anem.org.yu).

<sup>77</sup> *Danas*, 14 January 2003.

conditions in any domestic or foreign legal or physical person meeting the prescribed conditions and standards.<sup>78</sup>

## Public Information Act

The Public Information Act was passed in a summary proceedings in April 2003.

The fact that the Act was passed during a state of emergency and expanded by 9 new provisions (with respect to its initial draft elaborated by jurists and the media representatives) it was harshly criticized by journalists notably because of its "repressive measures encouraging censorship and autocensorship". Milica Lucic Cavic warned that "in view of a state of emergency there was no need to amend the Bill fine-tuned during many months of work of the Working Group and their consultations with representatives of OSCE and Council of Europe... now the Act with its additional, restrictive provisions, which also exist in the Penal Code, seems to indicate that a more rigorous stance on the media and journalists would be maintained even after a state of emergency."<sup>79</sup>

President of a (journalistic) working group for elaboration of the public information act, Rade Veljanovski, stated: "Perhaps there is a bit more of interference into the media sphere, but in practice we shall check if those are the best solutions, for the media and courts would have to adjust."<sup>80</sup>

Despite some justified objections, notably the Act's adoption during a state of emergency, journalists are particularly concerned about the Act 16, which reads: "Authorized district court may at the request of public prosecutor ban dissemination of information, if it is established that such information in a democratic society instigates war and violence or advocates racial, national, or religious hatred, that is, discrimination, hostility, or violence, and publishing thereof poses a great threat with grave consequences." This is a very important provision in view of a propaganda role played by the media in Serbia during recent wars in the former Yugoslavia.

Rade Veljanovski, President of the Working Group for the Act Elaboration, and director of Radio Belgrade, stressed that the media should shun information described in Article 16, but added that "the Act's provision on the ban on hate speech was sufficient for expulsion of such ignominies"<sup>81</sup> According to them, the solution foreseen by the government is not feasible in practice, notably as regards the electronic media, for "it is not clear who could inform a public prosecutor of an imminent printing of a controversial text so that he could ban the paper before it hits the news-stands." Veljanovski also

<sup>78</sup> *Danas*, 22 April 2003.

<sup>79</sup> *Vreme*, 23 April 2003.

<sup>80</sup> *Danas*, 15 April 2003.

<sup>81</sup> *Vreme*, 23 April 2003.

cautioned that the said provision "may blunt the edge of journalists pen and compel them to resort to auto-censorship instead of analytical journalism."<sup>82</sup>

Nino Brajovic, President of Association of Journalists of Serbia is of the following opinion: "although it is reasonable to ban newspapers propagating war, or advocating racial, religious, or national hatred, it is not possible to enforce that provision in a democratic way"<sup>83</sup>.

In the defence of the article, the law-maker, that is, Serb government, underscored that a similar provision made part of the German law, and that it was greenlighted by European Court for Human Rights after having established that it was not contrary to the European Convention.

A novel provision ruling that "a journalist is not duty-bound to disclose his source of information, unless such data are related to a criminal offence entailing a prison sentence of at least 5 years", also caused a stir. Srdjan Radovanovic, legal adviser to the Media Centre, thinks that it is "an ordinary bluff", for the above sentence is meted out in cases of theft or burglary, hence a journalist could not keep a close lid on such information. According to Rade Veljanovski, during negotiations the Working Group proposed that criminal offences entailing a 10-year prison sentence be a limit, but that proposal was discarded after consultations with Council of Europe, and after learning that most countries opted for the 5-year limit.<sup>84</sup> Vice Prime Minister of Government of Serbia Zarko Korac thinks that the limit would increase in line with development of freedoms in our society, but also deems the above provision as a positive achievement, protecting legally for the first time the secrecy of sources. Milica Lucic Cavic thus commented the provision: "To date anyone could file charges against you for an allegation about a top official holidaying on a Greek island with members of the Zemun criminal gang, and you may have been held accountable if you refused to disclose the source of that information. Now the regulations allow you to say at least something." She said that NUNS would keep cautioning against the repressive provision of the Act<sup>85</sup>.

Under the law the media and journalists are not responsible for transmitting statements with misinformation. Also under the law, journalists, may not be sanctioned for giving value judgments about someone, but publishing of wrong facts about a person is sanctioned. Vice Prime Minister Korac thus explains the contents of those provisions: "For example, a journalist may say that someone is a fascist, and not be accused for that value judgement. But if a journalists says that someone is a member of a fascist organization then it is tantamount to the disclosure of a fact, and if its falsity is established, then a journalist is subjected to sanctions."<sup>86</sup>

<sup>82</sup> *Vreme*, 23 April 2003.

<sup>83</sup> *Politika*, 20 April 2003.

<sup>84</sup> *Vreme*, 23 April 2003.

<sup>85</sup> *Vreme*, 23 April 2003.

<sup>86</sup> *Glas*, 23 April 2003.

Under the Act on Information, state bodies and public companies, as well as MPs and municipal assemblymen, are duty-bound to impart information related to their work and activities to all journalists and media under equal conditions. Veselin Simonovic, editor-in-chief of *Blic* was adamant that the provision was mindless, for its disrespect did not entail any sanction, or assumption of responsibility.<sup>87</sup>

Parliamentary opposition criticized the Act by claiming: "it is aimed against journalism in general, half of its provisions are in fact instructions for the work of courts of law, it leaves journalists unprotected, and it is mistimed, having been passed during a state of emergency." Head of MP club of Democratic Party of Serbia Dejan Mihajlov underscored that only one provision was protective of journalists, while 31 provisions protected personalities, subjects of information. In his response to objections, Korac said the following: "Journalists are protected by the spirit of the law... interpretation of the law depends on the identity of its reader... the Act limits the right to privacy of officials..." Although the Act excludes the possibility of existence of the state-run media, at the proposal of DPS, the amendment stipulating establishment of the state news agency, was adopted.

## Lawsuits Against Media

According to Independent Association of Journalists of Serbia (NUNS), over 220 lawsuits against journalists and media were filed. Most of them date back to recent years, but in 2003 their number markedly grew. Most lawsuits were filed against the local media in the interior of Serbia. In June 2003 NUNS cautioned that "this trend is of a major concern for it affects the freedom of information"<sup>88</sup>. Helsinki Committee for Human Rights in Serbia, having in mind responsibility of the media for the written word, is of opinion that the fairness of the judicial proceedings, the influence of plaintiffs, notably politicians and financial lobbies on the judiciary, would impact the media freedoms or lead to suppression thereof, rather than the number of lawsuits.

Municipal magistrate in Uzice punished Mirjana Petrovic, former editor of *Radio Luna*, with a 30,000 dinar fine, under the Act on Public Information, in a lawsuit filed by President of Uzice District Court Ljubisa T. Radulovic. Misdemeanour magistrate Tatjana Dimitrijevic in her reasoned opinion in writing said that "Petrovic was responsible for having prepared a text from the press conference of President of Initiative Committee of Nova Srbija in Uzice, Zdravka Perendija, held on 14 May 2003, at which he stated that he was "in possession of documents indicating the escape of the incumbent president of District Court after the traffic accident he had caused four years ago." It was established that Ljubisa T. Radulovic was not incriminated for the accident of

<sup>87</sup> *Politika*, 20 April 2004.

<sup>88</sup> *Novosti* 20 June 2003.

10 September 1999.<sup>89</sup> Judge Dimitrijevic established that "the defence of the accused tantamount to the claim that she only transmitted information disclosed at the press conference does not relieve her of responsibility, for the provision of Article 37 of the Act on Information stipulates that a public medium cannot proclaim anyone guilty or responsible before the court's decision becomes final."<sup>90</sup> Lawyer of the defendant, Slobodan Pajpovic cautioned that a journalist cannot be incriminated for having transmitted an event-related information in an authentic way".<sup>91</sup>

District Court in Belgrade, on the basis of the Information Act, has temporarily banned distribution of weekly *Svedok* no. 358 of 3 June 2003, because of its interview with Milorad Lukovic Legija, the prime indictee for the assassination of Prime Minister Djindjic. The interview was taken from the name-sake Macedonian weekly. Director of printing press "Borba", which prints *Svedok*, according to the weekly's spokesman Vladan Dinic, ordered the stoppage of distribution of part of circulation of *Svedok*.<sup>92</sup> Dinic maintains that director of the printing press told him how someone from the government informed him of the ban on distribution even before the passing of a judicial decision.<sup>93</sup> However, part of circulation hit the news-stands. Communique of the Ministry for Culture and Media reads: "We deem that publishing of an alleged interview with the prime indictee in assassination of Prime Minister of Serbia is tantamount to an attempt at disturbing the general public, lessening the importance of the police investigation, and an absolute lack of ethics. Behind the publishing of this interview is a group of persons closely associated with one of arrestees during the action "Sabre". Aside from father of that person and his lawyer, in this affair are implicated also managers and owners of some private media. Interview was ran by the Macedonian print media, and then sent to the majority of Belgrade print media, which thereafter refused to publish it." <sup>94</sup> Ministry also stated that "publishing of that interview and of other, similar texts aimed at provoking compassion of the general public, and piling pressure on the judicial bodies to release the protegee of the group." Ministry also communicated that after assassination of Prime Minister "the state shall not tolerate any promotion of persons reasonably suspected of being directly involved in assassination, nor the promotion of members of other criminal organizations."<sup>95</sup> Editor-in-chief of the Skopje based *Svedok* which carried a controversial interview told B92 that "there was no doctoring... for we are in possession of a video recording, photos, and a verbatim transcript of the

<sup>89</sup> *Danas*, 14 August 2003.

<sup>90</sup> *Danas*, 14 August 2003.

<sup>91</sup> *Danas*, 14 August 2003.

<sup>92</sup> *Danas*, 4 June 2003.

<sup>93</sup> *Politika*, 5 June 2003.

<sup>94</sup> *Danas*, 4 June 2003.

<sup>95</sup> *Danas*, 4 June 2003.

interview from the place where it was conducted"<sup>96</sup>. Second part of the interview with Legija, despite announcement of editor-in-chief of the Macedonian *Svedok*, was never published. Association of Independent Electronic Media demanded that the competent judicial bodies "strictly comply with provisions of the Act on Public Information, both those related to reasons for the ban, and those related to procedure." ANEM also stated that "in full acceptance of the legal and constitutional framework of the institution of the ban on distribution of information, we would nevertheless like to point out that in future cases of such bans it is necessary to be above arbitrary and political assessments."<sup>97</sup>

Most slander lawsuits were filed by Vladimir Beba Popovic, Head of government's Bureau for Communication, and they attracted most media attention and were used by the fourth estate as arguments in their criticism of government for its crackdown on the media. Most lawsuits were lodged after suspension of a state of emergency, when the smear campaign against Popovic intensified. The Case Popovic also provoked concern of international community, which responded by directly embroiling some of its ambassadors in the affair. Popovic filed lawsuits against *Blic News*, *B92*, *Nin*, *Vreme*, *Balkan*, *Vecernje novosti.*, or, in his own words, only those media who had public, political weight.<sup>98</sup> However the media never questioned the veracity of anti-Popovic articles, and in 2003 he gave just one interview to Radio Television Serbia.<sup>99</sup>

Popovic filed a slander lawsuit against the following texts ran by *Vreme*: "Rain Continues", by-line Milos Vasic, published on 17 April, and text "Price of Snitching - 1,200 Euro" ran on 23 April 2003. Popovic asked a compensation of 2 miliona dinars. Popovic also filed a lawsuit against *Vreme* for a slanderous text "Serbia at a briefing" after a failed attempt to have *Vreme* ran a disclaimer concerning another anti-Popovic text.<sup>100</sup>

But Popovic's lawsuit against weekly *Nin* attracted most media attention, in view of the US Ambassador Montgomery involvement in the case. According to Popovic two texts were slanderous and "caused him psychological pain": "Perked-up marathon man" of 17 April 2003 and editorial

<sup>96</sup> *Danas*, 4 June 2003.

<sup>97</sup> *Glas*, 5 June 2003.

<sup>98</sup> *Nedeljni Telegraph*, 2 June 2003

<sup>99</sup> Vladimir Beba Popovic maintains that in the past two years the smear campaign against him included over 1,000 texts. (NT 2 July 2004, interview to RTS) and that he did not file a single lawsuit against his detractors. "I reacted for the first time on 13 April when the campaign against me peaked. I was not longer threatened, -they did not attack me, Vladimir Beba Popovic, and my briefings, but rather contents thereof, namely the findings of investigating bodies. Those who are not satisfied with those findings, may complain to competent institutions. ". (NT 2 July 2004, interview to RTS). Popovic twice appeared in public, once in company of Prime Minister Djindjic and Microsoft owner Bill Gates, and during his testimony before the special committee of Serb Parliament.

<sup>100</sup> *Nedeljni Telegraph* 2 July 2003, interview to RTS

"Beba is not guilty", penned by editor-in-chief Slobodan Reljic. In the first text it is maintained that under the US pressure Prime Minister Djindjic withdraw Popovic from his post of Head of Bureau. Editorial headlined "Beba is not guilty" asserts that "a thorough analysis of work of Mr. Popovic... may uncover details which would additionally scandalise the general public". Before the text was run the US Ambassador Montgomery had visited *Nin* and confirmed that the pressure had been indeed brought to bear on Djindjic "to remove Popovic". In his immediate response to Montgomery's words, Cedomir Jovanovic stated that "journalist, politicians and diplomats who speak of Popovic's falling out with Djindjic are bypassing the facts"<sup>101</sup>. Slobodan Reljic, editor of *Nin* stated that Montgomery only repeated what *Nin* published-the truth"<sup>102</sup>.

In commenting Jovanovic's statement, Veran Matic said that "any trial of a journalist would be negatively assessed by international community and would mark this country as undemocratic. Interestingly enough until recently they all bragged about being favourites of the West, but now part of the authorities seem to herald their confrontation with that very West. To confront the United States with such weak arguments, is dangerous and unreasonable." (NT, 2 July 2003.)

Ljiljana Smajlovic, journalist of *Nin* in the text published on 3 July 2003 concludes: "Government has known earlier that ambassadors and their governments were disgruntled with the media stance ... but Serb government was used to getting such complaints behind-the-closed doors... Montgomery assessed after Popovic's lawsuit that the time was up for making a public statement on the aforementioned phenomenon, and for publicly communicating the pertinent stand. *Nin* was just a right vehicle in that regard."

One of Popovic's lawsuits against *Nin*, was dismissed by the first-degree court as unfounded. The court moreover assessed that "incriminated texts are an attempt to inform the general public of a state official and do not represent an attack on his honour and reputation." But according to *Nin* that lawsuit is "a typical measure of intimidation, aimed at preventing any critical analysis of power-holders."<sup>103</sup>

Prime Minister Zoran Zivkovic stated that private lawsuits of some government officials against some media are of "personal nature" and do not represent the media-related stands and the media line of government of Serbia.<sup>104</sup>

Aleksadar Lojpur, lawyer of the Interior Minister, announced in November that his client would demand a symbolic compensation of 100 dinars from any slanderous journalist, and that five lawsuits are in the offing. Lojpur made it clear that that lawsuits would be filed only against those journalists

<sup>101</sup> *Nedeljni Telegraph*, 2 July 2003.

<sup>102</sup> *Nedeljni Telegraph*, 2 July 2003.

<sup>103</sup> Lawyer Slobodan Soskic, *NIN*, 11 December 2003.

<sup>104</sup> *Danas*, 28 June 2003.

"who fabricated accusations against Dusan Mihajlovic, the Interior Secretary". Daily *Politika* however noted that the minister's lawsuits are a throwback to 1999, when many media and journalists were heavily fined for running similar texts under the then restrictive Act on Information.<sup>105</sup> Mihajlovic also filed a lawsuit against *Glas javnosti* because of "its running of false accusations voiced by the party G 17 Plus".

*Danas* faced 56 lawsuits, and their number, according to its editor-in-chief Grujica Spasovic, drastically increased after adoption of the Information Act.<sup>106</sup> "It is an anti-journalist act, and not the Act on Information," said Spasovic. NUNS stated: "Media and journalists are once again in the dock... lawsuits and high tensions between representatives of authorities and media are not beneficial to either opponent... Serbia faces much more difficult problems"<sup>107</sup>. In listing the lawsuits filed by Popovic in a very short span of time against several media, B92, Nin and Vecernje novosti, NUNS reminded its readers that the incumbent authorities proclaimed the freedom of media and information of citizens and that the three media should not have been scapegoated because they certainly did not belong to the group of media inclined to violate professional norms.

Veran Matic, President of ANEM and editor-in-chief of B92 thinks that after 5 October this is the worst period for the media.<sup>108</sup> He thus commented the current situation: "Attempts are at play to instill fear and auto-censorship in the media. Authorities breached all agreements with journalists, even those reached while DOS was still in opposition. Our judiciary does not have understanding for the critical media. Such a stance on the media discredits the new authorities for the media are one of the five topmost benchmarks for assessing democratization of the society." kaze Matic<sup>109</sup>.

On the other hand, Vladimir Vodinelic, one of the authors of the Act on Information, says that "it is exaggerated to say that the avalanche of anti-media lawsuits filed mostly by political officials, has its roots in the Act on Public Information."<sup>110</sup> Vodinelic adds that the Act does not encourage the desire to file lawsuits: "those who accuse journalists shall have to prove before the court the culpability of journalist and falsity of information. Journalist shall not be guilty if he carefully checked the information prior to its publishing... and how careful that check was shall be assessed in each case separately."<sup>111</sup>

Milica Lucic Cavic cautioned against very strong pressure on the media in the interior of the country. For example, editor-in-chief of *Novine kikindske* Zeljko Bodrozic was several times taken to the court by Dmitar Segrt, a former

<sup>105</sup> *Politika*, 7 November 2003.

<sup>106</sup> *Novosti* 20 June 2003.

<sup>107</sup> *Novosti* 20 June 2003.

<sup>108</sup> *Novosti* 20 June 2003.

<sup>109</sup> *Novosti* 20 June 2003.

<sup>110</sup> *Vreme*, 3 July 2003.

<sup>111</sup> *Vreme*, 3 July 2003.

high official of the Socialist Party of Serbia and current member of Democratic Centre, while, Vukasin Obradovic, editor-in-chief of *Vranjske novine* from Vranje was sued for slander by Episcopo Pahomije.

## Relations Between Media and Politicians

Relations between the media and politicians, notably members of Serb government, grew very sour after suspension of a state of emergency. The motive for the conflict was the election of the Radio Diffusion Council. Media continued their extensive coverage of various scandals involving mostly members of government and some leaders of Democratic Party, while, in parallel, complaining about pressures piled on them by the ruling clique. Those relations were also exacerbated because of the market competition.

"Politicians are not as influential as in the Milosevic era, but it is obvious that some media are under a very strong influence of some power-holders, or informal centres of power constituted by some government officials and their friends," says Veran Matic, editor-in-chief of B92 and one of the most influential media personalities.<sup>112</sup> In his mind this is due to absence of lustration among the media and the fact that pressure can be easily brought to bear on the pillars of Milosevic regime who now want to curry favour with the new authorities.

At the June annual assembly of NUNS Rade Veljanovski assessed that the conflict between the media and authorities escalated after suspension of a state of emergency, though the tensions between them were palpable even during that state. They were reflected in irritating tones of briefings and vague intimations of the authorities about links between some media and the gangland.<sup>113</sup> In his mind the new subtle pressure on the media was manifest in the candidacy of controversial contenders for membership of the Radio Diffusion Council, bad provisions of the Act on Public Information, and a veritable avalanche of lawsuits against media and journalists.<sup>114</sup>

President of NUNS Milica Lucic Cavic was one of few journalists who repeatedly underscored the media responsibility: "Some media misunderstand the press freedom. It is not right to publish lies and violate ethical and professional norms. We should instead double check all information we receive and present it objectively. On neither side there are absolutely innocent people, although in the whole conflict it is the media which fared worse."<sup>115</sup> She added: "there are pressures ... in a sense that politicians expect media to be their partners, to turn a blind eye to their mistakes and to praise them."

In some cases media have uncritically shunned any discussion on their responsibility. During the pre-election campaign, at the Media Centre-hosted

<sup>112</sup> *Danas*, 23 June 2003.

<sup>113</sup> *Politika*, 29 June 2003.

<sup>114</sup> *Danas*, 30 June 2003.

<sup>115</sup> *Politika*, 1 July 2003

press conference for most party leaders, an incident occurred. It was later depicted as an assault on the media. When Prime Minister Zivkovic stated that the "Beba Popovic Affair" was inflated, and that "the former secretary of government's Bureau for Communications has not harmed citizens and media", editor-in-chief Balkan, Momcilo Petrovic, retorted that only "a stupid and arrogant man" could defend Beba Popovic. In the ensuing repartee Zivkovic called Petrovic "a marginal personality" after which Petrovic walked out of the press conference. In a sign of solidarity all journalists in attendance then followed suit. Majority of media in their press conference coverage carried only Zivkovic's words, but failed to mention Petrovic's terming of Prime Minister, which could be considered a sheer slander.

At the June 2003 NUNS assembly a predicament of local media was oft stressed. Representatives of those media said that "local fat cats and power-holders exert enormous influence over our work, but local authorities also tend to discipline journalists and even physically assault them."<sup>116</sup>

During an interview Velimir Ilic, President of Nova Srbija physically assaulted a journalist of *TV Apolo*, Vladimir Jestic. Ilic started insulting, cursing and even kicking the journalist after several questions on the tobacco plant in Cacak and notably the question, "Is Strahinja Ilic your brother?". Footage of the incident showing Ilic kicking the journalist was aired by several TV stations and photos were also run by several print media. Incident happened on 1 June 2003. Municipal TV station in Cacak-Ilic is the town's mayor- gave very scant info related to the incident, but info nonetheless dominated by an open letter by Ilic in which he denied Jestic's claims and *TV Apolo* video recording. In the letter Ilic tried to explain the whole incident as a "conspiracy against leader of Nova Srbija and mayor of Cacak"<sup>117</sup> Ilic, after the incident, went as far as to accuse presidents of several NGOs, notably Natasa Kandic, Biljana Kovacevic Vuco and Sonja Biserko, of leading a campaign against him.<sup>118</sup>

## Hate Speech

Hate speech targeting several public personalities increased in the media after suspension of a state of emergency, in the second part of 2002 and during the pre-election campaign. Hate speech was manifest in tabloids and reputable weeklies like *Nin*. The latter ran regularly a column penned by Aleksandar Tijanic in which prominent personalities were brutally insulted.

RTS - Studio Novi Sad in its prime time program "Unzipped", on 10 September 2003, from 21.00 to 22.00 h aired an interview with Jovano Pejcin. He said: "Baranja is currently occupied by Croatia, while Slovaks, Romanians, and notably Hungarians are colonizers in Vojvodina. I deny the existence of Croats

<sup>116</sup> *Politika*, 29 June 2003.

<sup>117</sup> *Danas*, 5 June 2003.

<sup>118</sup> *Novosti*, 5 June 2003.

in Vojvodina." According to a renowned Vojvodina writer Laslo Vegel, RTS in that program got embroiled in a racial analysis by maintaining that majority of Hungarians are of Slavic origins and hence their "beautiful Slav faces". According to Vegel "the interviewer approved all those assertions, and even concluded that his guest had the right arguments. In this way RTS has sent a loud and clear message about its true stand."<sup>119</sup> Program was aired on the day of the Croat President Mesic's visit to Serbia. Council for Radio Diffusion communicated that it was working on collection of documents related to that program.

"Initiative Against Misogyny in the Media" filed a lawsuit against *RTV Pink*, editor-in-chief Zeljko Mitrovic and author of the program "It cannot harm you", Milan Gutovic, "because of vulgar and primitive language full of hate and insensitivity used in depicting the author's observations about women". That lawsuit was backed by 70 women organizations and numerous public personalities. This is the first misogyny lawsuit, but article 38 of the Act on Public Information in cases of women hatred manifestations envisages only- a public apology!

## Media and The Hague Tribunal

Trials of war crimes indictees in the Hague are still a relevant topic for Serb media. Pertinent coverage focuses on Milosevic trial, though there are no well-intentioned appraisals of the tribunal's results. Media tend to concentrate on Milosevic's statements and disregard heavily incriminating testimonies of witnesses, notably the one given by Milan Babic, and presentation of as much incriminating evidence by prosecution. Media, alike politicians, and public opinion, don't show any intention of changing a negative image of the ICTY, although the Tribunal is increasingly successful in its work. The right perception of the Hague Tribunal among the general public is of a major importance for the process of facing up to the recent past, responsibility for recent wars, and has a bearing on transformation of the media which in recent past had played a major role first in priming the public for the war and crimes, and later in relativization thereof through various stereotypes. Co-operation with the Tribunal is still understood as a mere compulsion, imposed by international community and with financial assistance strings attached to it. It is not interpreted in terms of a real need of the society to be relieved of the burden of crimes.

In contrast to previous years, when most media focused on discreditation of witnesses, the current trend is to understate the accused who had admitted their culpability, that is, indictment counts. Thus admission of guilt by some indictees were not even noted by some media. Majority of media were more focused on the prosecution-indictees bargaining process and

<sup>119</sup> *Danas*, 26 September 2003.

conditions under which the convicted would serve their sentences, than on the admitted crimes.

Daily *Politika* commented the surrender of former president of Serbia and Milosevic's close associate Milan Milutinovic to the Hague by a headline "The Hague: the time for bargaining, deadlines, money and justice" and sub-heading "Speculations on a possible Milutinovic's bargain with the prosecution".<sup>120</sup> The text also suggested that the Tribunal was a kind of "market". *Politika* starts its lengthy text with the following assertion "it is widely speculated that former President of Serbia Milutinovic could strike a deal with the prosecution, that is, admit his guilt which would in turn alleviate his position and contribute to a shorter prison term." *Politika*'s correspondent from the Hague Zorana Suvakovic writes: "As things stand now, by striking a bargain, or "truly co-operating" with the prosecution, that is admitting part of his guilt, indicted gets some amenities". Several back issues of *Politika* had an almost identical sub-heading "Time, money and justice in the Hague" and headline "Bargains with the truth".<sup>121</sup>

The message of all the media regarding the testimony of Wesley Clark, former Chief of Staff of NATO, and prosecution's witness, was identical: judge Richard May forbade Milosevic to ask questions about NATO intervention, and Clark was a privileged witness. "Forbidden questions" (headline) "No to bombardment-related questions, judge replies instead of a general" (sub-heading)<sup>122</sup>; "Slobodan Milosevic... accuses Wesley Clark (sub-heading), General Clark is a war criminal (headline)<sup>123</sup>. Media also suggested that the court-room served Clark as an "arena for the entry into the White House". Media attached much more importance to Clark's acknowledgement that he knew about Milosevic's responsibility for the 1995 Srebrenica massacre. Although prominent weeklies like "Nin" and "Vreme" mentioned that Clark's statement about Milosevic's involvement in the Srebrenica massacre, their texts focused more on other thesis relativizing that statement.

Both weeklies, thanks to their high level of professionalism and respect of the journalistic ethical code, exert a major influence on crafting public stances, while authors of those texts are considered by other media as the principal and key commentators and analysts of the Hague developments. *Nin* commented Clark's testimony by headline "Who is lying?" and sub-heading "Why no-one questioned Clark about his failure in 1995 to report to the Hague Tribunal the evidence on Milosevic's command responsibility for the Srebrenica massacre". The author says that "the judge, prosecutor and defendant should have posed that very question to Clark."<sup>124</sup> Text begins with the following sentence: "Clark was called a liar because of one of his statements during the

<sup>120</sup> *Politika*, 14 November 2003.

<sup>121</sup> *Politika*, 11 November 2003.

<sup>122</sup> *Politika* 19 December 2003.

<sup>123</sup> *InterNacional*, 20 December 2003.

<sup>124</sup> *NIN*, 25 December 2003., by-line Ljiljana Smajlovic.

election race... and several days earlier he called Milosevic a liar." The text reminds of the Tribunal's earlier mistakes, namely appearance of "a false witness L" in the case of Dusko Tadic. Nenad Lj. Stefanovic, journalist of *Vremea* in 25 December 2003 issue writes: "the general impression is that Clark's testimony was to say the least –unusual (not only because it served the purpose of his pre-election campaign).

We don't want to say that it is illegitimate to criticise certain aspects of the work of the Hague Tribunal. From that standpoint we viewed articles run by weeklies *Nin* and *Vreme*, because they, alike B92, tend to cover the ICTY-related topics in a very professional manner. But it bears saying the following: *absence of media professionally and responsibly covering events in the Hague Tribunal while respecting its results, is conspicuous and this makes more difficult a process of facing up to the recent past and consequently re-appraisal of the role of the fourth estate in those recent developments.* The only daily which daily covers the Hague Tribunal developments and engages in the process of facing is a low-circulation *Danas*. Other media very rarely engage in analyses which would constitute support to the process of facing.

Similar trend was noted in coverage of the trial of those indicted for assassination of Prime Minister Zorana Djindjic. In fact in Serbia that trend is even more marked due to a host of problems in domestic judiciary and police and omissions made during investigation.

## Media and Elections

Media played an important role before scheduling of elections and on the eve of a two-month long campaign. During the very campaign, according to parties and election-monitoring organizations, media coverage was not biased. Such assessment was based mostly on the space which the media had given to pre-election activities of contending parties.

Centre for Free Elections and Democracy concluded that the media during the election campaign "showed much more professionalism, restraint, and a broad-minded tack to different political options than in the period before the year 2000". Mirjana Todorovic, a member of CESID team, stated that only two papers (*Kurir* and *Internacional*) "demonstrated a markedly negative stance on the authorities and engaged in smear campaigns and gutter journalism.". Also analyzed were the following dailies: *Politika*, *Vecernje novosti*, *Danas* i *Blic*.<sup>125</sup> According to Todorovic, the print media have manifested "unbiased stances, knowledge, and fair treatment of all the contenders in their election campaign coverage, and shunned 'bad-mouthing', even when politicians engaged in such negative rhetoric." Centre for Free Elections and Democracy concluded: "the campaign coverage focused on sharp criticism of the current authorities, even by the parties which recently were part of that very government." According to

<sup>125</sup> *Politika*, 24 December 2003.

the Centre the media are not to be blamed for lack of morality during the campaign.<sup>126</sup> In words of Marija Todorovic, "siding with an option" was manifest only in marketing and lay-out of the campaign-related articles.

Stjepan Gredelj, a member of CESID team, in charge of the electronic media monitoring, stated that "the largest number of the media acted professionally, that is, did not side with any contender during the campaign." In speaking about private TVs, Gredelj noted "some siding, or marginalization of some options."

But one should judge the media bias only on the basis of their coverage of pre-election rallies, conventions and other marketing happenings. In fact the media polarization dates back to the year 2000, but came to the fore in the period following the suspension of the state of emergency and on the eve of calling the snap elections. Added to that some personalities, close associates of the late Prime Minister Djindjic, whose allegedly shady dealings had been used as a fodder for crafting a negative image of Djindjica in 2001-2003 period, during the election campaign were marginalized by the media. The media "rooting" for this or that party was channelled through scandal-mongering<sup>127</sup>, often ordered by politicians (with or without power) and aimed at discreditation of their opponents in the government of Serbia. Some media carried out such orders given "from the above", instead of toeing an independent line, focusing on the extent of implementation of the key reforms, and sensitivizing public opinion with respect to widespread corruption, notably among the ruling apparatus. Most media in fact failed to take a critical stand on those scandals, and thus, in a way, sided with intentions of some political parties and interest groups.

<sup>126</sup> *Politika*, 24 December 2003.

<sup>127</sup> Intense launching of scandals was initiated by G17 Plus, that is, by Mladjan Dinkic, after his ouster from the position of Governor of National Bank of Serbia on 22 July. He then accused high government officials Nemanja Kolesar and Zoran Janjusevic of "money-laundering" via Seychelles. The Interior Minister Dusan Mihajlovic was also accused of being their accomplice. Dinkic demanded that the threesome be criminally charged. Then Janjusevic accused Miroljub Labus and Mladjan Dinkic of illegal funding of their party, "by transferring large sums via a Marshall Islands Company, and misusing money deposits intended for a technical assistance to the National Bank by transferring them to their private off-shore accounts." Kolesar also accused Labus and Dinkic of having usurped premises of a bank undergoing liquidation by relocating premises of their party there. Next scandal was related to shady deals by Minister Mirjana Raseta Vukosavljevic. The scandal-mongering atmosphere peaked with appointment of Kori Udovicki to the position of the National Bank Governor. The latter led to the DOS loss of parliamentary majority and extorted parliamentary elections in December.

## Recommendations

- An urgent adoption of the Act on Free Access to Information;
- Responsible and professional work of the media is indispensable for their more important role in the society. In those terms the media organizations should play a major role in detecting hate speech and unprofessional work of journalists.





## **National Minorities: Between Principles and Practise**

Although the admission of the state union of Serbia and Montenegro (SCG) to the Council of Europe was hailed as proof that 'this state has reached certain minimum standards on the protection of minority rights', one wonders whether these minimum standards will continue to be observed once the extraordinary parliamentary elections are over.

This time at least the nationalistic parties, above all the Serbian Radical Party (SRS), have given assurances to persons belonging to national minorities that they have no cause whatever to fear their possible electoral victory, indicating the contenders are well aware of how respect for national minorities is important for their image and legitimacy. During its term in office, the Democratic Opposition of Serbia (DOS) had done much to neutralize the appalling minority rights record of the Milosevic regime with a view to integrating the country into the international community and enlisting its support and help in carrying out reforms; and in order to distance itself from it as much as possible, it took various steps including the adoption of a law on minorities. However, once the extraordinary parliamentary elections were called, it became clear that as far as national minorities are concerned no headway had been made in the domain of electoral law and therefore no break with the previous regime. In other words, the election procedure is still regulated by the rules laid down by the Milosevic regime; for instance, one of them makes sure that a minority party wishing to contest an election on its own stands no chance of entering Parliament because the minimum vote requirement is set too high at 5 per cent. The ruling coalition did nothing to remove such glaring discriminatory provisions from the election law because it clearly lacked political will to redefine the election rules in keeping with its oft-professed pro-Europe orientation and principles and to take affirmative action to reduce the minimum vote requirement so as to ensure the presence of minority representatives in the central representative body.

The high minimum vote requirement is not the only source of concern, for both persons belonging to national minorities and other citizens wishing to see Serbia modernized and integrated into Europe are worried by the resurgence of the Right, the showing of the SRS candidates at the failed presidential polls being a clear evidence of this trend. The facts that some of the candidates are sought by the Hague tribunal and that fresh references were made during the election campaign to a line running through the Croatian towns of Karlovac, Karlobag, Ogulin and Virovitica as being Serbia's westernmost border leave no doubt that the nationalistic radical forces who led Serbia to conflict with neighbours and the international community are not only alive but bent on taking over the helm of society.

As time goes by, the once distinct line of demarcation in Serbia's political life reflecting the attitude towards the Hague tribunal is getting blurred.<sup>1</sup> The repudiation of the tribunal as a political institution on one hand and the portrayal of the Serbs as victims on the other serve only one purpose, namely to reproduce nationalism. Unfortunately, Serb nationalism has neither met with its (political) defeat nor given up its strategic goal of unifying all Serb lands.

At the bottom of the unjust claims to Vojvodina as a purely Serb province is the denial of the existence of some of the ethnic communities living in it. For instance, in a Novi Sad TV show (*Otkopcano*), the historian Jovan Pejin, who had been invited as guest, alleged that the Baranja region was under occupation; that Vojvodina's Slovaks, Romanians and, especially, Hungarians were mere colonizers; that the local Croats were not Croats at all but Bunjevacs; and that the Hungarians owed their handsome features to their largely Slav origin.

Pejin's TV extravaganza did not pass unnoticed and Végel László, the prominent author and publicist, accused the management of TV Serbia of reviving the set of values exploited by the Milosevic regime. 'The problem is not in Pejin the historian, but in the broadcasting policy of Serbian Radio and Television, that is, the Novi Sad studio. The host took in everything Pejin said with great favour... There was no mistaking in that message the clear and univocal position of the RTS,' Végel wrote.<sup>2</sup>

The show and the allegations made in it by Pejin, who is a member of the nationalist Serb People's Movement 'Svetozar Miletic', were also attacked by

<sup>1</sup> The fact that lists of candidates were headed by or featured persons indicted by the Hague tribunal shows that Serbia's society is losing the moral-political discernment necessary for a resolute break with the old regime. The lists of the Socialist Party of Serbia (SPS) and the SRS were headed respectively by Slobodan Milosevic and Vojislav Seselj; the police General Sreten Lukic was a candidate of the Serbian Liberals; the former Chief of the General Staff, Nebojsa Pavkovic, led the Socialist National Party - National Bloc - General Nebojsa Pavkovic grouping; and another war crimes suspect, General Vladimir Lazarevic, was symbolically accorded 251st place on the list of the party of Minister of Internal Affairs Dusan Mihajlovic, apparently on grounds of ill health.

<sup>2</sup> *Gradjanski List*, 12 September 2003.

the League of Vojvodina Hungarians (SVM), demanding that those responsible for the broadcast be called to account for 'dissemination of nationalist and racist ideas'. The SVM demanded to be told 'whether and, if so, why the Novi Sad TV editors continue to produce rabble-rousing nationalistic broadcasts after the October [2000] changes, as well as why the latest *Otkopcano* programme has been condemned neither by the provincial Secretary for Information, nor by the presidents of the Vojvodina Executive Council [Government] and Assembly.'<sup>3</sup> After 'waiting in vain for the Republican Broadcasting Council or some other competent authority to take appropriate action,' a group of professors from the Novi Sad faculties of philosophy and law filed criminal complaints against responsible persons at Novi Sad TV and Pejin for 'inciting national, racial and religious hatred and intolerance.'<sup>4</sup>

The incident was not isolated and Pejin was certainly not the only person to voice such views. For instance, during a debate on the draft outline basic law of Vojvodina, Miroljub Ljesnjak, a parliamentary deputy of the Democratic Party of Serbia (DSS), asked the provincial Secretary for Information, Rafail Ruskovski, how he envisioned the future of his Ruthenian national minority one hundred years hence, given that it consisted of '13,000 members including 2,500 fertile women.' Borislav Novakovic, the only speaker to condemn Lesnjak's census of women on such grounds, demanded that the Assembly Speaker severely penalize such a fascist statement.<sup>5</sup> Lesnjak's statement was also censured as a gesture of 'chauvinist blindness' by the Women's Forum of the League of Social Democrats of Vojvodina (LDSV) and the Ruthenian-language desk of Novi Sad TV. It should be noted Lesnjak later publicly apologized to 'colleague Rafail Ruskovski and all those offended by my words.'<sup>6</sup>

A newly-invented method of disseminating hate speech that has been especially popular of late involves the broadcasting of SMS messages by certain TV stations in Serbia. The 'Kvirija LGBT' group pointed out in its protest that some of the messages brimmed with hatred of various groups, especially the gay population, and asked the TV stations providing such 'entertainment' to stop spreading hate speech, insults and derision.<sup>7</sup> The messages 'Serbia to Serbs', 'Crystal night', 'Get the hell out of here' and 'ZOG Will Fall', as well as the traditional Serb symbol featuring the four letters 'S', were all scrawled on

<sup>3</sup> *Gradjanski List*, 17 September 2003.

<sup>4</sup> *Dnevnik*, 14 October 2003.

<sup>5</sup> 'When the medical profession discuss women's fertility, they are talking science; but when politicians discuss the subject, then they are talking fascism,' Novakovic said at the provincial Assembly meeting. *Danas*, 3 March 2003.

<sup>6</sup> *Dnevnik*, 2 March 2003.

<sup>7</sup> In its statement, 'Kvirija LGBT' quoted the following messages it had received, among others: 'Let me know when the next gay parade is going to be, so I can toss you a hand-grenade', 'I'm looking for a homosexual, age irrelevant, to bash his head in.'

the facade of Mirjana Hercog's family home in Cacak.<sup>8</sup> Slogans such as 'Death to Croats and Muslims', 'Death to Jews', 'Put Hungarians into refrigerator trucks' and 'Throw Hungarians under the ice' have become quite common expressions of one's political attitudes. In March, the public's attention was also drawn to a threatening letter which Aljosa Mimica, a professor at the Belgrade Faculty of Philosophy, received from a group calling themselves the 'Patriots of Serbia', who called him a Serb-hater and advised him to move out or take poison.<sup>9</sup> Apart from distinguished and well-known citizens, Chinese often found themselves on the receiving end of 'patriotic' threats: in the centre of Kikinda, for instance, notice-boards were covered with bills warning the residents against the threat posed by Chinese immigrants. Describing Chinese as 'people who make money out of our destitution and poverty, undermine our economy with their cheap but shoddy products, and humiliate our citizens by taking advantage of our hospitality,' the authors of the bill, who belong to the nationalistic organization 'Blood and Honour', asked at the end of the bill, 'Must the citizens of Serbia put up with humiliation at the hands of parasites who thrive on our poverty, as though they have not suffered enough already?'<sup>10</sup>

However, all these graffiti, bills and verbal attacks were as nothing compared to drastic incidents involving violence, especially violent attacks on children. For instance, Danijel Skoric, a 13-year-old pupil at the Radoje Domanovic primary school in Nis, was harassed for a year and a half by a group of pupils only because he was a refugee and his parents were of different ethnicity. Having had enough of physical abuse and insults such as 'Ustasha', 'Go back to Croatia' and 'Your father is a cut-throat', the boy asked his classmates to take a vote on whether he was to stay or go. The majority decision was that he ought to leave. At his parents' request, Danijel was transferred to another class while his principal tormentors were punished by having their conduct grades reduced.<sup>11</sup>

The sexual harassment of A. S., a juvenile Roma boy from Veliko Gradiste, stands out for sheer brutality. According to the daily *Danas*, the boy was ordered to take liquor by a group of youths in a local cafe 'where he was forced by Vlada Petraskovic and Mija Jovanovic to engage in oral sex with them in front of the other guests. After that, he was forced to perform fellatio on other guests nicknamed Voja, Maksa, Sasa and Mina. A great many residents of

<sup>8</sup> Apart from this, Hercog said she had been verbally insulted as a Jew on several occasions recently. *Danas*, 31 December 2002 - 1 January 2003.

<sup>9</sup> The Hungarian family Horgosi also received a threatening letter. It read: 'T. Horgosi - you Hungarian shit - take your shit husband with you and get the hell out - free Serbia of shit - or we're going to do this ourselves. Good-bye!' *Danas*, 29-30 March 2003.

<sup>10</sup> *Kikindske novine*, 1 August 2003.

<sup>11</sup> *Dnevnik*, 25 April 2003.

Veliko Gradiste... knew about this scandalous incident but none dared report it to the police because they were afraid of the gang.'<sup>12</sup>

There were many more brutal attacks on members of the Roma community although the incident described above was arguably unparalleled for sheer outrage. In the early morning hours on the last day of August, Seljatim, Besim, and Ljumim Kolovati were beaten up by a group of unruly guests from the Bumerang restaurant who swore at them and shouted 'You're killing our children in Kosovo'. Seljatim had to receive emergency surgery treatment.<sup>13</sup> At the middle of November in Belgrade another Roma juvenile, M. M., was assaulted without any cause by a youth dressed as a skinhead. The juvenile was transported to the Belgrade Casualty Clinic and doctors established that he had suffered serious bodily harm. The attacker, also a juvenile, who answered to the description was found by the police soon afterwards. At the end of June, there was a large-scale fight in the Adice housing estate involving Roma and Serb residents. According to the press, the incident was started by Milan Drinic and Miroslav Majstorovic who yelled abuse at Sasa and Sead Avramovic outside their house, telling them 'You Shqipetars ought to be thrown to the dogs'. (Roma from Kosovo are often called Shqipetars, a derogatory name for Albanians, on account of their Albanian names). Half an hour later, at about 9 p.m., Drinic and Sahin Asanovski exchanged blows and other members of the two ethnic resident communities joined in the fray.

Roma and Ashkali officials from the non-governmental organization RANI Basno, the Roma association New Horizons, and the Ashkali Cultural and Publishing Society requested and were granted an audience with representatives of the Vojvodina Assembly and Executive Council to discuss the problem. After the meeting, Basno issued a public statement in which it complained about the treatment the delegation had been accorded, saying the hosts kept digressing from the subject of violence and discrimination and praising the efforts being made to promote Roma cultural and educational rights. The Roma and Ashkali officials later wrote to Nenad Canak, the Assembly Speaker, and Miladin Kostresevic, head of the Novi Sad Police

<sup>12</sup> *Danas*, 9 January 2003. It ought to go on record that a lawyer with the Humanitarian Law Center (HLC) assigned to represent the boy had his power of attorney withdrawn by the competent Social Work Centre, indicating a decision on the part of the latter not to prosecute. The Social Work Centre said in explanation of its decision that A. S. was an 'unstable child, so any attempt to make him party to the proceedings would aggravate his present condition.' In a statement issued in this connection, the HLC pointed out that the explanation offered by the Social Work Centre suggested that children could be ill-treated by anyone because it was ostensibly in the interest of the juvenile victims not to prosecute the perpetrators. *Danas*, 27 June 2003.

<sup>13</sup> The police arrested Jovan Dabic and a juvenile named K.B. for committing a breach of the peace and for insulting the three on account of their nationality, attacking them, and inflicting minor bodily harm on Seljatin and Ljumim, all without any cause. The police were looking for two other men who had taken part in the attack. *Danas*, 2 September 2003.

Department (SUP), demanding that the competent state authorities deal with the above and all other incidents promptly and effectively, punish the perpetrators, and make efforts to eliminate the causes of discrimination and intolerance.

The above Roma and Ashkali organizations allege that Roma and Ashkalis are widely discriminated against in shops and public offices where they are frequently abused, insulted and ignored, and that the police are openly prejudiced against them in matters involving identity checks, searches, suspecting and punishment. A survey carried out by the editors of the radio station Multiradio 021 contains much interesting information regarding discrimination against Roma. The reporters found, for instance, that both private landlords and rental agencies were not keen to have Roma tenants; while some landlords went so far as to ask neighbours whether they objected to living in the same house with Roma, others simply did not dare tell their relatives they had accepted Roma tenants. Also, Roma find it very hard to get work in stores, kiosks, cafes, boutiques and service shops even if they are qualified for the job. On the other hand, female escort agencies displayed no prejudice whatever: when reporters inquired by telephone whether there was work for Roma girls, the typical reply was, 'But of course! No problem at all. Our clients just love those hot-blooded Gypsy girls.'<sup>14</sup> Roma are also often denied access to cafes, discotheques and some of the river barge restaurants. In the first half of the year, several non-governmental organizations lodged a criminal complaint against personnel at the Acapulco barge restaurant for denying access to three Roma, Petar Antic, Ljutvija Antic and Zorica Stojkovic, on racial grounds.<sup>15</sup>

The decision by the Vojvodina Executive Council to award a scholarship to a Roma student regardless of his or her grades and to extend half the number of scheduled scholarships to minority students was condemned by the League of Vojvodina Serbs. In members' opinion, persons belonging to national minorities are economically not worse off than Serbs and therefore should not be entitled to such benefits. They also consider that awarding a scholarship to a Roma student without the usual stipulation that his or her average grade must not fall below 8.5 (on a scale of 5 to 10) is an insult above all to the Roma.<sup>16</sup> However, in this and other cases the Law on Minorities provides for affirmative action in order to help as many Roma as possible to acquire university education and rise on the social scale. Lack of education and unemployment are the two main problems of this community; for instance, of the 12,000 Roma in the municipality of Sabac, as many as 1,500 aged 18 to 30 cannot read and write. The president of the municipal Roma organization, Stevan Bjelic, says that an

<sup>14</sup> *Dnevnik*, 4 April 2003.

<sup>15</sup> The non-governmental organizations involved were the Centre for Minority Rights, the HLC and the Budapest-based European Roma Rights Center. *Danas*, 11 December 2003.

<sup>16</sup> *Gradjanski List*, 26-27 July 2003.

overwhelming majority of Roma residents are unemployed, with only a handful working as sweepers for the local public utility company.<sup>17</sup> Petar Antic, Director of the Minority Rights Centre and Commissioner for Human Rights at the World Roma Organization, considers that the position of Roma in SCG has deteriorated in the last ten years. He says that between January 2002 and June 2003 there were hundreds of reported cases of Roma rights violations including police misconduct, violent attacks by private persons and discrimination in housing and education, including in schools for children with special needs. Roma children account for 80 per cent of the population of these schools although most of them are not mentally retarded.<sup>18</sup> The Roma refugees from Kosovo, for whom there was no accommodation in collective centres, live in shanty towns in conditions of abject poverty. Having nowhere else to live, they are naturally bitterly opposed to any attempt or plan to clear these settlements. For instance, when they heard that their houses in the Grmec district of Zemun north of Belgrade were due for demolition, they demonstrated outside the City of Belgrade Assembly building demanding help and protection from competent authorities.<sup>19</sup> However, while Roma resist the demolition of unhygienic settlements (such as the one in the Belgrade district of Cukaricka padina) because they are given no alternative accommodation, other citizens are opposed to any decision to provide housing in their vicinity to Roma displaced from such settlements. Thus in March the residents of Zemun polje blocked the old Belgrade-Novı Sad road in protest against the decision of the city authorities to build houses for Roma in the Kamendin housing estate, their argument being that they could not cope with the Roma already living there.

Deportation under a readmission agreement is another grave problem for the Roma. In the last two years European Union member countries have been forcibly repatriating Roma refugees because, in their judgement, they can go home now because the Milosevic regime is no longer in power. Johnny Zichelschmidt of the Roma Forum from Göteborg called the decision an immoral act, and Claudia Roth, the German Commissioner for Human Rights, said she would ask the Länder ministers of internal affairs to review the Roma repatriation practice. During a visit to Belgrade, Roth said that since the Roma were still the most vulnerable community in Serbia, there was no point in

<sup>17</sup> *Danas*, 28 October 2003.

<sup>18</sup> *Danas*, 1 August 2003. Roma are at a severe disadvantage not only in Serbia but in other countries too, according to a UN Human Development Agency report on the situation of the Roma in the western *Balkans*. Citing newspaper accounts, the report says that hunger is widespread among Roma and that every sixth Roma is hungry all the time. In these countries, some of which are soon to join the club of the world's wealthiest nations, the European Union, Roma standards regarding poverty, infant mortality and elementary education are comparable to those prevailing in sub-Saharan Africa. *Danas*, 20 January 2003.

<sup>19</sup> According to Rade Ćiric, Vice-President of the Roma National Council, 'the Grmec settlement is one of the few examples of Roma socialization, with good potential for developing into a proper urban environment. For this reason, the decision to demolish it is utterly shameful and deplorable.' *Danas*, 19 August 2003.

repatriating Roma refugees unless they could be guaranteed adequate housing, education, health care, etc.<sup>20</sup> On the other hand, Rasim Ljajic, the Minister for Human and Minority Rights, acknowledged in a statement to Radio B92 that the government simply had no solution for these people because it could not provide them with even basic care. There is nothing for it but to get the repatriation put off for as long as possible, he said.<sup>21</sup>

Although the state is primarily responsible for dealing with the deportation problem, the Roma National Council will have to do what it can. Srdjan Sajn, president of the Council Executive Committee, is of the view that since the deportation is not going to stop, one must make arrangements to take care of the returnees before they start arriving on a massive scale. He said that the Council was preparing its long-term strategy which would lay emphasis on Roma education so that members of this minority could finally escape from the vicious circle of poverty and social marginalization. Solving the problem will be much easier if the Roma leaders succeed in rising above their particularism and vanity and start working in concert with state agencies or, one might rather say, if the state agencies at last mobilize their resources to accomplish the proclaimed goals, an undertaking which Roma organizations will no doubt support. In this connection, the cooperation of Roma organizations is essential both in formulating and in implementing the Ministry for Human and Minority Rights' strategy to integrate Roma and give them broader rights, worked out with support from the OSCE, UNOCHA and UNHCR. The draft strategy encompasses the fields of housing, education, economic advancement, social protection and health care, political participation, information and media, culture, and problems associated with discrimination. The final version will be determined after the draft is discussed in public.<sup>22</sup> Whatever the final version, it will require a high degree of commitment on the part of state agencies at all levels, particularly on the part of municipal authorities. Some progress has already been made in some of the above fields: for instance, the fortnightly *Them* (The World) providing information in the Romany language will be of help in integrating the community into society. It should be noted that although

<sup>20</sup> *Danas*, 9 July 2003.

<sup>21</sup> There are, for instance, 30,000-50,000 Roma from the former Federal Republic of Yugoslavia in Germany, some 12,000 in the Netherlands and about 3,000 in Belgium without permanent residence permits. For most of them repatriation is a nightmare because their country has no organized services to look after them. The well-known film director Zelimir Zilnik deals with this problem in a full-length documentary entitled 'Kennedy Goes Home'. The film was premiered in Novi Sad on June 1. Zilnik paid a visit to Germany at the invitation of the Green Party. Germany's top intellectuals including Günter Grass are concerned about Roma problems and the film attracted great interest among politicians, sociologists and NGO activists in North-Rhine Westphalia.

<sup>22</sup> The Ministry has organized five round tables - in Bujanovac, Prokuplje, Sabac, Novi Sad and Belgrade - to discuss Roma education and culture as part of the integrative process, as well as political participation and discrimination, health care and the situation of women, information and media, housing, education and economic advancement.

there are several Romany-language newspapers in Europe today, *Them* is the only one to have been founded by a state organ, in this case the Vojvodina Assembly.

Ethnic Hungarians too were the target of chauvinist outbursts. Thus many residents of Novi Sad, particularly those living in the predominantly Hungarian neighbourhood of Telep, were disturbed by the appearance of a bill threatening the 'greens' (Hungarians) with repatriation to Hungary. Besides a leaf of clover and a green five-pointed star with the letter M (standing for Magyar = Hungarian) at its centre, there was the following message written with the hand using a ball-point pen: 'Since we respect the Republic of Hungary as good neighbours, we will return the "green stars" inhabiting our territories in southern Backa to beautiful green Hungary'. Only a few days later, similar bills were posted up in the same neighbourhood as well as in downtown Novi Sad.<sup>23</sup> In spite of extensive efforts, the police failed to discover the author of the bill, which was condemned by both political and non-governmental organizations. The SVM City Board stressed that the bills 'boil down to a call for ethnic cleansing and an attempt to rekindle national hatred...' The Vice-President of the SVM City Board, Galambos Laszlo, said it would be unfortunate if the appearance of the bills were to be linked to the (1942) Novi Sad Raid, an event arousing strong and painful feelings especially among Serbs.<sup>24</sup> For all such warnings, the growing number of nationalist bills and graffiti indicated a rise in anti-Hungarian sentiments. The facade of the Hungarian Cultural Centre in Subotica was defiled with the message 'Hungarians, shoo off to beautiful and green Hungary' and a similar message was seen along the road leading to Lake Palic. 'This is Serbia' was scrawled on the facade of the Istvan Szechenyi primary school and the Hungarian name for Subotica, Szabadka, was painted over at one of the approaches to the town. On July 24, Tatai Károly, a retired teacher living in Novi Sad, was verbally attacked by his neighbours Dragoslav and Aco Todorovic who said they were going to 'see him off, kick him out of his house and kill his sons'. At the middle of November, a student was beaten up near the main post office in downtown Subotica merely for speaking Hungarian.<sup>25</sup> There was considerable public indignation following an incident in the admission department of the Novi Sad

<sup>23</sup> One of the bills states: 'A quiz to improve your knowledge: Attila H... A. Hitler... Did you know that Hungarians, Slovaks, Czechs, Polish, Russians, White Russians, Bulgarians, Turks, Albanians, Swedes, Finns, Norwegians, Irish, British, French, Austrians and Slovenians are of Hun origin? So now you know they are not a persecuted minority!'; and another: 'The citizens are under no obligation to pay the costs of the Hungarian-British Urbis.' *Gradjanski List*, 23 January 2003.

<sup>24</sup> At the end of February, Subotica police detained Faragó Zoltán, Erwin Rekačič, Tihomir Lavro and Urányi Leonárd for posting bills stating: 'Brother Serbs! Over 35,000 innocent Hungarians and over 100,700 Germans were killed throughout Vojvodina in 1944-45. Until we seek pardon for the crimes committed, the gates of Europe will remain shut for us.' *Gradjanski List*, 1-2 March 2003.

<sup>25</sup> *Magyar Szó*, 20 November 2003.

Gynaecology and Obstetrics Clinic, to which a pregnant woman from Subotica had been referred for an examination. As the woman spoke no Serbian, the questions were answered by her husband. 'How come you live here but don't speak Serbian?' the duty sister snapped and reproached the husband for allowing such a thing to happen. The usual forms having been filled in, the husband was told to wait in the yard and the young patient led into the surgery. Since she could not answer any of the questions put to her, the sister started to yell at her again: 'You're going to learn Serbian in this place because no one is going to talk to you in Hungarian. Why don't you go to where people speak your language?' Not being able to put up with further humiliation, the woman walked out of the surgery and asked her husband to take her home. When the husband entered the surgery and asked the sister for an explanation, she said, 'Your wife's an idiot'.<sup>26</sup>

Incidents like these are highly disturbing also because they provoke the other side to reciprocate. For instance, during the concert in Backa Topola of the Hungarian band Batridge a group of young men and women chanted slogans demanding the cancellation of Vojvodina's post-World War One incorporation into the Kingdom of Serbs, Croats and Slovenes. The LDSV noted in a statement that the group also chanted the Hungarian name for that part of Vojvodina, which translates as 'Southern Region' (of Hungary). At the beginning of June, the so-called 'Trianon posters' reappeared in a number of towns in northern Vojvodina including Kanjiza, Senta, Coka, Backa Topola, Subotica and Horgos, outlining the present borders of Hungary alongside those antedating the Treaty of Trianon. Although the anniversary of the treaty falls on June 4, the appearance of the posters a day earlier was linked by the press to the official visit to Subotica by the Hungarian Prime Minister, Medgyessy Péter.<sup>27</sup> In connection with the incident, SVM leader Kasza József said, 'I and my party most strongly condemn the appearance of such posters and disapprove of such activities',<sup>28</sup> while Nenad Canak, the Speaker of the Vojvodina Assembly, said, 'The Treaty of Trianon ought not to be forgotten. However, in our time any manipulation of Trianon is as meaningless as any manipulation of the Battle of Kosovo. History ought to be left to the historians rather than employed to construct a platform for future divisions.'<sup>29</sup>

At the beginning of the year, the Cooperation Protocol drawn up by the SVM and submitted for ratification by the municipal authorities some time

<sup>26</sup> The Novi Sad lawyer Bozoki Antal gave the Helsinki Committee this account.

<sup>27</sup> *Dnevnik*, 5 June 2003.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.* The identity of the authors and distributors of the posters remains unknown. In the opinion of Kasza József, the posters 'were not pasted by town residents from northern Vojvodina, so there appears to be involvement by the extreme right from Hungary.'!? *Dnevnik* for its part quoted unofficial sources blaming the right-wing Hungarian Party of Life and Justice led by Csurka István. The party is known to have redrawn the frontiers of Hungary so as to incorporate northern parts of Vojvodina.

previously attracted fresh attention. The Municipal Board of the Democratic Party (DS) announced that the Protocol was unacceptable to the citizens of Subotica and that it would canvass votes among deputies in support of a referendum to decide whether or not the municipality of Subotica should accede to the Protocol.<sup>30</sup> The Protocol caused a rift among the municipal deputies, with all save those belonging to the SVM walking out of the meeting. At a news conference, the SVM president attributed the incident to the fact that the positions of the coalition partners had not been previously harmonized. He also dismissed the charges of secession and separatism and pointed out that the Hungarians had repeatedly manifested their loyalty to the state in which they live, as well as that they were active participants in the efforts to better their state's policy and organization.<sup>31</sup> To put the record straight, it should be noted that the Law on Local Self-government permits the association of municipalities, and that its precursor did not prohibit it either. The Protocol contains no references to ethnicity or ethnic territorial autonomy and merely outlines the need for improving inter-municipality cooperation as well as that with republican institutions and international organizations. Nevertheless, one cannot help feeling that ethnic considerations had a role to play in the association of municipalities with a Hungarian majority, because association on functional grounds would have to cut across ethnic boundaries.<sup>32</sup>

While the Protocol and the so-called Status Law provoked political reaction – for instance, offices collecting applications for Hungarian status identification papers often received threats – nationalists took no action over local Hungarians' applications for dual citizenship although they had been arguing all along that if the national minorities did not like it here they had a spare homeland to go to. In this connection, the authorities, too, adopted an accommodating attitude: Minister for Human and Minority Rights Rasim Ljajic said that one should make no problems,<sup>33</sup> and Prime Minister Zoran Zivkovic declared during a visit to Budapest that Serbia had no objections against dual citizenship in principle.

Requests for dual citizenship were first put forward six or seven years ago but did not attract due attention then. However, as the May 2004 deadline for Hungary's accession to the European Union approached, Ágoston András's Democratic Party of Vojvodina Hungarians (DSVM) raised the matter again<sup>34</sup>

<sup>30</sup> The then mayor of Subotica, Ispánovics István, responded by saying that with regard to association agreements the Law on Local Self-government contained no qualifying provision whatever such as obtaining the opinion of state organs or deciding the matter by referendum, adding that that the municipality had full authority to enter into such agreements. *Danas*, 12 February 2003.

<sup>31</sup> *Dnevnik*, 23 February 2003.

<sup>32</sup> Protection of national minorities, CAA, Belgrade, p. 131, 2002.

<sup>33</sup> Ljajic's interview with *Gradjanski List*, 2-3 August 2003.

<sup>34</sup> The DSVM initiative was backed by other Vojvodina Hungarian parties, an agreement was signed, and the Hungarian Government and Parliament were asked to put the

with a view to avoiding the consequences of a visa regime.<sup>35</sup> Requests for dual citizenship were renewed following a relaxation of the visa regime which took effect on November 1. In the opinion of Kasza József, Vojvodina's Hungarians need dual citizenship in order that they may be employed as regular rather than guest workers in Hungary. Dual citizenship, he said, would also be to the advantage of Hungary because it has a negative birth rate and needs manpower.<sup>36</sup> Ágoston agrees, saying that ethnic Hungarians with dual citizenship would help Hungary's economic development, bring money into neighbouring countries in which they live, and be able freely to communicate with other Hungarians throughout the Carpathian region. Ultimately, the introduction of dual citizenship would help heal the trauma caused by the dismemberment of the nation under the Treaty of Trianon after the First World War. 'Since our parents and ancestors had Hungarian citizenship, we consider that we are entitled to it too, given that we lost it against our will by remaining on our native soil at the time the frontiers were redrawn. We will remain loyal citizens of Serbia all the same. We don't want to move, we want to stay here and to create a future for our children, together with the peoples who live here with us,' Kasza said.<sup>37</sup>

At first, Hungary itself displayed no political will to accommodate such requests. Thus Bársony András, First Deputy Minister of Foreign Affairs, declared that 'there is no political will in Hungary to enact a law introducing discrimination on account of national origin, for it would throw into question Hungary's democracy and moral beliefs.'<sup>38</sup> However, a little later, after Prime Minister Zivkovic had declared that Serbia was not opposed in principle to dual citizenship and the ongoing talks between Vojvodina Hungarian and Hungarian Government experts, the office of Hungarian President Mádl Ferenc issued a statement saying that 'the Hungarian law does not rule out granting Hungarian citizenship, minus immigration or transfer permits, to all non-Hungarian citizens whose ancestors were citizens of Hungary and who pass the examination on the Hungarian Constitution in the Hungarian language.' The statement also said that 'a decision to simplify the granting of the Hungarian

matter on the agenda. It is interesting to note that the Hungarian opposition, which had ignored it while it was in power, supported the initiative. In order to add weight to the initiative and project it as a popular rather than elitist demand, the Vojvodina Hungarian parties collected some 50,000 signatures in its support.

<sup>35</sup> 'Our initiative was occasioned by the fact that the coming introduction of Schengen visas for SCG will prevent frequent contacts between Vojvodina Hungarians and Hungary,' Ágoston said. *Dnevnik*, 9 August 2003.

<sup>36</sup> Kasza said he could not understand why certain non-Hungarians are granted Hungarian citizenship after two or three months, given that ethnic Hungarians have to wait for it five or six years. 'My impression is that a Chinese - I hasten to add that I have nothing against them - will be granted Hungarian citizenship before a Vojvodina Hungarian.' *Dnevnik*, 26 July 2003.

<sup>37</sup> *Danas*, 9-10 August 2003.

<sup>38</sup> *Dnevnik*, 3 August 2003.

citizenship would be correct in so far as it would strengthen the feeling of the Hungarians in the neighbourhood of belonging to the Hungarian nation, help them to stay in their homes, and fortify the Hungarian national identity.'<sup>39</sup> The position of the Hungarian President was hailed by Vojvodina Hungarian's political representatives as a 'natural reaction'.<sup>40</sup>

Unlike the authorities and the nationalists, the former taking a favourable view of the dual citizenship initiative and the latter simply ignoring it, the Minority Rights Centre took a critical stand. In its opinion, 'Hungarians outside Hungary ought not to be entitled to dual citizenship for the sole reason that they are Hungarians, for Hungary is a civic state in which all national minorities are treated equally. If this thing [granting of dual citizenship] should come to pass, then Hungary could only be regarded as the nation state of the Hungarians, implying that all its other citizens such as Serbs, Roma or Romanians have become second-rate citizens.'<sup>41</sup> The Centre's position and appeal to the governments to give up the dual citizenship idea, 'whereby they would manifest their devotion to European democratic accomplishments', did not pass unnoticed. Serbian Deputy Prime Minister Kasza József said he had been rather surprised by the statement and observed that the Centre 'made no utterance during the previous decade, when the relentless pressure of the Milosevic regime resulted in the eviction of 50,000 Hungarians.'<sup>42</sup>

The issue of dual citizenship is a delicate one requiring much consideration. 'Our idea of dealing with the problem is by trying to fulfil the required conditions as soon as possible so as to have SCG included in the so-called white Schengen list. That would solve the problem not only with Hungary but also with all the countries in the region. Meanwhile, we are awaiting visa concessions from Hungary for all our citizens, which would naturally include the Hungarians living in Vojvodina,'<sup>43</sup> said Rasim Ljajic, the Minister for Human and Minority Rights. A new highly liberal visa regime introduced between the two countries on November 1: the Hungarian visas are

<sup>39</sup> *Gradjanski List*, 3 December 2003.

<sup>40</sup> Egeresi Sándor, the SVM vice-president, said that the requirement that Vojvodina Hungarians be familiar with the Hungarian Constitution should not cause any controversy. 'The right to reside in Hungary is what was really at issue. But the Vojvodina Hungarians never wanted that, just as we never demanded entitlement to pension, social welfare or health insurance. Our objective is to symbolize our belonging to the Hungarian nation in this way but also - and quite naturally - to possess a passport that is recognized in Europe.' *Dnevnik*, 3 December 2003.

<sup>41</sup> *Dnevnik*, 24 October 2003.

<sup>42</sup> *Dnevnik*, 29 October 2003. To be fair, the Centre could not have raised its voice against the pressure of the Milosevic regime during the previous decade because it did not exist at the time. What ought not to be forgotten, however, was the majority population's growing ethnocentrism aimed against the other communities in Vojvodina, especially the Hungarians. See Vladimir Ilic, *Prevladavanje proslosti u Vojvodini* (Overcoming the past in Vojvodina), Zarko Zrenjanin National City Library, Zrenjanin, p. 24, 2002.

<sup>43</sup> *Gradjanski List*, 2-3 August 2003.



free and valid for one year; businessmen, citizens with relatives in Hungary, and citizens living within 50 km of the Hungarian border are entitled to further concessions.<sup>44</sup>

Liberal though the new visa regime was, the Vojvodina Hungarians were not satisfied. They were also displeased at not being consulted when the two countries drafted an agreement to protect the Serb minority in Hungary and the Hungarian minority in Serbia. The agreement was signed by the two prime ministers in Budapest in October. 'They would have done well to have consulted us on some points when they concluded that agreement on the protection of the Hungarian minority. We are again in a position of having our lot decided without our participation. Though they may have asked the opinion of one Hungarian party or other, they did not consult all of them, so this thing is not representative enough,' said Páll Sándor, the President of the Democratic Party of Vojvodina Hungarians (DZVM).<sup>45</sup>

The bilateral agreement of the Federal Republic of Yugoslavia (FRY) and Hungary on the protection of minorities comprises 18 articles laying down the two parties' obligations regarding education, culture, information, the official use of language and the participation of minorities in public life with a view to preserving the minorities' national, linguistic, cultural and religious identity. Thus Article 2 (4) states that 'the rights laid down by this Agreement shall belong to the national minorities equally. The contracting parties recognize that the mode of exercise of these rights may depend on the numerical strength of the minority in question, with the proviso that the substance of these rights shall not be limited'. Article 2 (5) stipulates that the contracting parties will 'refrain from policies and measures aimed at the assimilation of persons belonging to national minorities', as well as 'refrain from measures likely to alter the relative numerical strength of the population in areas inhabited by minorities through preventing persons belonging to national minorities to exercise their rights'. Article 2 (6) states that 'the administrative and electoral districts at State and local self-government level shall not be altered for the purpose of placing national minorities in an inferior position'. Article 3 (2) stipulates that the contracting parties will assist in providing duty-free books, periodical, artistic publications and audio-visual material on a non-commercial basis, and Article 4 (8) that they will promote instruction in the languages, cultures and histories of the national minority and its mother country by providing textbooks and teaching aids for this purpose. Article 9 (2) guarantees minorities appropriate forms of minority self-government and/or cultural and personal autonomy. The contracting parties undertake under Article 12 (2) to 'restore to national minorities, that is, to church communities of national minorities and their organizations, property, resources, real estate, documents

<sup>44</sup> These citizens will be able to apply for border visas entitling them to an indefinite number of entries into Hungary within a year. *Dneonik*, 9 October 2003.

<sup>45</sup> *Gradjanski List*, 22 October 2003.

and archives appropriated through confiscation or otherwise.' In order to implement the agreement, the contracting parties undertake under Article 16 to set up an Intergovernmental Mixed Commission on National Minorities. The Commission members representing the Hungarian minority in the FRY will be nominated by the National Council of the Hungarian national community and those representing the Serb national minority in Hungary by the Serb Self-government. Article 2 states that the Commission will hold its meetings alternately in the two countries at least once a year. The Commission will take decisions by common accord of the two sides. Finally, Article 18 states that the agreement will stay valid five years.

A similar bilateral agreement to protect minorities had been initialled by the governments of the FRY and Romania in 2002. The objections raised by Páll in respect to the FRY-Hungary agreement could have been uttered almost verbatim by the Romanians, i.e. Vlachs, inhabiting eastern Serbia. After the graffiti 'Get out of Serbia!' appeared on February 2 on the premises of the Ariadnae filum Cultural Society of the Vlacho-Romanians of north-eastern Serbia, the society issued a statement warning that incidents of that kind could disturb the inter-communal relations in the town of Bor. This chief complaint, however, was that the position of the minority remained unchanged because the local authorities had done nothing to implement the Law on the Protection of Minorities adopted nearly a year ago. The local authorities' disinclination to help the operation of Vlach organizations was also criticized at the Assembly of the Vlach Culture Forum and the symposium on the emancipation of the national community held in Bor at the middle of July. The Assembly pointed out that communication with local and republican authorities, which ignore Vlach problems, was unsatisfactory; that Vlach organizations were not receiving material and moral assistance in their work; that no inter-ethnic council had been set up in areas inhabited by Vlachs; that no headway had been made in implementing the Law on the Protection of the Rights and Freedoms of National Minorities regarding the community; and that nothing had been done to implement an agreement to broadcast programmes in the Vlach language by Radio Bor.

The participants in the symposium reiterated that although the State had been bent on assimilating the Vlachs for over a hundred years, they had survived by adhering to their customs and language at all costs. They expected the new policy on minorities to help them solve the following crucial issues: mother language instruction in schools, mother language media, religious worship in the mother language and, finally, an end to the assimilation. Regarding the last demand, the Vlachs expect comprehensive help 'both from Serbia as the homeland of the Vlachs, and from Romania as their spiritual genitrix'. Pointing out that the Vlach problem was not a territorial issue, the

participants demanded that the Vlachs,<sup>46</sup> as Romanians inhabiting eastern Serbia, should have the same rights as the Banat Romanians. The participants also said that Vlach emancipation would greatly be encouraged and promoted by the establishment of cultural-educational centres in all municipalities with a Vlach population, as well as by synchronized efforts by Vlach organizations to preserve the community's identity. While such efforts would be especially welcome in cooperation with the Romanian National Council, the possibility was raised of Vlachs setting up their own National Council on account of their different cultural pattern.

Serbia's second-largest national community, the Bosniaks, established their National Council at the beginning of September. The electoral meeting, which voted the National Council, was not attended by representatives of the Party for Sandzak and the Sandzak Democratic Party, which justified their absence by alleging that the 'legal and political conditions are not ripe yet' for the election of a national council, since it was still uncertain whether Montenegro would recognize the council as operating on the level of the state union or would insist on a republican council.<sup>47</sup> In all probability, the two parties' main reason to boycott the meeting lay in their hope of improving their positions in the local (municipal) assemblies in the wake of the next parliamentary and local elections in order to have greater say in the formation and operation of the national council.<sup>48</sup> The electoral meeting had been preceded by a meeting of Bosniak parties, associations and non-governmental organizations to reach consensus on a minimum of common interests. The meeting adopted a joint Declaration enunciating that the 'Bosniaks of Sandzak, Serbia and Montenegro make up a single ethno-genetic, cultural and civilizational body together with the Bosniaks from the territory of the former SFRY... It is imperative to solve the status of the Bosniak community in SCG and the status of Sandzak as a region and [place of] the multi-national and multi-cultural life together of the Bosniaks, Serbs, Montenegrins and members of other nationalities with Novi Pazar as [its] political, cultural and economic centre'. The Declaration emphasizes that the constitutions of Serbia and

<sup>46</sup> Vlachs themselves are divided as to their identity: while some regard themselves as a separate ethnic identity distinct from the Romanians, others maintain that Vlachs are actually Romanians and that the controversy arises from the use of two ethnonyms, a practice which obtains in other cases (e.g. Rom - Gypsy, Albanian - Shqipetar, etc). Dragomir Dragic, president of the Vlach Culture Forum, points out that the ethnonym 'Vlach' does not exist in the word-stock of the Vlachs, who address each other as Romanians, but that they use the ethnonym in translating their name into Serbian. The Vlach problem, he says, is not an exercise in nominalism, but a question of realizing one's elementary ethnic rights.

<sup>47</sup> *Danas*, 8 August 2003.

<sup>48</sup> That these ambitions, rather than the justification offered, were at issue is plain from the statement by Mujo Mukovic, the vice-president of the Sandzak Democratic Party, that the Government of Montenegro does not recognize national councils. In other words, the two parties hope to make political capital of the voters' changed political mood relative to 2000 through greater influence in the national council. *Danas*, 25 August 2003.

Montenegro must acknowledge the interests of all the nationalities and so make possible the participation of Bosniaks in political, cultural and public affairs at all levels. It should be noted that the participants in this meeting expressed themselves against an electoral meeting to establish a national council.<sup>49</sup>

The Bosniak representatives also manifested their inability to reach agreement on electing a key representative body later, after the calling of extraordinary parliamentary elections in Serbia. In common with the political representatives of the Hungarian community, their Bosniak counterparts will contest the elections within two camps, some on the DS list of candidates and others as part of the 'Together for Tolerance' coalition. In this case, too, the ill-will and self-conceit of the leaders have divided the electorate, further undermining the Bosniaks' prospects for greater representation in Parliament. Aware of the shortcomings of the electoral law, the Bosniak parties insisted during the first three months of the year on its early abolition and put forward three versions. Mirsad Jusufovic, spokesman for the Sandzak Democratic Party, suggested introducing a 'natural' minimum vote requirement: 'We consider a natural minimum vote requirement the best solution, because in that case minority parties would not have to enter into broader coalitions'. Esad Dzudzevic, the vice-president of the 'List for Sandzak' coalition said that the current method of electing republican deputies was closely related to the decentralization and regionalization of Serbia: 'Our position is that the new constitution ought to define regions which would coincide with electoral districts'. Azem Ajdarevic, the vice-president of the Party for Sandzak, proposed reducing the minimum vote requirement to a reasonable level or enabling minorities to be represented in Parliament through affirmative action.<sup>50</sup>

In common with other minorities, the Sandzak Bosniaks have enough cause to be dissatisfied with the electoral law, but this is not the only source of their discontent. They resent the status of Sandzak as a region as well as their own status as a national minority. A discussion with Bosniak representative in November revealed a host of problems regarding Sandzak, participants repeatedly stressing that Serbia's post-October 2000 opening to the world had actually worsened the situation in the region because the state had taken no steps to protect the local industries and help entrepreneurs switch over from grey to regular economy. Another complaint was that the state was not investing enough in the region to raise its standards of living and fully benefit from its links with the Islamic world. The state, it was pointed out, underrated the local self-government and delayed meeting the requirements for the realization of foreign donations, notably one from Luxembourg worth several million euro. Some wanted to know why and under whose orders a police checkpoint had been set up near Kraljevo, and who stood to benefit most from

<sup>49</sup> *Danas*, 5 September 2003.

<sup>50</sup> *Danas*, 10 March 2003.

the one-sided and oversimplified media picture of Sandzak. Bosniak representatives who talked to the Helsinki Committee said that the media reported mostly negative occurrences to distort the truth about the Bosniaks and Sandzak.

Bosniak leaders also complained about the fact that the community had no representatives in the Serbian delegation to the state union Parliament, regarding it as a major omission on the part of the DOS and a bad message to the Bosniaks. They also criticized Zoran Cirkovic, a member of the Constitutional Commission, for declaring the calls for Sandzak's autonomy a counter-productive move bound to be opposed by the region's majority Serb municipalities. The inadequate institutionalization of Bosniak culture was another source of discontent. In order to develop self-reliance, it was said, the Bosniaks needed a cultural, linguistic and literary institute and a (regional) theatre, as well as to be taught more about their history and culture at school. The Bosniaks are also underrepresented in the administrative bodies, especially where they are in the minority, and are encountering resistance regarding official use of their language. Bosniak representatives said in their meeting with non-governmental organizations that the intentions of the political parties and the religious community to gain acceptance as the only valid and authentic representatives were merely deepening the rifts within the Bosniak community.<sup>51</sup> The present divisions, which come as no surprise, testify to the fact that the Bosniaks lack institutions which could accommodate the opposing interests. The opportunity to set up a national council to fulfil such a role was missed because the project had been resisted and doubted as being inadequately representative from the very start. Other than with changes made in the police force, the Bosniaks are displeased with the disinclination to discuss the things that went on in Sandzak, notably their persecution under the Milosevic regime.

Determining accountability for human rights violations is a matter of great importance because the victims must be given recompense and the state must give proof of its legitimacy. But as far as the Bosniaks are concerned, their expectations that the post-October 2000 Serbian elite will clarify the crimes have proven unfounded. Their hopes had been that the crimes against Bosniaks would not be treated as acts of violence by private persons, whether by individuals or paramilitary groups, but as part and parcel of state policy. The trial in Belgrade in the second half of January of four members of the paramilitary organization calling itself 'Avengers' on charges of war crimes against the civilian population attracted keen interest. Milan Lukic, Oliver Krsmancovic, Dragutin Dragicevic and Djordje Sevic<sup>52</sup> were accused of

<sup>51</sup> Kemal Dzemic of the non-governmental organization Gest told a round table meeting that the Bosniaks were discontented and desired a new political elite that would not put its narrow interests above those of the Bosniak community.

<sup>52</sup> The first two were tried in their absence although the press alleged that they would have been "available if there had been a little will", it having been reported recently that

belonging to a group which kidnapped 17 Muslims, including a woman, from a Sjeverin-Priboj bus near Mioce on 22 October 1992 and later liquidated them. According to the indictment, the Muslims were first driven to the Vilina vlas Hotel in Visegrad in Republika Srpska, where they were brutally tortured, then taken to the River Drina and either shot from automatic weapons or killed with knives. The bodies were thrown into the river. The indictment states that the crime was witnessed by a large number of residents of Visegrad municipality.<sup>53</sup> The defendants were sentenced to a total of 75 years in prison.<sup>54</sup> Dragoljub Todorovic, legal counsel for the relatives of the victims, noted that the rationale of judgement contained a number of inconsistencies: the court first accepted that the 'Avengers' were members of Visegrad Brigade; then it referred to them as an armed group; then it stated that Visegrad Brigade comprised no paramilitary formations. 'The intention was to exonerate the Army of Republika Srpska and the JNA,'<sup>55</sup> Todorovic stressed.<sup>56</sup>

In conclusion, it should be noted that the families of the victims were not satisfied with the judgement.<sup>57</sup> A society which, like Serbia's, aspires to democracy must possess legitimacy above all other things, not only because the victims must have redress but because the citizens must have confidence in their institutions and the democratic values proclaimed. Failure to bring to justice all persons involved in the crimes, including the instigators and organizers, slows down the democratic consolidation, hinders the process of political and moral renewal, and spreads mistrust in the 'new' order. Frustration born of the unwillingness to clarify the crimes is highly volatile and may bring about a radicalization of inter-ethnic relations. Viewed in this light, the incidents occurring in Sandzak, especially nationalistic outbursts during sports events. For instance, during a football match between Rad of Belgrade and the local team Novi Pazar the spectators were heard chanting 'We're gonna

---

Krsmancovic was "leading a quiet family life" in Visegrad and that Lukic was said to be in Obrenovac in Serbia. Lukic is also wanted by the Hague tribunal on charges of war crimes committed in Visegrad.' *Danas*, 29 September 2003.

<sup>53</sup> *Dnevnik*, 4 July 2003.

<sup>54</sup> Sefko Alomerovic, another counsel for the relatives of the victims, considers that the omission of Sabahudin Catovic from the judgement and the list of victims was a manipulation on the part of the court and the prosecution. *Danas*, 30 September 2003.

<sup>55</sup> *Danas*, 30 September 2003.

<sup>56</sup> The Helsinki Committee for Human Rights in Serbia warned that the judgements in the Sjeverin and Strpce cases showed that the state still resisted all attempts to examine its responsibility for and participation in the crimes committed during the wars in the former Yugoslavia.

<sup>57</sup> The reason was because the responsible state and military leaders had escaped justice. Expressing his satisfaction that the case had its epilogue in a court of law, Minister for Human and Minority Rights Rasim Ljajic, observed bitterly that the people who had ordered and organized the crime had not even been detained, let alone sentenced. 'Some of the instigators of this crime are on the territory of Republika Srpska, others in the power structures of the former Yugoslavia. This aspect of the crime spiral has not fully been clarified,' he said. *Danas*, 2 October 2003.

kill, we're gonna cut throats', 'Kill the Serb', 'From Topola all the way to Mt Ravna Gora... [a Serb Chetnik song]', 'Hashim Taqi, UCK', 'Radovan Karadzic', 'Mladic', 'Srebrenica', etc. A month later, in September, there was a similar incident during a match between Javor of Ivanjica and Novi Pazar, with fans banging on the door of the Novi Pazar changing room and shouting abuse even before the match began. Whereas Javor fans started shouting 'Turks, Turks' and 'Srebrenica' as soon as the match started, the Novi Pazar supporters were not let into the stadium until the 60th minute, after which they chanted 'Sandzak for another hundred years'. The Novi Pazar management complained that the conditions were highly irregular and blamed the incidents on the organizer and the referee from Kragujevac.<sup>58</sup>

Whereas during the rise of nationalism and later the Milosevic regime exploited sports events to enlist fans to be dispatched to the front as fighters, today's sports venues are the breeding ground for unrestrained and morbid rampaging, with supporters seeking to insult and humiliate the other side as much as possible while giving vent to their own accumulated hatred. In such an atmosphere, the crimes committed during the past decade tend to appear as mere sporting contests in a struggle for territories and living space. However, the violence sometimes spills out of the stadiums onto the streets, as happened during the water-polo final match between Croatia and SCG in Slovenia.<sup>59</sup> After the match, jubilant crowds in Belgrade and Novi Sad went on a rampage causing an international scandal.<sup>60</sup> Part of the crowd in Belgrade 'celebrating' the victory marched on the Croatian embassy chanting 'Serbia, Serbia' and 'Kill and cut throats till there are no more Croats'. After first skirmishes with the police, the rioters started to smash the large ornamental flower-pots outside the building and hurl stones and bottles at it. The windows having been smashed, a group of youths clambered onto the balcony, broke the Croatian coat-of-arms, and took down the Croatian flag and hoisted that of Serbia. In Novi Sad, the City Hall windows, shop windows and illuminated billboards were smashed, several aggravated larcenies committed, police cars and fire engines damaged, and the surrounding garden restaurants demolished. 'Nenad Canak is an Ustasha' was written on the wall of the City Hall, and 'Vukovar - Slijivancin' on the wall of the Vojvodjanska Banka. SRS supporters also wrote graffiti while some in the crowd sang 'Everything changes on the planet except Serbs and

<sup>58</sup> Even on their journey to Ivanjica, the Novi Pazar fans were repeatedly stopped by the police, searched and molested. The complaints are contained in the regular report of the Sandzak Committee for Human Rights.

<sup>59</sup> In Kranj, the violence spread to the streets surrounding the venue, with Croat supporters smashing and attacking all that stood in their path and chanting 'Kill, kill the Serb!' All Croatian newspapers condemned the incident stressing that the 'hooligans have finally worsted Croatian sport'.

<sup>60</sup> In connection with the attack on the Croatian embassy, the Croatian Ministry of Foreign Affairs delivered a note of protest to SCG Ambassador Milan Simurdic while Foreign Minister Tonino Picula cancelled a visit to Montenegro.

rocks' and 'Stambolic, you don't need no rain, you got snuffed by the Berets with lime' (Former Serbian president Ivan Stambolic was murdered by the Red Berets and buried in quick lime).<sup>61</sup> The Executive Council of the City Assembly (city government) held an emergency meeting at which it concluded that the 'riots were organized and planned in advance, the graffiti indicating who was behind them'.<sup>62</sup> The League of Social Democrats of Vojvodina issued a statement saying that the 'Novi Sad crystal night' had been organized by various quasi-patriotic and right-wing parties, lead by the Serbian Radical Party, with the object of causing insecurity and chaos. The SRS dismissed the accusations and said it was not behind the Belgrade and Novi Sad incidents. 'According to our information, as well as that of the Socialist Party of Serbia, the disturbances were caused by the presence of Nenad Canak, who probably did not like the fact that Serbia had beaten Croatia,' said SRS federal deputy Maja Gojkovic.<sup>63</sup>

While some attributed the Belgrade and Novi Sad incidents to the grave, frustrating and humiliating social and national situation in the country, dismissing direct but granting indirect political influence, various political organizations recognized an orchestrated action bearing the stamp of the Milosevic regime and its practices. For instance, the Vojvodina Movement announced that an attempt had been made, using the recipe tested during the late 1980s, to stir up trouble, deliberately targeting the multi-national and multi-confessional city of Novi Sad.

The city's tolerant character was put to a further test several months later when, during the night of September 27-28, 77 tombs and crosses were desecrated and a grave half dug up in the central part of the Catholic Cemetery, the area already having been defiled some ten days before. Three days after the incident, the police issued a statement saying that an intensive investigation had revealed that the damage had been done by two local secondary school pupils. Having drunk heavily, they arrived at the scene at about 10 p.m. and proceeded to smash the crosses and tombstones without an apparent motive. They also removed the slab covering a child's grave and dug it up using their hands. Having desecrated scores of graves in this way, they left the cemetery around 3 a.m. and went home. Though the police were given tribute for their swift and energetic action, some observed that two intoxicated juveniles could hardly have caused such extensive damage. The doubts were fuelled by the

<sup>61</sup> *Dnevnik*, 17 July 2003.

<sup>62</sup> Executive Council President Branislav Pomoriski said that the police ought to have done more to prevent the rioting. He said he had repeatedly tried to get in touch over mobile telephone with the head of the Novi Sad police but he was unavailable.

<sup>63</sup> *Gradjanski List*, 18 June 2003. Ask to account for the graffiti 'Vaivode Seselj' and 'SRS', Igor Mirovic, president of the Novi Sad SRS Board, replied that they were a spontaneous gesture by citizens who 'regard the City Hall as a symbol of the powerful Croat lobby in Novi Sad'. *Gradjanski List*, 17 June 2003.

public statement of one of the suspect's grandfather, who told *Dnevnik* that the 'police were covering up the truth about this deplorable incident'.<sup>64</sup>

This time, too, there were demands from various political and civil society quarters that the competent authorities find and punish the perpetrators of this act of vandalism. In a meeting with Egeresi Sándor, Deputy Speaker of the Vojvodina Assembly, and Dusko Radosavljevic, Vice-president of the Executive Council, representatives of about ten religious communities also condemned the act. Nonetheless, the representative of the Serbian Orthodox Church (SPC) blamed the desecration of the Catholic Cemetery on the excessive liberalization of Novi Sad and on the fact that the city had been host for a number of consecutive years to the Exit music festival. 'We all know what the main purpose of such a gathering is, namely that it is a hotbed of drug abuse and every other vice that exists today. Well, Novi Sad played host to one such gathering. It should therefore come as no surprise to us when we see the marks of such a gathering - quite by chance - in the Catholic Cemetery.'<sup>65</sup> This statement by Vladan Simic, secretary of the Eparchy of Backa, was seen as a blot on the SPC. Aleksandra Kolar, a spokeswoman for Exit, said she was surprised that the festival and the 'monstrous deed in the Catholic Cemetery' should have been connected and said she expected a 'church dignitary to apologize to the 150,000 people who attend the Exit programmes'.<sup>66</sup> There being no apology, the festival management asked the Bishop of Backa, Irinej, in an open letter whether 'the SPC is really of the opinion that Exit is a hotbed of drug abuse which encourages satanic rites'.<sup>67</sup>

The statement by the SPC representative would not have merited such attention had he merely linked the music festival and the incident in the Catholic Cemetery; but he saw the incident as an outcome of 'the excessive liberalization' of Novi Sad. For it is precisely liberalism, and its demand that Church and State be completely separated, that the SPC resents the most. The

<sup>64</sup> According to the grandfather of M. P., named as one of the culprits, the police statement contained much untruth. 'To begin with, it was said that the police had established the identity of the offenders through operative work. Whatever the police may have done, it was I and the mother of the girl A. K. who brought to children to them after they'd confessed to us what they'd done. Also, they said they'd searched the flats of A. K. and my grandson, which wasn't true. My grandson lives with me, and my flat wasn't searched. They also suppressed the fact that after the visit to the cafe, my grandson and A. K. went to the cemetery in the company of two girls, who left when the destruction of the tombstones started. I suppose they did that because one of the girls is a relative of a woman employee of the city Police Department... [The police also failed to mention that] at about 1 p.m. my grandson hired a 'Student' taxi at Futog Market and went home, so the allegation that he was inside the cemetery till 3 a.m. doesn't wash... I paid a visit to the police station shortly before 11 a.m. on Thursday to tell this to the head of the criminal police, Bosko Arsenijevic, but he wouldn't receive me when he heard who I was.' *Dnevnik*, 4 October 2003.

<sup>65</sup> *Gradjanski List*, 1 October 2003.

<sup>66</sup> *Gradjanski List*, 1 October 2003.

<sup>67</sup> *Danas*, 6 October 2003.

efforts of the SPC to impose itself as the ultimate national institution and a partner of the state have the backing of the media, the Army, and a number of ministries, notably the Ministry of Religious Affairs. By clericalizing the public domain, the SPC is turning into an obstacle to modernization and democratization of Serbian society, and to its confrontation with the past.<sup>68</sup> The SPC's ideological offensive no doubt culminated in the letter addressed to Aleksandar Karadjordjevic by Patriarch Pavle in the name of the SPC Holy Synod of Bishops, which stated that in the view of the SPC the decision to abolish the monarchy was a result of tyranny and should as such be voided. By declaring its preferred form of government, the SPC also made clear its ideological closeness to the political champions of monarchy who look upon the church as one of the three pillars on which Serbia should rest and who, in the final analysis, identify the nation with Christian Orthodoxy. The negative results of such identification are lack of religious tolerance on one hand and excessive intolerance especially of small religious communities.

The Society for the Protection of Religious Freedoms in Society carried out a survey which reveals that respondents are intolerant of small religious communities and often regard them as negative phenomena, deviant groups, 'Satanists', etc. The attitude towards such communities, believed to be 'apostates', is often hostile. According to the survey, 41 per cent of respondents in Serbia and 51 per cent in Montenegro would like to see such communities banned and even suppressed by violent methods. In view of such attitudes, the appearance of graffiti bearing the message 'The non-Orthodox ought not to live' on some churches, including the Adventist church in Kragujevac, does not come as too big a surprise. The plaque was defiled with a cross with four C-shaped tinderbox steels (an ancient Serbian coat-of-arms) and a message reading 'We are Orthodox'.<sup>69</sup> The windows of churches in Belgrade, Novi Sad, Negotin, Smederevo and Backa Palanka were broken<sup>70</sup> and the church in Zrenjanin stoned for the seventh time in a year.<sup>71</sup> In the same town in mid-April unidentified persons attacked and seriously injured the Christian Adventist Church district preacher, Josip Tikvicki.<sup>72</sup> The attacks on the home of the president of Sanatan Spiritual Science Society culminated on May 24, when

<sup>68</sup> This is evident in the statements by a number of church dignitaries who are trying to repudiate the Hague tribunal, among others, as an anti-Serb institution. According to Amfilohije Radovic, the tribunal is the long arm of those who bombed our country and wanted to shift the blame on the people on whom they perpetrated violence.

<sup>69</sup> *Danas*, 15 June 2003.

<sup>70</sup> *Danas*, 22 April 2003.

<sup>71</sup> *Gradjanski List*, 19-20 April 2003.

<sup>72</sup> Tikvicki suffered a concussion of the brain, a broken lower jaw and several fractured ribs. Before beating up Tikvicki, the attackers had smashed the Adventist church windows. The police found them soon afterwards. During the interrogation, they gave the 'death of the father of one of us' as the motive for the attack. They also said their only intention was the break the windows, not to hurt the priest.

unidentified persons threw a petrol bomb at it and set it on fire.<sup>73</sup> At the end of January, thieves robbed the 'Heart of Jesus' Catholic church in Apatin and destroyed things they could not carry away.<sup>74</sup>

Small religious communities are targeted because they are trans-national and challenge the mono-confessional tenet that a Serb is inevitably an Orthodox Christian. In its fight for the bodies and, especially, purses of believers, the SPC tolerates no competition. At the same time, wishing to establish itself as the guardian of the national values, the SPC practices discrimination itself: when the daily *Danas* applied for a copy of the SPC Holy Synod of Bishops Memorandum on Kosovo and Metohija in order to be able to inform its readers on time, the SPC Information Service replied that 'in considering applications of this kind, we take into account whether an application is written in the Cyrillic or in the alphabet of another people'. The daily published a commentary observing that the use of the Latin alphabet is not prohibited by law and that the law does not discriminate against citizens and public officials using the latter. The editors also wondered whether those who use the 'alphabet of another people' or belong to it ought to be deprived of information about Kosovo and Metohija.

Another ardent champion of the Cyrillic is the Cirilica Society for the Protection of the Cyrillic of the Serb Language. In its defence of what it terms 'one of the most perfect alphabets in the world', the Society argues that the uncalled for suppression of the Serb Cyrillic and its 'illegal, harmful and unnecessary replacement by the Croat Latin alphabet' ought to be prevented by 'all cultural, scientific and educational resources pooled together, through the work of state agencies, the Serbian Orthodox Church, the Serbian Academy of Sciences and Arts, the Central Serbian Cultural and Publishing Society (Matica Srpska), the Serb Language Standardization Committee, the Serb Language Institute, the Vuk [Karadzic] Foundation, the Serb Language University Departments, schools, educational workers, television and newspaper publishing establishments, Serb businessmen and the entire Serb people'.<sup>75</sup> In the opinion of the Society, the Serb people would not be what they are without the Cyrillic. In their naivete, for instance, the essentialists go to such ridiculous lengths as to attribute the preponderance of Latin-letter inscriptions on advertisement boards in Novi Sad to a 'general declension of the Serb people'. If one wishes to integrate with the world, one cannot avoid using the Latin alphabet extensively as a means of communication; however, pauperized masses kept in isolation from the rest of the world can at least have the pleasure of communicating among themselves in the 'perfect' Serbian Cyrillic. In this

<sup>73</sup> *Danas*, 10 June 2003.

<sup>74</sup> *Danas*, 1-2 February 2003. According to Boris Masic, a member of the church board, the stolen goods - ten ritual cups and a painting of motives from the Way of the Cross - were not particularly valuable save for the purpose of rite and as rarities and could not be replaced. The church had been robbed before, but this was the first time the police had been notified.

<sup>75</sup> *Dnevnik*, 3 December 2003.

regard, the nationalist paranoia culminates in the standpoint that the Coat Latin alphabet is a 'negation of the Serb name and Serb culture', as well as that the 'Serb name and the Latin alphabet are two incompatible categories'.<sup>76</sup> 'The Serb name and the Latin alphabet' are indeed incompatible, but only in a nationalist perspective, where an alphabet is stripped of its role as a medium of communication and turned into a symbol of national identification and employed to divide, separate and estrange people. The policy of the 'old regime' of building its legitimacy by denying the cultural compatibility of the Yugoslav peoples had horrible consequences, one of them being the camps.

The existence of camps for Croat prisoners in Serbia and Vojvodina is little known in Serbia, and those who ought to know something about them insist that there were not any. Thus, former Belgrade Military Court judge Milomir Salic alleges that 'there were no "concentration camps" for Croats in Serbia during the 1990s'.<sup>77</sup> The existence of camps was also denied by former FRY and Serbian president Slobodan Milosevic before the Hague tribunal. According to shorthand notes, Milosevic said this during the examination of Croatian President Stjepan Mesic: 'Mr. Mesic, are you aware that, when this propaganda about there being camps in Serbia started, I was approached by various foreign delegations who came to me on various business and asked me about the camps. My reply to each of them was: "You're welcome, I've got a helicopter on standby, jut put your finger anywhere on the map, it will take you there so you can see there's nothing there, there's nothing of the kind at any location in Serbia."'

Unlike the officials, who remain silent and have no intention of starting an official investigation, both witnesses and former prisoners have come forward to testify. Among them are two residents of Begej, Djordje Kitaresku and Viorel Gereu, who told a *Dnevnik* reporter of a camp near their village. Kitaresku, who had the rare privilege of accessing the camp, told the reporter that the 'prisoners went to collect their breakfast with their heads bowed and their hands behind their backs'. The camp was guarded by some 40 reservists, he guessed they were 'from Belgrade' because he could not believe that 'soldiers could be so shaggy'. 'Since they didn't warn me to keep silent about the camp, I can now say what I saw'.<sup>78</sup> 'The prisoners were ill-treated during

<sup>76</sup> *Srpska Rec*, 17 December 2003. It ought to be said that one does not preserve one's ethnic identity by resisting the Latin script, nor that its extensive use will cause the Serb alphabet to disappear in the next ten years, as its champions claim. But even if by some unlikely chance this were to happen, the Serbs would not be alone in this regard. Although the Turks, for instance, had created a magnificent civilization based on the Arabic script, they abandoned it and adopted the Latin alphabet once they realized they had to cast in their lot with Europe. Thanks to this, the Turks have since the day of Kemal Ataturk fortified their identity rather than lost it. See Dzemal Sokolovic, *Nacija protiv naroda* (Nation vs. People).

<sup>77</sup> *Danas*, 29 October 2003.

<sup>78</sup> Kitaresku says that in August 1992 someone accidentally set fire to the old camp fence while burning stubble in a field. When the incident was reported to the army, the army

the questioning. They were taken out one by one and asked where they came from and things like that. The man nicknamed "Seki the three-matchbox swindler" was the worst towards them. He was the one who beat them the most, and he bragged about that in the village restaurants,' Kitaresku said, adding that no one could say the prisoners were not beaten. 'I don't know about any murders, and I didn't hear any shots. But I saw an ambulance car with Zrenjanin registration arrive several times morning and evening.' Kitaresku said there were both soldiers and civilians in the camp, including eight or nine women. He saw no children. Asked whether anyone was raped, he replied: 'I can't tell you that. I don't talk about that'.<sup>79</sup>

The existence of the camp at Begejci was confirmed by Stipe Kastratovic, a former prisoner, among others. He was captured during fighting for Vukovar in the autumn of 1991 and transferred to the camp. 'It was a collective farm which we fenced in ourselves with barbed wire. We were watched by guards with Alsatian dogs. The camp consisted of stables. There was a stable which housed 600 or 700 men. We were regularly beaten there. Seven men died of it in the first four days'. Kastratovic remained there for two months before being exchanged in a group of prisoners. He and other prisoners said that the camp was later closed and the remaining prisoners transferred to camps at Stajicevo, Sremska Mitrovica, Nis, Pozarevac, and Belgrade.<sup>80</sup>

*Dnevnik* of Novi Sad reported that a 'Croat Society of Prisoners of Serb Concentration Camps' was founded in Zagreb. The Society has a website cataloguing the camps, describing the treatment of prisoners, and giving the names and/or nicknames of the torturers.<sup>81</sup> The Society's president, Danijel Rehak, says it will file a collective suit against the FRY, i.e. SCG, and the former Yugoslav People's Army (JNA).<sup>82</sup>

Rather than being fully made public and completely clarified, the question of camps has been glossed over and pushed under the carpet. Civic society institutions, too, failed to raise their voices although the matter is

---

replied: 'We've forgotten about that camp'. The camp was duly torn down and the bricks used to build a church in Visnjicevo village. *Dnevnik*, 29 October 2003.

<sup>79</sup> *Dnevnik*, 28-29 September 2002.

<sup>80</sup> *Dnevnik*, 29 October 2003.

<sup>81</sup> In addition to Begejci, the Society mentions camps at Mitrovica, Bujanj potok, Aleksinac, Nis, Paragovo, Savino selo (near Vrbas), Steanovac (near Ruma), Stajicevo (near Zrenjanin) and others. Its address is [www.hdlsk.hr](http://www.hdlsk.hr).

<sup>82</sup> Milomir Salic says that most captured members of the Croatian armed forces were held in the prison at Sremska Mitrovica between November 1991 and October 1992. He says that Danijel 'Danika' Rehak, former head of the Mobilization Centre in Vukovar and a war crimes suspect, was among them. He further says that all Croatian citizens indicted for war crimes were exchanged during the 'Nemetin exchange' of prisoners organized by then federal prime minister Milan Panic. 'Those who had already been sentenced in Serbia, including four given the death penalty, were also set at liberty. The [exchange] agreement stipulated that the judicial proceedings be resumed by the Croatian judiciary, but that never happened,' Salic said. *Danas*, 29 October 2003.

exceptionally important if there is ever to be a confrontation with the past. Traumatic experiences do not go away if they are denied or suppressed; they continue to simmer until they burst forth when the next favourable conjunction of historical circumstances occurs. A community proves its responsibility and maturity by dealing – in no uncertain terms and without drawing misleading parallels – with those pages of history which record its own regression into violence and its ignominious silence. Unfortunately, this community still lacks the responsibility and maturity it takes to do something like that.

Croatian President Stjepan Mesic, the first to pay an official visit to SCG since the Republic of Croatia gained independence, raised the question of the camps with a reporter with *Hrvatska rijec* (Croat word).<sup>83</sup> The visit is also worthy of mention because presidents Svetozar Marovic and Mesic made apologies to each other's citizens: Marovic said he wished to apologize for 'any evil done by any citizen of Montenegro and Serbia to anyone in Croatia'; Mesic said he accepted this 'symbolic apology' and added that on his part he 'apologises to all who were ever hurt or harmed by citizens of Croatia by abusing their position or acting contrary to law'.<sup>84</sup> The event elicited a favourable reaction, especially in Europe,<sup>85</sup> as a major step towards stabilizing the relations of the two country and a gesture of reconciliation to be emulated by others. Council of Europe Secretary-General Walter Schwimmer called on the two countries' governments to make an effort to reach an agreement on the rights of national minorities. Such an agreement has already been concluded with Hungary while agreements with Romania and Croatia are under way. An agreement of this kind will improve the position of a national minority inasmuch as it participates in its drafting through its representatives.

Since the October 5 overthrow, the position of the Croat minority has been improving perceptibly. The community has been recognized as a national minority, its language is now used officially, Croat-language classes have been formed in several schools, the news and current affairs weekly *Hrvatska rijec* was revived after 47 years, a national council was formed... The community's position could be further improved if state agencies, particularly those at

---

<sup>83</sup> '... whatever one might say, Serbia was at war with Croatia. Where then were the camps for our citizens? They were in Serbia! Did we wage war on the territory of Serbia and take Serbia's citizens to Croatia? We didn't! Were our citizens from Vukovar and other places taken to camps? We are still looking for over 1,200 of our citizens of whom all trace has been lost. Were they taken to Stajicevo, to Nis and other prisons? They were! Someone is responsible for that, so let the courts of law deal with that... Because we want cooperation, we want peoples [as a whole] to be exonerated from guilt.' *Hrvatska rijec*, 2003.

<sup>84</sup> That the apologies were in all probability impromptu could be inferred from the statement of Dragoljub Micunovic, president of the state union Assembly.

<sup>85</sup> The reaction in Croatia and Serbia was divided, the apologies having also been described as belated, shameful and humiliating, ludicrous, a lap in the face. Socialist Party of Serbia vice-president Milorad Ucelic, for instance, saw Marovic's gesture as a sop to the Croat National Council. He described the Croatian delegation as dignified and its SCG counterpart as obsequious.

republican and state union levels,<sup>86</sup> were to respond more favourably to its interest in intensifying cooperation. Likewise, Croats should be more appropriately represented in the public sector, their institutions, above all the National Council, should be adequately financed, and the social climate should move faster in the right direction. The animosity towards Croats, once incited and then fuelled by the media, persists stubbornly. For instance, in the restaurant of the Croat Culture Centre, the president of the Croat National Council Executive Committee was forbidden to speak by a guest who said he was 'irritated to hear Croats talk'.<sup>87</sup> The windows of the Tavankut Croat Centre in Sombor were broken during the night of December 27-28 and the bust of Croat peasant uprising hero Matija Gubec toppled on the eve of the New Year and again a few days later. The Catholic cross was smashed in the Mala Bosna district of Subotica. The residents of districts which saw the persecution of Croats are still unwilling to discuss the pressures and the evictions openly; even if such practices are occasionally admitted, they tend to be played down or presented as media exaggeration.<sup>88</sup> It should also be mentioned that the local Croats rightly expect the Republic of Croatia to help, and they were not satisfied with the distribution of Croatian state assistance to Croats in countries in the region: 'How come the 10,000 Croats in Romania got more than the 56,000 Croats in Vojvodina,' was what they wanted to know.

Other than wanting their fair share from the state budget, the Croat and other national minorities who have set up their representative bodies are keenly interested in the announced devolution of founding rights from the Vojvodina Assembly<sup>89</sup> on the national councils.<sup>90</sup> The devolution proposal stems from the

<sup>86</sup> Croat National Council president Josip Ivanovic says that there are hardly any contacts with republican and state union agencies other than with the Ministry for Human and Minority Rights and that cooperation with provincial authorities is far more successful.

<sup>87</sup> *Danas*, 9 December 2003.

<sup>88</sup> A field report by *Dnevnik* (22 February 2003) quotes a resident of Novi Slankamen as saying: 'Problems did exist at the time, but not as serious as you say in your reports... It all started when the Croat flag was hoisted up on the Peasant Club, though some of the organizers of that are still in Slankamen and nothing happened to them. On the other hand, there were cases of people tossing hand grenades into their own houses or yards. One of them went so far as to fake a shell explosion in his yard'. One of the consequences of such Croat 'exhibitionism' was the altered national structure of this village in Srem.

<sup>89</sup> The Vojvodina Assembly is the founder of eight newspaper publishing establishments: *Dnevnik*, *Hlas ludu*, *Magyar Szó*, *Hrvatska rijec*, *Liberate*, *Ruske slovo*, *Them*, and *Het nap*. There is a motion to privatize *Dnevnik*, subject to the agreement of the Vojvodina Assembly as founder.

<sup>90</sup> The decision has a formal basis in the Law on Public Information. The law states that a public media organization may not be established directly or indirectly by the state or a territorial autonomy, or by an institution, enterprise or any other legal entity which is either majority owned by the state or is wholly or majority financed from public funds, except where stipulated by a separate broadcasting law.

provincial Secretariat for Information,<sup>91</sup> which has been tasked by the provincial government, which endorsed the proposal, with drafting a devolution decision by the end of the year. However, at the provincial government's meeting early in December, provincial Prime Minister Djordje Djukic said that the proposal had been removed from the agenda at his insistence because it was incomplete. He explained that since the provincial Secretary had failed to obtain the opinions of the republican Ministry of Culture and Media and of all the national councils, the proposal would not be discussed at the next meeting set for the latter part of December either.<sup>92</sup> The proposal had elicited various reactions: some were enthusiastic because they saw in devolution a chance for the national minorities to create policies through their national councils in domains of vital importance for the preservation of their identity;<sup>93</sup> others feared the possibility of print media turning into party organs, a situation obtaining before the 5 October 2000 overthrow.<sup>94</sup> In view of the controversy surrounding the establishment of the national councils, some expressed reserves as to their ability to run the media<sup>95</sup> and did not believe devolution would really help minority media become providers of public services. It had also been pointed out on several occasions that the funding of national councils remained unresolved and that a law to regulate the manner of their election was yet to be adopted.

A letter from the provincial Secretary for Information circulated to the national councils,<sup>96</sup> asking them to make known their positions within twenty days on the planned harmonization of the status of newspaper-publishing houses with the Law on Public Information, was criticized by the editors of *Magyar Szó*: 'Yet another political decision is shaping up, without so much as even consulting any of those who are most concerned, i.e. the editors of *Magyar Szó*, its organs of management, Governing Board, director, executive director, editorial collegium.' The last demanded in a statement that the mode of financing the newspaper be regulated in detail to ensure stability, and that the founder undertake to consult the editorial board on any decision regarding

<sup>91</sup> It should be noted that Rafail Ruskovski is both provincial Secretary for Information and president of the Ruthenian National Council.

<sup>92</sup> *Gradjanski List*, 4 December 2003.

<sup>93</sup> *Dnevnik*, 12 September 2003.

<sup>94</sup> *Danas*, 12 September 2003.

<sup>95</sup> In the opinion of Niku Cobanau, director of the Libertate newspaper publishing association, the national councils lack the competence to operate such establishments. He termed the proposal of the provincial Secretary for Information unlawful and asked why some continue to insist on it. Doubts about the competence of the Ruthenian National Council were expressed by, among others, Djura Papharhai, the Ruthenian writer and journalist. *Gradjanski List*, 25 November 2003.

<sup>96</sup> By the time the letter was sent, the following nine national councils had been founded: Hungarian, Ruthenian, Romanian, Croat, Slovak, Bunjevac, Bulgarian, Ukrainian, and Roma.



privatization<sup>97</sup> and appointment of the executive editor.<sup>98</sup> At another panel discussion organized by the Journalist Association of Serbia (UNS), *Hlas ludu* director Jaroslav Ciep asked: 'What guarantees can the province give that these establishments will survive? The Backi Petrovac premises were swapped for two floors in the *Dnevnik* building, but that was never entered in the books. The privatization of *Dnevnik* has already been advertised, and other enterprises belonging to this holding company are due for privatization soon. The minority editorial offices will be left without a thing'.<sup>99</sup> At the panel, Olga Papuga, a journalist with *Rusko slovo*, denied rumours that the editors were in favour of devolution. She said that unlike management, who are closely connected with the provincial Secretariat for Information, the journalists were opposed but no one asked their opinion.<sup>100</sup> There is yet another problem that merits attention: unlike, for instance, *Hlas ludu*, which has operated for decades, the *Hrvatska rijec* and *Them* newspaper-publishing enterprises were only launched in 2003 and are therefore not in the same position as others; for instance, matters regarding premises, constitution and staffing are to be finalized. The Executive Board of the Croat National Council says in a statement that this problem ought to be borne in mind in implementing a strategy harmonization of newspaper-publishing establishments.

Finally, how are the minority print media to be financed? According to Ruskovski, the state is still under an obligation to provide money assistance to minority media establishments; the money does not go to publishing establishments with a requisite number of employees and a complete infrastructure, but for projects entitled *Hrvatska rijec*, *Liberatatea*, *Rusko slovo*, etc. In other words, money will be available for projects subject to a yearly quality review. But the next logical question to ask is, who is qualified to say whether a project is good or not? Certainly not the market: if left at the mercy of the market, the minority media would soon disappear because they have the initial disadvantage of addressing only a small portion thereof. Who else then? The more or less enlightened provincial bureaucracy, though its competence and objectivity will always be open to doubt, especially in view of its power to deny

<sup>97</sup> At a panel discussion in Novi Sad sponsored by the Helsinki Committee to discuss the projected devolution of founding rights, provincial Secretary for Information Rafail Ruskovski said that in the event of national councils not wanting to assume such rights, the provincial Parliament will rule on the manner of transfer and privatization. For a media establishment, being adopted by a national council does not mean being out of the wood, for the 'new owner' can still affect their future in various ways, e.g. through privatization, capital increase, merger, etc.

<sup>98</sup> *Gradjanski List*, 26 September 2003.

<sup>99</sup> *Gradjanski List*, 25 November 2003. An article published in *Dnevnik* early in September says that before deciding to transfer founding rights to national councils, the provincial Secretariat for Information will ask the Assets Board of the Serbian Government to provide business premises for all these media establishments to ensure their uninterrupted work. *Dnevnik*, 9 September 2003.

<sup>100</sup> *Gradjanski List*, 25 November 2003.

financial assistance to a media establishment which, in its opinion, does not serve its purpose.

In view of the fact that the Law on Public Information allows minority media establishments to receive state assistance until April 2005, a logical question to ask is, Why all this hurry regarding the devolution of founding rights? In its reply to the *Libertatea* Newspaper-publishing Association, which had requested an opinion on the matter, the Ministry for Culture and Media said the question ought to be carefully resolved during 2004. But even the Ministry was not quite explicit: it replied that national councils which are financed predominantly from the budget cannot be founders of public media, but that those which receive more in donations than from the budget can. This distinction between national councils in the Ministry's reply is highly controversial and has no basis whatever in the Law on the Protection of the Rights and Freedoms of National Minorities. Article 19 (5) of the Law states: 'A [national] council is financed from the budget and donations', there being no reference to any 'predominant financing', nor is such financing made a condition of entitlement to take over founding rights. An inference to be drawn from the Ministry's reply is that only those national councils which agree to play the role of a non-governmental organization may become founders. But national councils are not non-governmental organizations; they are part of the state administration which, the law says, cannot be founder of public media outlets.

In 2003, national councils were formed by the Slovak, Bunjevac, Bulgarian, Ukrainian, Roma, and Bosniak national communities. Although over a year has passed since the establishment of the first national council,<sup>101</sup> there is still no law to regulate their election and financing. The establishment of national councils has given rise to great hopes and ambitious plans which are fully incompatible with the council's financial potential. For instance, since only 300,000 dinars was provided to meet the needs of the Slovak National Council, members are forced to pay out of their own pockets to keep it going.<sup>102</sup> Minister for Human and Minority Rights Rasim Ljajic said in an interview he doubted that he would be able to provide the whole sum necessary to finance the national councils because, in view of the budget of the future state union and the economic potential of the state, the amount was excessive. 'We will try to get international donors interested in order that we may help national councils to fulfil a minimum of their functions at least in the present initial phase of their

<sup>101</sup> The Hungarian national minority was the first to set up its national council, on 21 September 2002 in Subotica.

<sup>102</sup> 'I really have no good word for the state; on the other hand, the province set aside some resources although it was under no obligation to do so. I am fully aware of the situation we're in... so I want to believe that next year will be better'. These words, uttered by Ana Makan, president of the Slovak National Council, could have been spoken by any of her counterparts. *Hrvatska rijec*, 21 November 2003.

establishment'.<sup>103</sup> However, apart from funds, national councils lack premises and even basic equipment such as computers, telephones, office materials... The Ruthenian National Council and its Slovak counterpart uses the equipment and premises of *Rusko slovo* and the Slovak desk at Novi Sad RTV respectively. As Ana Makan asked, 'What happens when the new manager comes who has no sympathy for our situation and says: "I'm sorry, as a national institution you can't stay here."? I personally consider it ridiculous and impermissible that the highest representative body of a minority cannot have its own premises and must operate as a "sub-tenant" on the premises of the institution it has to take care of.'<sup>104</sup>

Considering that the national councils are perceived by their respective minorities as strategically the most important institutions, any failure to provide them with a minimum of conditions either through incompetence or otherwise can be a cause of minority radicalization. Poor communication with republican and state union authorities cannot be offset by greater understanding on the part of the provincial organs. Hungarian National Council president Józsa László argues that it does not matter who will finance the work of the councils as long as some authority provides what it necessary. He says that the problem was brought to the attention of the Ministry of Finance several times but that unfortunately no reply arrived.

Unlike changes in society, changes in the normative sphere have been easier to make though not altogether without problems. Several important documents were adopted in the course of the year and the European Convention on the Protection of Human Rights and Fundamental Freedoms was ratified in the last days of December.<sup>105</sup> The ratification by the SCG Assembly was described as the most important date in the history of the new state<sup>106</sup> because its chief beneficiaries, the citizens of Serbia and Montenegro, will in future be able to seek and obtain redress before the European Court for Human Rights in Strasbourg after all domestic remedies have been exhausted.<sup>107</sup>

<sup>103</sup> *Dnevnik*, 26 January 2003. Minister Ljajic said he would also try to activate a Federal Fund. Under the Law on National Minorities, a Federal Fund should have been set up to stimulate the social, economic, cultural and general development of national minorities.

<sup>104</sup> *Hrvatska rijec*, 21 November 2003.

<sup>105</sup> The same day, the SCG Assembly ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment. The governments of Serbia and Montenegro expressed reserve in both cases because domestic law as a whole is not harmonized with European law, there being a three-year time limit to eliminate the discrepancies. The SCG Assembly is to adopt other European documents such as the Charter for Regional and Minority Languages.

<sup>106</sup> SCG Assembly Speaker Dragoljub Micunovic.

<sup>107</sup> 'A judgement by the European Court is explicit and the member state against which it was rendered can hardly circumvent or fail to implement it. Enforcement of the Court's judgements is supervised by the Committee of Ministers, regarding not only the state's obligation to settle the damages, but also to take other specific action in respect of the breach of

Early in February the Constitutional Charter of the State Union of Serbia and Montenegro was adopted by all three assemblies, i.e. those of Serbia, Montenegro, and the FRY. Article 9 of the Constitutional Charter states that the member state regulate, ensure and protect human and minority rights and civil liberties on their territories, that the achieved level of human and minority rights, individual and collective, and of civil liberties may not be reduced, and that Serbia and Montenegro will monitor the implementation of human and minority rights and civil liberties and will ensure their protection if such protection is not ensured in the member states.

Article 8 stipulates that a Charter of Human and Minority Rights and Civil Liberties forms an integral part of the Constitutional Charter. The Charter on Human and Minority Rights and Civil Liberties was adopted by the two Federal Assembly Chambers at the end of February. The Charter comprises three sections: the first contains general provisions, the second enumerates human rights and fundamental freedoms, and the third spells out the rights of persons belonging to national minorities. The general provisions (articles 1 through 10) provide for the obligation of all to respect human and minority rights and prohibit any discrimination on any ground such as race, colour, sex, national or social origin, birth or similar status, political or other opinion, property status, culture, language and so on. Restrictions of human and minority rights may not be imposed for any other purposes except for those for which they have been prescribed. Upon the official declaration of the state of war or other public emergency, measures derogating from human and minority rights guaranteed by the Charter may be permitted but only to the extent required by the exigencies of the situation. The derogation may not result in any discrimination on the ground of race, colour, sex, language, religion and national or social origin. Measures derogating from human and minority rights which are prescribed by the SCG Assembly or the Council of Ministers will be valid for 90 days and may be extended for another 90 days upon the expiry of the first period. The Charter makes clear that 'Measures derogating from human and minority rights shall in no case be permitted with respect to rights guaranteed under Articles 1, 11, 13, 14, 17, 19, 20, 21, 25, 26, 35, 50 and 51 of this charter.' Also under this section, everyone who believes that any of his human or minority rights has been violated or denied has the right to submit a complaint to the Court of SCG unless other legal protection is provided in the members state. Decisions of international authorities will be implemented and costs borne by the state union or a member state authority or organization exercising public powers that violated or denied the right guaranteed by the international treaty applicable in SCG.

rights in question. This action, says Vesna Rakic-Vodinelic, may necessitate a retrial before domestic authorities, an amendment of domestic law or judicial procedure, quashing a decision by a domestic authority, etc.' *Dnevnik*, 28 December 2003.

The second, largest section of the Charter (articles 11 through 46) spells out specific human rights and fundamental freedoms and provisions: the right to life, inviolability of physical well-being or mental integrity, prohibition of slavery or servitude, right to liberty and security, additional guarantees to persons deprived of their liberty, special guarantees, right to a fair trial, right to a legal remedy, presumption of innocence, prohibition of retroactivity, *ne bis in idem* (no one may be liable to be triad twice for the same punishable act), right to rehabilitation and compensation for wrongful conviction in criminal proceedings, right to property, right to respect for private and family life, right to marry, freedom of thought, conscience and religion, equality of religious communities, conscientious objection, freedom of opinion and expression, freedom of mass media, freedom of assembly, freedom of association, right to free elections, right to petition, citizenship, legal age, right to freedom of movement, right to refuge in the state union of Serbia and Montenegro, special protection of family, mother and child, right to work, right to go on strike, social welfare and social security, freedom of scientific and artistic creation, right to health care, and healthy environment.

The third section deals with the rights of persons belonging to national minorities. It states that those persons have individual and collective rights, collective rights implying that persons belonging to national minorities take part, directly or through their elected representatives, in the decision-making process or decide on issues related to their culture, education, information and the use of language and script, in accordance with the law. For the purpose of exercising their rights in the above fields, they may elect their national councils. The freedom of every person belonging to a national minority to express his or her national origin is guaranteed. Any discrimination based on belonging to a national minority is prohibited, as is any forcible assimilation. Instigation of racial, ethnic and religious hatred is prohibited. The longest article, Article 52, contains 12 sub-paragraphs guaranteeing the maintenance of identity. Persons belonging to national minorities have the right to establish unhindered relations and to cooperate with their compatriots in other states. Under Article 55, the member states undertake to promote full and effective equality between persons belonging to national minorities and persons belonging to the majority, in all spheres of the economic, social, political and cultural life. In the fields of education, culture and the media, the state union as well as the member states will encourage a spirit of tolerance and multi-cultural dialogue. The last article, Article 52, stipulates that the achieved level of human and minority rights may not be reduced.

The third section of the Charter extends the rights of national minorities relative to the federal Law on the Protection of the Rights and Freedoms of National Minorities. For instance, Article 52 (9) guarantees 'a certain number of mandates in the Assembly of the state union of Serbia and Montenegro, proceeding from the principle of direct representation, in accordance with the laws of the member states', while the next paragraph guarantees persons

belonging to national minorities the right 'to be adequately represented in public services, state authorities and local self-governance authorities', this being a much wider provision than that of Article 21 of the Law.

In discussing the rights of national minorities, mention should be made of the Decision on the More Specific Regulation of Particular Questions of the Official Use of the Languages and Scripts of National Minorities on the Territory of the Autonomous Province of Vojvodina. The matter is regulated by the Law on the Official Use of Languages (1991), the enforcement of which has given rise to extremely dissimilar results, for the Law allows the municipalities to decide in their articles whether a minority language is in official use or not. The absence of any relevant criteria in the Law has led to absurd situations: in some municipalities with a fairly large minority (e.g. Apatin), the minority language is not in official use; on the other hand, in others (e.g. Backa Topola) the language of the inconsiderable minority is. The Law on the Protection of the Rights and Freedoms of National Minorities eliminates this shortcoming by specifying that the language and script of a national minority must be used officially if the minority accounts for at least 15 per cent of the municipal population, according to the last census. The latest Decision of the provincial Assembly (Article 8 (3)) goes even further: 'Where the language and script of a national minority is not in official use throughout the territory of a local unit of self-government, the language and script of the national minority will be brought into official use in a locality or a local community on its territory if the national minority accounts for 25 per cent of the population of the locality or local community according to the results of the latest population census'. Article 5 is also worthy of notice: 'In areas where languages of national minorities are in official use, authorities supplying citizens with electricity, natural gas, utilities, post and telegraph services and collecting payment for them shall provide their service consumers with multi-lingual invoices, various certificates and receipts and notices regarding these services in the Serbian language and the national minority language(s) in official use'. Article 7 lays down the obligation of the national councils to determine the traditional names of towns, municipalities and settlements within three months following the date on which this Decision takes effect.<sup>108</sup> Failing this, the names will be determined by the Vojvodina Executive Council (government), in cooperation with local self-government units, national minority organizations and linguistic, history and geography experts of the minorities concerned. Failure to implement the Decision carries a fine from 50,000 to 100,000 dinars depending on who was responsible and which article of the Decision was breached.<sup>109</sup>

Implementation of the Decision, designed to ensure adequate exercise of minority rights, is not without problems. For instance, Hungarian names for

<sup>108</sup> The decision was adopted by the provincial Assembly on 15 May 2003.

<sup>109</sup> According to Korhecz Tamás, violations of the Law had become a rule rather than an exception.

260 settlements determined by the Hungarian National Council were objected to in some municipalities. The Statute of the Municipal Assembly of Novi Knezevac, where a proposal to adopt the name Torokkanizsa (Turkish Kanjiza) for official use was resisted, still does not regulate the use of Hungarian traditional place-names 'because that may provoke undesired reaction on the part of radical Serb elements'.<sup>110</sup> The provincial Secretary for Minority Rights, Administration and Regulations, Korhecz Tamás, says that 'there have been deliberate attempts to mislead citizens into believing that place-names were being changed, which is not true. The official names of settlements and toponyms in the Serbian language are not going to change; all that's being done is determining traditional names in a minority language context'.<sup>111</sup> However, there was more to it than mere manipulation: in early December, the Vojvodina coat-of-arms on the plaque on the Municipal Assembly building in Zrenjanin was sprayed over in black, and the plaque itself was smashed a few days later. In addition to the official Serb name, the plaque bears the town's old Hungarian name of Nagybecskerek.<sup>112</sup>

The above examples of resistance to change bear witness to a grim legacy obstructing the full exercise of minority rights. The profound effects of the former policy on inter-ethnic relations are also borne out in a survey of 39 secondary schools in 22 Vojvodina towns carried out by the Novi Sad agency Scan. The survey shows that Vojvodina secondary-school pupils are full of prejudice and highly intolerant of members of other nations and churches.<sup>113</sup> The consequences of conflict, break-up of the country, war and crimes, repression, persecution, rampant crime and general pauperization can be eliminated neither easily nor quickly. Once created, mistrust tends to spread and affect all groups. It therefore comes as no surprise that only one out of ten secondary school pupils wants to learn about the culture of other nations in Vojvodina, or that a great many of them (16 per cent, mostly Hungarians and Croats) have problems for belonging to a particular nation. In view of the fact that the above problems are compounded by the unwillingness of society or rather individuals to confront the past and all that was done 'in our name', one fears that things may go on being as they are for ever.

As Ljajic observed, the state does not grant minority rights easily. But even when it does, minority rights are exercised only with difficulty and often violated. As regards their protection, the Law on the Protection of the Rights and Freedoms of National Minorities envisages a special protection mechanism

<sup>110</sup> *Dnevnik*, 20 October 2003.

<sup>111</sup> *Dnevnik*, 20 October 2003. In the municipality of Kanjiza, only one councillor abstained when the municipal statute was amended and the hitherto Hungarian name of the town changed from Kanizsa to Magyarkanizsa (Hungarian Kanjiza).

<sup>112</sup> *Danas*, 22 December 2003.

<sup>113</sup> 'Although some parents and professors complain that pupils attending Hungarian classes in some secondary schools [in Subotica] are exposed to open ridicule and threats by other children, such incidents are being surprisingly covered up'. *Danas*, 9 December 2003.

through the Federal Council for National Minorities. The Law states that the composition and competence of the Council will be determined by the Federal Government and that the Council will be composed of national council representatives. However, this political mechanism was never constituted, just as the Federal Fund for National Minorities never came to life.<sup>114</sup> Nonetheless, a major step forward was taken in Vojvodina whose Assembly elected the first ombudsman in Serbia in accordance with its Provincial Ombudsman Decision. The ombudsman is defined as an independent and autonomous authority ensuring promotion of human rights and freedoms and their protection against violations by provincial and municipal administrative bodies, organizations and public services founded by the province or by the municipalities and exercising administrative and public powers. The ombudsman has five deputies of whom one has the duty of supervising and monitoring the exercise of national minority rights and of initiating criminal, disciplinary and other proceedings before competent authorities in case of a violation.<sup>115</sup>

The admission of the state union of Serbia and Montenegro to the Council of Europe is important psychologically because it implies that the present level of human rights will not fall. The ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms has provided the citizens with a powerful tool for protecting their rights, because they can now obtain satisfaction before the European Court in Strasbourg if all their efforts before domestic courts have failed. This possibility will no doubt cause domestic courts of law to expedite their work and will facilitate the harmonization of the national legislation with international standards, which, after all, is an obligation of the state union. However, it should not be forgotten that the state union was admitted to the Council of Europe shortly after the assassination of Serbian prime minister Zoran Djindjic, indicating above all a wish to reinforce the pro-Europe forces in post-Milosevic Serbia. Unfortunately, these forces are today on the defensive, the reform-oriented bloc having been broken up by irresponsibility, irreconcilable particular interests, affairs and scandals. During the election campaign, some from this bloc furnished evidence that they are not above playing on

<sup>114</sup> Under the Law on the Protection of the Rights and Freedoms of National Minorities, the purpose of the Fund is to stimulate the social, economic, cultural and general development of national minorities.

<sup>115</sup> Article 15 of the Provincial Ombudsman Decision enumerates the following duties, among others, of the deputy ombudsman for national minority rights: monitoring the implementation of international standards on national minority rights; overseeing the adoption of new and the amendment of existing rules and regulations in all domains associated with the exercise of national minority rights; preparing an annual report on the exercise of national minority rights; keeping the public informed about the situation of national minority rights; organizing consultations on the exercise of and respect for national minority rights; undertaking activities designed to raise public awareness of problems associated with the exercise of national minority rights.

xenophobia<sup>116</sup> or employing an anti-Hague rhetoric.<sup>117</sup> The rise of the nationalist Serbian Radical Party and several anti-minority incidents marked the end of the year. The new Serbian parliament will have fewer minority representative than its predecessor<sup>118</sup> as a result of the high minimum vote requirement, there being no political will to amend the election law. Next year, therefore, one should expect a radicalization of the minority question, as well as of the question of Vojvodina's autonomy.

---

<sup>116</sup> 'Each container with Chinese goods entering Serbia means one hundred jobs less,' said Mirojub Labus, president of G17 Plus. He criticized the Ministry of Finance for allowing Chinese products into the country and thus causing growing unemployment in the textile industry. *Danas*, 22 December 2003.

<sup>117</sup> Serbian Prime Minister Zoran Zivkovic said he had 'suspicions that Carla Del Ponte works for either the Socialist or the Radical election headquarters. She certainly works for one of them, the only thing I'm not sure about is whether on a voluntary basis or for a fee'. *Danas*, 22 December 2003.

<sup>118</sup> The 5 per cent minimum vote requirement effectively prevents a minority party from entering Parliament, so it has to combine with others into a coalition in order to qualify. However, the more minority coalitions, the less chance of fulfilling the requirement. In the event of a relatively large voter turnout, a decision to compete in two groups to all intents and purposes means a decision to stay away from Parliament. Owing to the poor election results of the Together for Tolerance Coalition, one of its leaders, Kasza József, tendered his resignation as SVM president. That this option did not occur to the other coalition leaders bespeaks the low level of their political culture and their lack of political responsibility. In order to fulfil the high minimum vote requirement, politicians must behave responsibly, suppress their vanity and contest the election in one rather than several columns in order not to compete with each other in the fight for votes and thus reduce their chances of reaching Parliament. But, as has been proved time and again, the most appropriate solutions are not always the most realistic as far as politics are concerned.

## Conclusions

- the efforts to improve the position of national minorities made greater headway in the formative sphere than in society itself;
- the rise of the Right, which follows in the wake of the assassination of the prime minister and several failed presidential elections, does not augur well for the realization of minority rights and the continuation of reforms in society;
- the high level of intolerance and ethnocentrism among young people gave rise to concern;
- persons belonging to the Roma community were still the most vulnerable minority, and there was practically no progress towards the realization of elementary Vlach ethnic rights;
- the disinclination of the state to clarify the crimes against minorities further undermined its shaky legitimacy and slowed the democratic consolidation of society;
- the advocacy of violent methods by large numbers of citizens against small religious communities was alarming, signalling a rise of Orthodox fundamentalism and a poor state of religious freedoms.

## Recommendations

- a new election law should be passed or the existing one amended in order to ensure the presence of minorities in Parliament;
- financial and all other necessary resources should be provided for the operation of minority representative bodies;
- a law should be passed to regulate the election of national councils;
- in order to protect minority rights more effectively, the competent state authorities must react on time, especially in cases involving expression of national and religious hatred and intolerance.



# **Vojvodina: Between Autonomy and Centralism**

## **Introduction**

The issue of Vojvodina weighs the political life in Serbia and latently threatens with radicalization. For, Belgrade not only ignores Vojvodina's specificity, but also attempts to centralize it through various regional solutions. The problem in itself speaks of Serbia's complexity and calls for a thorough debate about a Serbia its citizens would like to see. The 1974 Constitution recognized Serbia's complexity as it offered a federal concept. However, certain political circles have never accepted a solution as such. In 1970s with the deposal of Yugoslavia's democracy-oriented leaderships, conservative views prevailed in Serbia and the very idea of Serbia as a complex state was abandoned. Dogmatic wings in both the Communist Party and the Army triumphed along with the centralistic concept that has been jeopardizing Serbia itself ever since. The 1990 constitutional amendments that annulled autonomous statuses of Vojvodina and Kosovo heralded Yugoslavia's disintegration and additionally imperiled Serbia proper: an outcome as such still figures as its major stumbling bloc in the way of overall development.

The concept of regionalization presently on the table for Vojvodina degrades it. By equaling it with other regions, this concept negates Vojvodina's specificity. True, regionalization is the contemporary world's mainstream. However, as a concept it must include both decentralization and local self-government. As a notably multiethnic region, Vojvodina has always acknowledged its variety as a way of life. And this is what the dominant political current of Serbia denies. Vojvodina's historical legacy has always made it different from other regions: its economy has been dynamic (in ex-Yugoslavia, it used to be among the three most developed regions) and its eyes have been turned to Europe, primarily to its neighbors. Should such potential be put to use, Vojvodina would speed up Serbia's transition and normalization of its neighborly relations.

Within the Greater Serbia project, Vojvodina has been treated as booty, and, therefore, subjected to an engineering of sorts. Himself viewing Vojvodina as a booty, Dobrica Cosic, ideologist of the Greater Serbia project, says, "We should give up Kosovo /i.e. take just one-third of it, auth. com./ now that we have Vojvodina." Such point of view was most evident in the course of recent wars – the majority of refugees have been funneled to Vojvodina. Here the Greater Serbia planners counted on relative dwindling of minority communities that would additionally change Vojvodina's demographic structure, i.e. consolidate Serbian ethnic territory. Besides, Vojvodina paid dear for recent wars, as they were funded from its economy. Vojvodina's economy was thus practically devastated: the \$3,000 per capita income in 1991 spiraled down to some \$1,000.

How these developments were "rationalized" is probably best illustrated by Dobrica Cosic's interpretation of recent wars, saying, among other things, they were to be attributed to "an era of territorial-ethnic recomposition and consolidation of the Balkan region, to the time of forceful adaptation that we shall have to accept as a fact of life. Epochal changes have made the Serbian people nucleate in the territory it can live in, it can cover by its civilization and wherein it will have no enemies. Even these disasters bring forth something useful – ethnic appeasement of this region. The Serbian people get integrated and homogenized; they compact and round up their living space that gets its *ethnic borders*. Such change necessitates creation of a new national state the territory of which can be disputable to enemies only. So, we are forced to create a state that would suit our size and power."<sup>1</sup>

Exposed to a century-long engineering, Vojvodina is in constant search of its own identity. This is probably why it can hardly define itself today. Its political elite seems immature, acts slowly and, more often than not, maneuvers. And this is all to Vojvodina's detriment.

Recent developments in Serbia (the Premier Djindjic assassination, failed presidential election and revival of the Greater Serbia project) call into question the status of Vojvodina's autonomy in keeping with modern European trends, but also with its specific needs and those of its citizens. Political analyst Jovan Komsic commented the fact that no minority representative won a parliamentary seat at the December 28 parliamentary election because of a much too high electoral threshold by saying, "The Serbian Legislature will be facing the problem of legitimacy of all its decisions dealing with national minorities, but also with the position of citizens of Vojvodina as a natural, historical and political region." According to him, such situation might lead to "radicalization of the stands taken by some minority parties and to the radicalization of the very idea that Vojvodina should become a republic."<sup>2</sup>

<sup>1</sup> Slavoljub Djukic, "Chasing the Wind," Belgrade, 2001.

<sup>2</sup> *Danas*, January 5, 2003.

## Vojvodina In a Nutshell

Vojvodina is the most developed and ethnically most heterogeneous part of Serbia and of the union of Serbia and Montenegro as well. Thirty-odd religious communities and organizations that pursue their activities in Vojvodina add to its complexity. In terms of geography, Vojvodina is also quite specific: farmland makes up 75 percent of its territory, which makes it second best in Europe, after Ukraine. Vojvodina's 1,400 km. of navigable rivers and channels make it not only attractive as an economic area, but also as a notably immigration one.<sup>3</sup> Either purposefully or at random, Germans, Hungarians, Slovaks, Serbs, Greeks, Vallachians, Rumanians, Ruthenians, Ukrainians, Jews, Bulgarians, Croats and other ethnicities have settled in Vojvodina over centuries. Living side by side and running business together, all these various peoples mixed and built collective consciousness about tolerance as a precondition to a normal life and survival. Vojvodina's multiethnic character, along with its geographic and economic specificity, brought about multiculturalism that enabled its residents to manifest themselves locally, nationally and globally. No wonder that due to its long and rich cultural tradition Vojvodina is often referred to as a model of a workable multiculturalism.<sup>4</sup>

Vojvodina makes up 24 percent of Serbia's territory. Its population amounts to 24 percent of overall population of Serbia, while its annual flow of goods and services amounts to 32 percent of Serbia's GNP. Vojvodina produces 80-90 percent of surplus farm commodities – wheat, maize, sugar beat, oil seeds, etc. Thanks to agricultural production, Vojvodina developed food industry, petrochemical manufacturing and refining, etc. Against the backdrop of strong centralism, Vojvodina was unable to make the best of its advantages. Vojvodina's overall development was affected by various administrative measures whereby its accumulation was used for development of other regions, or setting up of non-agricultural industries. Whenever allowed more independence Vojvodina used to register economic growth and progress. So, for instance, over the first decade of its "true" independence Vojvodina's "annual product grew by 2.5, investment by 3.5 and its industrial rate by 6 percent on average."<sup>5</sup> Centralism affected not only Vojvodina, but Serbia as well. Nevertheless, Vojvodina was not given a constitutional status that would make it possible for it to make better progress and thus contribute to the progress of Serbia and the entire region. Narrow-minded ethno-nationalism that perceives Vojvodina's autonomy as secession in disguise strongly resists

<sup>3</sup> Dr. Ranko Koncar, "Identity of Vojvodina's Autonomy: Vojvodina and Serbia's Future Constitution," Konrad Adenauer Foundation, Belgrade 2003, p. 50.

<sup>4</sup> True, there are dark chapters in Vojvodina's history, e.g. Hungarian crimes against Serbs and Jews (1942), Serbian crimes against Hungarians and Germans (after 1944), and against Croats (1991-93).

<sup>5</sup> Dimitrije Boarov, "Political History of Vojvodina," p. 210.



such status, and is incapable of recognizing the issue as a major one of Serbia's policy of today. The Vojvodina issue is crucial in terms of constitution: it challenges decentralization and is a litmus test to determine Serbia's readiness to join European processes of integration. At the same time, the issue of autonomy is a test case that will show whether and how much Serbia has managed to free itself from the bondage of Milosevic's regime.

## Vojvodina's Legal Status

Though not in black and white, the 1990 Constitution of Serbia practically annulled Vojvodina's autonomy. Deprived of its resources and competence, as well as of political autonomy, Vojvodina turned into a strictly controlled local self-government, and – at the wartime that ensued soon after the Constitution was declared – into the Belgrade regime's war backup.

The 1974 Constitution was an attempt to define Serbia as a complex state. Still, its ambiguities opened it later on to variety of interpretations. This constitution provided Vojvodina, among other things, a status that was equal to that of republics, which was also set down in the constitutions of the Socialist Republic of Serbia and the Socialist Autonomous Province of Vojvodina. Under provisions of all these constitutions, an autonomous province was treated as a constituent part of the federation, equal with republics.<sup>6</sup>

---

<sup>6</sup> General provisions (SFRY Constitution, Chapter I, para 2 and 3; SR of Serbia Constitution, para 3 and 8) laid down a province's autochthonous authority and rights, meaning that autonomous provinces, as constituent parts of the federation, had political power. The same as republics, provinces were represented in all federal authorities and thus on equal terms participated in the federation's functioning (SFRY Constitution, Article 244).

What marked autonomous provinces were elements of statehood incorporated throughout constitutional provisions (SFRY Constitution, Article 4; SR Serbia Constitution, General Provisions, para 7).

The first major element of statehood was implied in an autonomous province's right to pass its own constitution and decide on its amendment (SFRY Constitution, Article 301).

Secondly, autonomous provinces were empowered to independently decide on their borders (Article 5 of the SFRY Constitution, Article 292 of the SR Serbia Constitution and Article 3 of the SAP Kosovo Constitution provided that a territory of an autonomous province, i.e. its borders, shall not be subject to change unless approved by the province).

Thirdly, all constitutions invested provinces with power to independently organize their administration - this right characteristic only of sovereign states or republics implied establishment of an assembly, a presidency, constitutional and supreme courts and a central bank.

Fourthly, provinces were authorized to pass their own laws dealing with social sphere, which equalized them with republics (SR Serbia Constitution, articles 293 and 301).

Fifthly, the character and competence of provinces' constitutional courts made them fully equal with republican constitutional courts (SFRY Constitution, Article 205, para 2, and Article 375, paras 1 and 6, and Article 389; SR Serbia Constitution, Article 415).

Last but not least, provinces had judicial autonomy that was manifest in the fact that they had supreme courts, these courts' attitude towards the Supreme Court of Serbia, the right to

As it turned out later on, the 1974 Constitution was most traumatic to Serbian elites that never accepted the idea about Yugoslavia's (and Serbia's) decentralization. Therefore, in 1980s the Constitution became a point of discord within the Yugoslav federation. Though Serbia failed to force in constitutional amendment and thus re-centralize Yugoslavia, other republics gave it a free hand to clarify the 1974 Constitution's ambivalence when it came to autonomous provinces. Though the amendments of 1989 to the 1974 Serbian Constitution invested Serbia with power to pass laws whereby shaping independently its policy towards provinces, the 1974 SFRY Constitution still figured as the supreme law of the disunited, but formally united SFRY. Since under political circumstances of the time it was impossible to make a radical break with the model of autonomy, the Serbian leadership, in September 1990, simply ignored the provisions of the 1974 Constitution and passed a new constitution that definitely renounced the concept of provinces.

The 1990 Constitution of the Republic of Serbia maintained two provinces, but treated them as parts of Serbia's territorial organization, i.e. as territorial autonomies. Autonomous provinces were thus no longer territorial units invested with power of government (i.e. they lost the elements of statehood).

The 1990 Constitution defines an autonomous province as a mode of Serbia's internal political arrangement and the latter's part wherein citizens independently exercise their rights and meet the obligations laid down in the Constitution and law (Article 108), while the mode of such autonomy is determined by the authority invested in provincial bodies (Article 109).<sup>7</sup>

---

set up provincial public prosecutor offices and provincial self-government public attorney (SFRY Constitution, articles 371 and 373; SR Serbia Constitution, Article 423).

In addition to the above-mentioned elements of "statehood," another two indicate provinces' position within Serbia. The first deals with the relations between the republic and provinces - these relations implied cooperation, mutual information and agreement, rather than hierarchy (SR Serbia Constitution, Article 295, para 1). The second has to do with right and duties of republican bodies that were restricted to Serbia proper and, therefore, gave more freedom to provincial bodies.

<sup>7</sup> According to the 1990 Constitution, a statute, rather than a constitution, is the supreme law of an autonomous province. A provincial assembly declares such statute following the People's Assembly consent. The statute fixes the limits of provincial authority, lays down electoral, organizational and functional procedures related to provincial bodies, and regulates other issues the province is concerned with (Article 110). Like all other laws, the statute must be in line with the republican Constitution. A province is no longer invested with independent judicial power - it goes without saying that such solution does not fit in the standard model of a territorial autonomy.

Accordingly, an autonomous province no longer has a constitutional court, supreme court, independent public prosecutor or other bodies it used to have under the 1974 SFRY Constitution that treated it as a federal unit within Serbia.

Under its articles 110 and 111 the Constitution of Serbia generally defines a province's organizational arrangement by providing a legislature, an executive council (government) and administrative bodies. Provincial bodies carry out the decisions and other general acts

It was through economic mechanisms (particularly in Vojvodina) and ignorance for regional specificities that the Milosevic regime centralized Serbia. Besides, as the richest region of Serbia, Vojvodina paid the highest cost of war since that was also the purpose of the regime's economic centralism. However, Vojvodina's traditional specificity was not neutralized once the province was deprived of its autonomy. At political level this has always been manifested through demands for more economic independence, respect for Vojvodina's specific traits, and definition of its status on these grounds.

Vojvodina's political parties have been quite articulate when it came to such demands. So, when it came to power after October 5, 2000, the DOS coalition kept promising an autonomy for Vojvodina. However, it soon turned out that politics in action has nothing to do with political programs in general. Vojvodina's autonomy thus became a battle ground for rival political options. Under the pretext of priorities that should be dealt with in the first place, Kostunica's Democratic Party of Serbia made no bones about "the time still not ripe for Vojvodina," adding that "an autonomy for Vojvodina is senseless in economic terms."<sup>8</sup> On their part, autonomists interpreted such statements as the new regime's readiness to acknowledge "Milosevic and his precesecors' occupational legacy." Labeling the then federal president's party as "a DOS profiteer," Nenad Canak, speaker of the provincial legislature, said, "If there still is some common sense within it, the DOS should meet its election campaign promises and allow Vojvodina residents to govern Vojvodina."<sup>9</sup> Warnings that Vojvodina would be ruined "should it be left on its own, i.e. to the mercy of its local elites" usually followed a legitimate demand as such.<sup>10</sup> Such stands, at the same time, assert roundly paternalism of a part of Belgrade's political elite that turns Vojvodina into a subject of its concern and reinforced supervision, while denying it ability to take care of itself and (economically) distribute its own resources.

Belgrade's paternalism was also evident when the *Omnibus Law* was passed. Under this law provincial bodies were entrusted with responsibilities only, while Belgrade had all the authority. The Vojvodina Legislature that has deliberated the law for months and then submitted it to the Serbian Legislature for adoption, and the opposition alike were pulling no punches. While the former spoke of being "tricked once again" and provincial bodies that would be making no decisions whatsoever but just carrying out tasks<sup>11</sup> that were,

---

delivered by the provincial legislature. If they fail to do so even after being warned, a republican body is entitled to directly secure the implementation of such decisions and acts (Article 112).

<sup>8</sup> *Blic*, January 12, 2001.

<sup>9</sup> *Gradjanski List*, March 23-24, 2001.

<sup>10</sup> *Dnevnik*, 9. 7. 2002.

<sup>11</sup> According to Mile Isakov, leader of the Vojvodina Reformists, the Omnibus Law made no change, as Belgrade retained all the authority, while just some responsibilities were entrusted to Vojvodina government; *Danas*, February 19, 2002.

moreover, vaguely defined and lacked financial justification,<sup>12</sup> the latter saw the law as "a perfidious way to tear down Serbia" and "a cornerstone of Vojvodina's separation from Serbia."<sup>13</sup> Similar criticism that followed the proposal about Vojvodina's symbols<sup>14</sup> – emblem, banner and hymn<sup>15</sup> – became even stronger when the discussion on the draft constitutive act (hereinafter the Basic Law) of Vojvodina was placed on the agenda. Though not denying that Serbia was in a legal chaos, the opposition raised a great hue and cry about the draft "Vojvodina constitution". "This is the second step, after the Omnibus Law, that unavoidably leads to a third – an independent republic of Vojvodina," warned the leader of the Party of Serbia Unity.<sup>16</sup> The Socialists claimed that "the Basic Law perceives the autonomy as a state,"<sup>17</sup> while the Democratic Party of Serbia pointed a finger at its anti-state character, saying it invested Vojvodina with so much independence that it would no longer be a part of Serbia. Neither the Democratic Party nor the Democratic-Christian Party of Serbia were satisfied with some of the Basic Law's provisions, e.g. with the one laying down the establishment of a supreme court. The former said that would give Vojvodina characteristics of a sovereign state,<sup>18</sup> while the latter acknowledged Vojvodina's right to the highest degree of autonomy, but renounced the very idea about it having a supreme court.<sup>19</sup>

The Svetozar Miletic Serbian People's Movement joined in the criticism of the Omnibus Law.<sup>20</sup> Claiming the Omnibus Law invested Vojvodina with

---

<sup>12</sup> See the Helsinki Committee's annual report "Human Rights in the Shadow of Nationalism," Belgrade, 2002, p. 337.

<sup>13</sup> *Ibid.*

<sup>14</sup> In early July, the Vojvodina Coalition put forward to the provincial legislature to establish the province's emblem, banner and hymn, pinpointing that the struggle for economic identity was inseparable from symbols that speak of Vojvodina; *Gradjanski List*, June 8-9, 2002.

<sup>15</sup> According to Dejan Mikavica, president of the DSS Novi Sad branch, a state, rather than a province, is entitled to symbols such as emblem, banner and hymn. "Should Vojvodina get such symbols, it should change its population," he said; *Danas*, April 12, 2002. Mikavica said that pressing the issue of Vojvodina's specificity might be hypothetically aimed at psycholological, cultural and civilizational distancing of its population from Serbs in Serbia.

<sup>16</sup> *Gradjanski List*, June 24, 2002.

<sup>17</sup> *Ibid.* November 11, 2002.

<sup>18</sup> *Ibid.* April 20-21, 2002.

<sup>19</sup> *Ibid.* August 17-18, 2002.

<sup>20</sup> The Movement defines itself as Serbs' volunteer, non-governmental and non-partisan organization aimed at revival of the Serbhood, attainment and safeguard of national accord and unity in Serbia and beyond it, in the interest of the Serbian state. The movement focuses its activity on anti-separatist struggle in Vojvodina. It is seated in Novi Sad, while operating branch offices throughout Vojvodina, Serbia, Montenegro, Republika Srpska and the Srem-Baranja District. The movement's project of Serbia's territorial arrangement implies a moderately decentralized national state, without autonomies, and divided in 14 districts. Geographically, the project resembles the Serbian Orthodox Church's eparchies. At regular weekly intervals, the TV Most airs the movement's show titled "The Voice of the Serbian Vojvodina." Academician Dragan Nedeljkovic is the movement's president, the poem "Get

power that "even exceeded that provided to it in the fatal Brioni Constitution of 1974," the organization's bulletin carried an analytical piece bylined by Dr. Kosta Cavoski, professor at the Belgrade Faculty of Law. The draft, as Cavoski put it, turns Vojvodina into a state within the state. What will make the draft go down in history, he added, is the fact that "the Serbian ethnic majority has been formally given the status of a minority" because "a house of minority representatives has been introduced into the Vojvodina Legislature." This house, said Cavoski, will be deciding on equal terms with the House of Citizens not only the amendments to the Basic Law, but also the Serbian Constitution and other matters." So, concludes Cavoski, "Vojvodina's national minorities will not only overmaster the Serbian Vojvodina, but will also hold the reins of the Serbian Constitution, thus making Serbia a pawn in the national minorities' condominium." <sup>21</sup>

There are three basic points in the allegations against and the criticism of the Basic Law: firstly, autonomists are qualified as separatists; secondly, the draft predetermines the future Serbian Constitution; and, thirdly, Serbia's identity is questioned.

The first point does not come as a novelty. What's new about it is the attempt to disqualify advocates of autonomy through nationalistic moralization. The Movement's bulletin, *Nasa Rec* (Our Word), referred to in the paragraph above, ran the speeches Academician Dragan Nedeljkovic delivered in Belgrade and Krusevac. According to Nedeljkovic, "An autonomy for Vojvodina made sense in a foreign empire only... and makes no sense in a Serbian state." "Casting ballot for autonomists," he says, "is the same as voting against all Serbian historical figures... Should one despise, let down and reject all these great Serbs and the most famous of all just to obey those miserable autonomists, those converted children of communism, and hostages to absurdity?" <sup>22</sup> Autonomists, says Nedeljkovic, "turned the idea of autonomy into a monstrous anti-Serbian sentiment" that is anti-cultural and anti-historical. So, by nationalists' labeling the autonomists as "hostages to absurdity" and "children of communism" logically leads to turning the very idea of autonomy into an anti-Serbian one.

When it comes to criticism that the draft Basic Law predetermines the future constitution of Serbia, one should note that its provisions do not oblige either the Constitutional Commission or the Serbian Legislature. Politically, however, the draft is far from being an insignificant act in terms of Vojvodina's status. For, to declare a constitution while ignoring the will of the Vojvodina

---

Up, Serbia!" is proclaimed its hymn, while St. George's Day its holiday. See: <http://snp-miletic.narod.ru/>.

<sup>21</sup> Kosta Cavoski, "Vojvodina: the State of National Minorities," the Svetozar Miletic Serbian National Movement, Novi Sad, 2002, p. 5.

<sup>22</sup> *Ibid.* p. 4.

Legislature or contrary to it, implies a serious political risk,<sup>23</sup> sharpens the conflict and leads to internationalization of the Vojvodina issue as an European problem.<sup>24</sup> Unlike in the case of present constitution in the drafting of which it did not partake, the Vojvodina Legislature took constitutional initiative by putting forth the draft Basic Law. Later, Vojvodina's participation in drafting of a new constitution was institutionalized through incorporation of its representatives in the Constitutional Commission.<sup>25</sup> However, Serbia's Law on the Manner and Procedure to Amend the Constitution of the Republic of Serbia and relevant bylaws provide no guarantees that Vojvodina's stands will be taken into account and protected.<sup>26</sup>

Five models for a Serbian constitution have been publicized so far.<sup>27</sup> However, the one drafted by the Novi Sad-seated non-governmental organization "Forum Iuris" was not on the list of models put forth to members of the Constitutional Commission. Moreover, the European Convention for Protection of Human Rights and Fundamental Freedoms, the European Charter of Regional Self-Government, the Declaration of Regionalism in Europe, as well as a number of other international documents were also omitted from the list.<sup>28</sup>

## Political Parties

Apart from Belgrade-seated parties such as the Democratic Party (DS), the Democratic Party of Serbia (DSS) and the Serbian Radical Party (SRS) as the biggest, there are autochthonous parties in Vojvodina. Often nicknamed so in the media, "Vojvodina's *Trifolium*" comprises the League of Vojvodina Social Democrats (LSV), Vojvodina Reformists (RV) and the Alliance of Vojvodina Hungarians (SVM). Unlike the first two that assemble people from various ethnic communities, the SVM is a party of the Hungarian minority. In the December 28 parliamentary election, the parties of "Vojvodina *Trifolium*" marched in two columns - together with the Sumadija Coalition and the

---

<sup>23</sup> Tamas Korhec, "Vojvodina and the Future Constitution of Serbia," Konrad Adenauer Foundation, Belgrade, 2003, p. 78.

<sup>24</sup> Stanko Pihler, *Ibid.*, p. 71.

<sup>25</sup> "The People's Assembly elects 29 members of the Constitutional Commission. Twenty members are elected from the ranks of MPs and in proportion with the number of parliamentary seats won by political parties, while the Serbian government, the Vojvodina Legislature and the Kosovo Legislature propose 3 members each," Tamas Korhec, *Ibid.*, p. 76.

<sup>26</sup> The law and bylaws provide that the simple majority may vote down proposals of representatives of Vojvodina in all stages of constitution drafting. The statute of the Constitutional Commission provides that all decisions are made by the majority vote. *Ibid.* p. 77.

<sup>27</sup> Radivoj Stepanov analyzed these models in the collection of papers titled "Vojvodina and the Future Constitution of Serbia," pp. 53-66. The same edition carries discussions of the round table "A Dialogue on the Future Constitution of Serbia," which "Forum Iuris" and the Konrad Adenauer Foundation organized in Novi Sad.

<sup>28</sup> Slobodan Beljanski, *Ibid.*, pp. 90/91.

Sandzak Democratic Party, the LSV and the SVM made the "Together for Tolerance" coalition, while the RV, the Democratic Party of Vojvodina Hungarians and the Roma Social Democratic Party grouped to form "Reformists – Social Democratic Party of Vojvodina – Mile Isakov" coalition. By dividing the electorate, Vojvodina parties that advocate autonomy weakened their chances of attaining the electoral threshold. Divisions among Vojvodina parties are nothing new. Actually, they indicate that their mutual relations, as well as the political life in Vojvodina, are strongly influenced by leaders' rivalry and narrow party interests. Incapable of getting strongly united and lacking principled stands, autonomists are thus funeled by "Belgrade parties," which they often blame for centralism and insensitivity to their aspirations.

As for Vojvodina residents, their general opting for autonomy is determined by outside circumstances and models offered, i.e. the level of autonomy. Some opt for the actual level, while the others would prefer a higher one, though lower than the one Vojvodina used to have under the 1974 Constitution. The third grouping takes that Vojvodina should be given back the 1974 status, etc. Neither are the parties of "Vojvodina *Trifolium*" identically concerned with Vojvodina's autonomy. Judging by a document issued in 1999, the SVM takes that Vojvodina's autonomy does not precondition a regional, Hungarian autonomy. True, neither have the two other parties closed the door to ethnic autonomies. The Platform for Vojvodina's Autonomy of 2001 lists all types of autonomy as a prerequisite of the province's stability and good governance. Evidently, the Platform compromised with the SVM so as not to weaken the anyway fragile bloc. This in itself made the SVM's position superior to that of the other two parties, as it enabled it to lean on Belgrade's nationalistic parties in the endeavor to attain its goals. A multiethnic community should be politically organized across ethnic lines in order to be stable on the one hand, and politically sensitize voters from small communities the LSV and RV actually count on, on the other.

Unlike the LSV and the RV that call themselves social democratic parties, the SVM could be labeled as a conservative-nationalistic party. And it was the latter's conservative-nationalistic rhetoric that impaired its relations with the RV. However, the RV's general anti-nationalistic position became disputable when the party gave its support to Vojislav Kostunica in the previous presidential election. This firstly led to sharpening and then breaking relations with the second biggest autonomy-advocatory party, the LSV. Though the RV used to voice dissatisfaction with its share-out in the government, many were surprised at the party's decision to back Kostunica in his run for Serbian presidency. The RV partook in the December 28 parliamentary election convinced that Serbia had to go through a nationalistic phase, which indicated the party's readiness to cooperate in the parliament (even) with the Democratic Party of Serbia.

## Autonomy: A Precondition To Economic Recovery

The issue of Vojvodina's political autonomy has been raised over and over again throughout Serbia's modern history. Some have been refusing the very idea on the grounds that Serbs amount to two-thirds of the province's population, which, according to them, makes an autonomy historically meaningless. Others take that an autonomy makes no sense when there is a free market, while the rest – actually the largest group nowadays – pinpoint that some kind of autonomy is necessary with a view to "decentralize" Serbia's administration and thus make it more efficient. Accordingly, such solution would appease the appetite of minority elites.

All the three wings have been propagating for years that Vojvodina citizens would not actually profit from an autonomy, which would only serve the interest of some bureaucratic elites. All in all, an autonomy does not pay, they have been massaging. And yet, just a brief overview shows that autonomy has always fueled Vojvodina's economic prosperity.

From 1974 when Vojvodina declared its the first constitution to 2003, the province went through two characteristic periods – it had 14 years of full autonomy and another 14 of a rather fictive one. Economic indicators show that the first period brought the province the biggest prosperity ever, while the second will go down in history as the time of Vojvodina's destruction when it regressed the most. All the progress made from 1974 to 1988 was practically annulled in the period 1988-2002.<sup>29</sup>

Most illustrative of the above is that Vojvodina's per capita income of \$1,000 in 1974 grew to almost \$3,000 in 1988. According to statistics, in early 2002, Vojvodina had per capita income of \$1,200, which was probably even lower in reality. Such synthetic overview leads to conclusion that autonomy does pay – moreover, that Vojvodina cannot make progress unless it is autonomous.

Full autonomy that got its legal form under the 1974 Constitution lasted 14 years. It was practically annulled in October 1988 after the so-called yogurt revolution (i.e. "massive protests" in Novi Sad on October 5-6 that ousted the leadership of the League of Communists of Vojvodina). For, that was when, at Milosevic's dictate, the Vojvodina Legislature accepted Serbia's constitutional amendments (precisely, the session of February 25, 1989, unanimously "gave up" Vojvodina's status as a constituent part of the federation). Serbia's Constitution declared on September 28, 1990 turned the province's autonomy factually null and void.

At the time when, along with Kosovo, Vojvodina was equal to other ex-Yugoslav republics some 9.5 percent of overall population lived there and it spread over 8.4 percent of the ex-Yugoslavia's territory. Vojvodina was given

<sup>29</sup> Mita Boarov analyzed the issue for the meeting the Bosnian Institute, London, organized in Dubrovnik in May 2003.

the opportunity to catch the train of progress at the point when international credits were rather easy (interest rates will skyrocket their value in early 1980s). However, domestic capacity for reasonable use of foreign capital was poor, while the system of investment credits and payment guarantees rudimentary and blurred. Besides, Vojvodina's policy of high-gear progress pursued after 1974 was under constant political pressure from Belgrade where the voices claiming that Vojvodina's economic development was autarchic and unadjusted to Serbia's plans grew stronger and stronger. This pressure was particularly evident when Serbia's Presidency issued "Blue Book" in 1977, and then at 1981 and 1984 plenums of the Central Committee of League of Communists of Serbia.

In 1974 - 1988, Vojvodina's industrial investment exceeded the Yugoslav and was constantly above 90 percent of its overall investment. For instance, Vojvodina's participation of some 7 percent in Yugoslav gross investment in 1966 grew to over 10 percent in 1980. After Slovenia, Vojvodina had the second biggest investment growth of all federal units. However, Vojvodina never managed to make its investment outstrip its income percentage in the overall national income. That means that Vojvodina, while straining itself 15 years more than any other federal unit, managed just to reach the average position. After 1980 when ex-Yugoslavia's liquidity took a downward curve and the federal government begun to cut domestic investment in order to service its growing foreign debts, the rate of economic investment in Vojvodina entered a "negative zone" of some 10 percent per year.

In just five years after 1974 when it was granted autonomy, Vojvodina's investment rate grew from 22.6 to 31.1 percent, meaning that one out of three dinars of income was invested.. However, by making such jump Vojvodina just caught up with the ex-Yugoslav average. Rather linear cuts in investment in early 1981 froze Vojvodina at the point when much of its investment was not yet effectuated. That is why already in early 1981 the province was forced to set aside 23 percent of its income for accumulation, while the percentage for the same purpose in ex-Yugoslavia ranged from 17 to 19 percent. In brief, Vojvodina citizens gave considerable portion of their resources and energy to develop a modern economy in the province, all of which Milosevic's centralized regime snatched away or destroyed.

In 1975, Vojvodina invested twice as much in industrial production than in agriculture. Such trend continued to grow till mid-1980s. In 1971-80 industrial investment grew from some 36 to over 50 percent and retained the same level till 1988.<sup>30</sup>

<sup>30</sup>In 1974-1988. Vojvodina build the following chemical plants: "Petrohemija" in Pancevu (launched in 1977), methanol-acid complex in Kikinda (1988), "Hipol" in Odzaci (1983), "Carbon Dioxide" in Becej (1979), "Rumaplast" in Ruma (1979), "Biser" in Kumane (1979), "Banatplast" in Plantiste (1975), "Sremplast" in Sid (1975), "IFRA Plastics Industry" in Alibunar (1979), "Izolir" in Zrenjanin (1984), "Hinom" in Novo Milesevo (1981), "Gumaplast" in Indjija (1978) "Farmaceut Guma" in Kovin (1988), Synthethic Rubber Plant in Elemir (1978),

Though Vojvodina government was mostly focused on food production capacities, enormous funds were invested in irrigation systems. Such systems covered 50,000 hectares in Backa, 33,000 hectares in Banat and 10,000 hectares

and "Azotara" in Subotica that was almost constructed in this period, though launched in 1993. In addition, the following plants were reconstructed and enlarged: "Rumaguma", "Dunav" in Celarevo, "Jugoremedija" in Zrenjanin, "Hemofarm" in Vrsac, "Staklara" in Alibunar and "Azotara Pancevo."

As for metals industry, the following plants were either built or completely moved to other locations: "Inomag" in Backa Topola, "Radijator" in Zrenjanin, "Kovacnica" in Jasa Tomic, "Metind" in Zrenjanin, Equipment Factory in Novi Becej, "Sava" shipyard in Macvanska Mitrovica, "Tisa" shipyard in Novi Becej, "Sinvoz" in Zrenjanin, "Termovent" in Temerin, "Sila" in Stara Moravica, "Metalogradnja" in Vrbas, "Jugodent" in Srbobran, "Fadip" in Becej, "MIV" in Sremska Mitrovica, "Minel" in Zrenjanin, "Minel" in Banatski Karlovac, "Minel" in Pancevo, "Sental" in Senta, Special Delivery Vehicles Factory "Zastava" in Sombor, "Arma" in Bac, Electrical Materials Factory in Bac, "Sidal" u Sid, "Utva Silos" in Kovin, "Petroemont" in Pancevo, Automation Equipment Factory in Backi Petrovac, IMT Agricultural Machinery in Novi Becej, etc. Old plants that were thoroughly reconstructed or considerably enlarged were as follows: "Sever" in Subotica, "Livnica" in Kikinda, Novi Sad Shipyard, "Lifan" in Stara Pazova, "Utva" in Pancevo, "Novkabel" in Novi Sad, "Livnica" in Coka, "Pobeda" in Novi Sad, Precise Forgings Metalworks in Ada, "Potisje" in Ada, "Bane Sekulic" in Sombor, "Progres" in Zrenjanin and "Majevica" in Backa Palanka.

New factories were built or plants modernized in other traditional industries. In textile, shoemaking, wood-processing and construction material industries this refers to: "Mladost" in Odzaci, "Tamis" in Jasa Tomic, "Maja" in Vojvoda Stepa, "Alkroj" in Alibunar "Bandi" in Odzaci, "Omoljica" and "Aska" in Kula, "Sintelon" in Backa Palanka, "Zarko Zrenjanin" in Zrenjanin, "Otis" in Odzaci, "Lepenka" in Novi Knezevac, "Matroz" in Sremska Mitrovica, "Drvni Kombinat" in Sremska Mitrovica, "Keramika" in Kanjiza, "Toza Markovic" in Kikinda, "Polet" in Becej, "Keramické Plocice" in Coka and Cement Factory in Beocin.

A policy focused on overall development of the region brought about construction of five small-size sugarhouses.

All old sugarhouses such as those in Vrbas, Senta, Kovin, Zrenjanin, Crvenka and Sremska Mitrovica were reconstructed and enlarged, while 5 new ones were built in Pecinci, Kovacica, Nova Crnja, Zabalj and Bac. Cooking oil plants in Vrbas and Zrenjanin were reconstructed, while new ones were built in Sid and Becej. Six breweries were reconstructed and new ones were built in Backa Palanka, Apatin and Krajsnik. Convenience food plants such as "Juvitana" in Indjija, "Elan" in Srbobran, "Prerada Voca" in Irig, "Menta" in Padej, "Fermin" in Senta, "Banini" in Kikinda, "Medela" in Vrbas, "Jaffa" in Crvenka, "Alpis" in Kovin, "Trivit" in Vrbas, "Corn Product" in Sremska Mitrovica, "Rumen" in Ruma, "Aleva" in Novi Knezevac, "Vitaminska" in Horgos, "Prima" in Kikinda and "Aroma" in Futog were thoroughly reconstructed. Wineries in Vrsac, Erdevik and Palic were modernized. Large dairies were reconstructed.

For the purpose of adapting Vojvodina's agriculture and stock breeding to modern trends, refrigerating plants the total capacity of which amounted to some 140,000 tons were constructed. Big packing houses such as "Neoplanta" in Novi Sad, "Coka" in Coka, "Bek" in Zrenjanin, "Carnex" in Vrbas, "Panonka" in Sombor, "Mitros" in Sremska Mitrovica, "Topola" in Backa Topola, "PIK Kikinda", "Banat" in Banatski Karlovac, "Srem" in Sid and "29 November" in Subotica were either built or reconstructed, including chicken slaughterhouses "Topiko" in Backa Topola, "Juko" in Zitiste and "Klanica" in Plandiste. In the period 1974-88, packing houses increased their annual capacities from 1,800,000 to 3,500,000 domestic hogs, and from 180,000 to about 400,000 livestock.

of farmland in Srem. Given that average cost of irrigation per hectare amounted to some \$2,000, the overall investment totalled \$200 million. However, all these irrigation systems were neglected later on, mostly because their use turned relatively costly when compared with permanently controlled and depressed prices of food products.

Until 1974, economic infrastructure – Vojvodina's main pillar of development – was degraded and lagged behind modern times. Apart from 30-40 percent of accumulation that used to be invested in the Danube-Tisa-Danube water system from central investment funds, Vojvodina hardly profited from its infrastructure.

Once the biggest railroad network in the Danube Basin, spreading over 2,000 kilometers (most of which was constructed back in 19<sup>th</sup> century, while only five kilometers after the World War II) was totally neglected. Just one-fourth of the overall network (the Belgrade-Zagreb railway and some other sections) were capacitated for 20-ton wagonage and electrified.

Vojvodina used to have less than 3,000 kilometers of single-track asphalt roads. It was only several years before 1974 that roadwork of the Belgrade – Novi Sad highway begun, along with construction of the bridge nearby Beska (to be launched in 1974) and the one connecting Backa Palanka and Ilok (launched on May 19, 1974). Construction of bridges over Danube in Kovin, Novi Sad and Bogojevo was over by 1988. Actually, five bridges over Danube were built in the period 1974-88. In the same period when roads and bridges were under the jurisdiction of the Provincial Road Agency, the Novi Sad – Zrenjanin highway was constructed, roadwork for the Srem section of the Belgrade – Zagreb highway begun, and most roads were reconstructed. Vojvodina was the only federal unit without a civilian airport – and it still does not have one.

In 1974, energetics, particularly power supply was Achilles' heel of Vojvodina's developmental policy. It was only in 1975 with electricity production of 3 bil. kWh that Vojvodina – once called "European" as it was fully illuminated when the entire Balkans was in candlelight or lit by oil lamps – attained the ex-Yugoslav level of power consumption per capita.

Since 1956 when it began to exploit its own reserves of oil and natural gas Vojvodina turned less dependent on other ex-Yugoslav regions in terms of power supply. By 1974 the production amounted to around one million tons of crude oil and to some 800,000 cubic meters of natural gas. Vojvodina began to produce gasoline in 1968. By 1988 refineries in Pancevo and Novi Sad increased their annual production of crude oil to 7.8 million tons. In order to secure cheaper and smoother oil import for refineries the "Naftagas" company from Novi Sad joined the Yugoslav pipeline consortium and partook with 30 percent of funds to construct its section from Omisalj (the Island of Krk) to Pancevo. By 1988 the pipeline increased the annual transport of import oil to some 4.5 million tons (including 500,000 tons of oil from Angola where the company had a successful concession).

In the period of its true autonomy Vojvodina made big progress in terms of public institutions and standard of living. Hospitals and medical centers were either built or thoroughly reconstructed in Sremska Kamenica, Novi Sad, Sombor, Subotica, Zrenjanin, Sremska Mitrovica, Vrsac, Senta, Ruma and other towns. A spa was built in Kanjiza. New faculties were set up, while the Novi Sad University was notably upgraded. Hundred-odd schools and kindergardens were built. That was the period when the Serbian National Theater and the Sombor Theater got new buildings and many cultural institutions new facades. The Vojvodina Academy of Arts and Science was established and housed in the so-called Platoneum in Novi Sad.

Fourteen years of Vojvodina's full autonomy practically produced everything the province lived on over next 14 years under Milosevic's regime. Actually, Vojvodina mostly prospered in the first 7 years of its autonomy. For, ever since 1982 it shared the fate of the entire socialist system and post-Tito Yugoslavia that begun to tumble down.

Overall impoverishment and economic regression followed in the footsteps of Vojvodina's high-g geared political degradation after October 1988 when the province practically lost its autonomy. The newly "conquered" province was subjected to literal plunder – its resources were used to finance Milosevic's wars all over ex-Yugoslavia. Though Milosevic was ousted back in October 2000 – to which Vojvodina's voters contributed considerably as well – the province has been economically exploited to this very day.

A "balance of payments" of Vojvodina's regress is hard to present – for, removal of all fact and proofs was the basic principle of Milosevic's rule. However, the non-governmental organization "Forum V-21," founded in 2001 by Bosko Kronic, once a leading politician in Vojvodina, produced a document on the plunder that took place in 1989-2000.

The document catalogues Vojvodina's losses ever since the so-called yogurt revolution. It reminds of the fact that in 1989 Vojvodina's income amounted to some 12 billion USD, while Serbia's, without the two provinces, totaled 12 billion. In other words, Vojvodina's per capita income was around \$3,000 and Serbia's some \$2,000. After the era of Serbia's "unity," Vojvodina registered \$1,200 per capita income, while Serbia, without provinces, some \$840 only.

All in all, in the period "without autonomy" Vojvodina lost some \$28 billion of income, while the loss of Serbia proper amounted to around \$55 billion.

The same document provides indicators of Vojvodina's loss in capital, as well as other indicators that testify to the fact that Vojvodina has been economically by far more destroyed than Serbia proper. In other words, these indicators prove that Vojvodina was plundered so as to slow down Serbia's impoverishment. Ultimately, two poverties were almost "made the same." This is about a shared economic catastrophe in which Vojvodina – once more developed than Serbia – got the short end of the stick.

According to statistics, Vojvodina's foreign debt in 1990 amounted to \$905 million, while Serbia proper's \$3,782 million.

## Vojvodina Plunged In Crime

The Premier Zoran Djindjic assassination and the ensuing "Saber" police operation brought to light how deeply the society was plunged in crime and how tightly linked were criminal groups in the country. As it turned out, the infamous Zemun Clan, one of the most powerful criminal organizations, was operating in Vojvodina, too, where it had its branches. Once the state of emergency was proclaimed, members of the Clan became targets of the "Saber."<sup>31</sup> In addition to Zoran Djindjic's murder, the Clan members were accused of killing Ivan Stambolic, ex-president of Serbia, and the assassination attempt against Vuk Draskovic, leader of the Serbian Renewal Movement, both political opponents of the former regime. It is the former regime that should be pinpointed when it comes to crime – for, its aspiration to remain in power at any price fueled the underworld that was used to support it outside the institutions. In return, criminals were granted protection and given the opportunity to accumulate enormous wealth in a rather short time.<sup>32</sup>

The fact that the biggest synthetic drug plant in Europe, a modern printshop of counterfeit euros and the Unit for Special Operations were located in Vojvodina was once ascribed to "Milosevic's hate for Vojvodina," with which he "inspired his followers who outdid themselves to mar it as much as possible. The Novi Sad Corps used to destroy Vukovar, the TV Novi Sad was playing the most shameful role during the wars in the territory of ex-Yugoslavia, while acting as the former regime's mouthpiece the *Dnevnik* daily was permanently and persistently insulting citizens' common sense and good taste."<sup>33</sup> Regardless of the statement's impermissible simplification of the past and outdated pattern whereby complex social processes are ascribed to a person's psychological traits, one should acknowledge that, at the time of Milosevic's authoritarian regime, negative trends were in full swing in Vojvodina and scarred it deeply. This is not only about crime, impaired ethnic relations, people's sense of personal and legal insecurity or pauperization of the population both in towns and villages – the latter are mostly inhabited by people from minority communities; this is not only about the dethroned provincial administration – the province's entire property changed hands and became Republic's, while its overstaffed and powerless administration was nothing but political folklore;

<sup>31</sup> Apart from Djindjic's murder, members of the Clan were suspected of scores of other killings and abductions, as well as of trafficking in narcotics.

<sup>32</sup> To protect them police IDs and those of the State Security Service were issued to criminals; they were able to smoothly run illegal businesses by trading in oil, cigarettes, narcotics, etc.

<sup>33</sup> Nenad Canak, interview with the *Dnevnik* daily, April 26, 2003.

and this is not only about a policy pursued outside institutions – such policy that is beyond public control gives rise to the sense of insecurity, enables accumulation of personal power, and opens the door to corruption, scandals and affairs of all sorts. This is also about ethno-nationalistic mobilization and insistence on ethnic identity that deeply affected citizens' self-perception.

## Regional Cooperation

Regional cooperation helps not only to more efficiently overcome the consequences of disintegration, but also stirs development and paves the way to Europe. In November 1997, Vojvodina signed a protocol on cooperation with neighboring districts in Rumania and Hungary. However, since the country was isolated at the time, this mode of cooperation failed to produce expected results. After the October 2000 overthrow Vojvodina became a full-fledged member of the Danube-Criss-Morish-Tisza Euro-region. Thanks to Serbia's opening itself to the world, Vojvodina skipped the status of observer and joined the membership of the Assembly of European Regions even before the union of Serbia and Montenegro was admitted to the Council of Europe. Though Vojvodina's regional policy is primarily focused on specific regions such as Istria, the Warsaw region, the Austrian province Steiermark or the Jilin province in China, with which it attempts to develop economic cooperation, upgrade its technology or establish ties in the fields of university study, research, health-care and social protection, etc., it is looked askance. Moreover, regional cooperation is interpreted as separatism, poorly disguised by economic motives. Allegations as such are not unexpected given that regional cooperation implies decentralization and more power vested in Vojvodina's administration – something that has always been strongly opposed.<sup>34</sup> However, the long period of isolation and devastated economy calls for regional cooperation as a priority. Multilingual Vojvodina with its cultural and religious variety might considerably contribute to the implementation of this form of cooperation.<sup>35</sup> In the document titled *Strategy 2000 for European Regions* the Assembly of European Regions (composed of representatives of 250 regions from 26 European member-states) laid down priority actions: cultural, economic and social partnership between regions through free flow of know-how and experience, speedier regionalization, initiatives for maintenance of

<sup>34</sup> The same as domestic advocates of autonomy, Hungarian experts take that fully autonomous Vojvodina might count on the most dynamic economic progress within the union of Serbia and Montenegro, and thus become a driving force of the overall economy. However, the Hungarian economic magazine "Vilagazdastag" warns that restitution of autonomy does not automatically guarantee development, which not only necessitates a reformist government in Belgrade, but also a system of institutions propitious to reforms. *Gradjanski List*, February 19, 2002.

<sup>35</sup> A round table dealing with regional cooperation, held in 2002, pinpointed that Vojvodina's multiethnic character could make it a leader in this domain.

economic, social and territorial cohesion, and development of communications and new technologies. Protection of cultural variety was also identified as a priority issue. This implies a range of measures and activities dealing with, among other things, intensive cultural, scientific and other cooperation, but also considerable financial investment. In this context, Vojvodina's multi-ethnicity is obviously advantageous, while its minority communities figure as cooperation bridges, rather than victims.<sup>36</sup>

## Vojvodina's Identity

Basically, Vojvodina's status can hardly be defined unless the province's identity is taken into account. Whether a new constitution will lay down Serbia as a national state or as a citizens' state, therefore, makes all the difference. The issue itself was the greatest stumbling block in Constitutional Commission's proceedings, not to mention different stands advocated in public. Though the actual Constitution specifies Serbia as a citizens' state, all citizens were not equal in terms of rights or protection on the part of the state. True, the use of violence, apart from members of minority communities, also affected people from the ethnic majority. But the fact is that it was the state that initiated, sponsored or tolerated ethnonationalistic violence. And this particularly refers to Croats and Albanians.

The wars in the territory of ex-Yugoslavia aimed at erasing republican borders and drawing new ones in line with ethnic criteria, not only deprived Croats in Serbia of the status of a constituent nation, but also turned them into a vulnerable minority exposed to all sorts of pressure and violence. The purpose of such pressure was to make members of the Croatian community leave Vojvodina and Serbia. In practice, such policy took the form of "low-intensity terrorism: arson, bomb planting, etc. Such assaults mostly targeted Catholic churches, district administration buildings and the clergy."<sup>37</sup> Those in charge of intimidation were Vojislav Seselj, the Serbian Radical Party and local self-government administrations composed, as a rule, of the Radicals and refugees. Higher authorities or state agencies did nothing to prevent Croats' exile.<sup>38</sup> Fanned out by the media, the anti-Croatian hysteria made a number of Croats move out. It was in Srem and, particularly in the areas' village of Hrtkovci – that became a synonym for Croats' expulsion – that they were exposed to the

<sup>36</sup> The same also refers to regions and states emerging from ex-Yugoslavia such as Bosnia-Herzegovina (Tuzla Canton) or Croatia (Osijek-Baranja District or Vukovar-Srem District, etc.).

The Regional Development Center "Most - Hid" was established in Subotica with a view to encouraging across border businesses.

<sup>37</sup> Miroslav Samardzic, "Position of Minorities in Vojvodina," 2nd. Revised edition, Center for Anti-War Action, Belgrade, 1999, p. 43.

<sup>38</sup> *Ibid.*

strongest pressure and violence.<sup>39</sup> Croats also left other places and municipalities throughout Vojvodina such as Indjija, Stara Pazova, Sremska Kamenica, Petrovaradin, Sid, etc. Leaning on the findings of the Humanitarian Law Fund, Miroslav Samardzic says, "Those (Croats) living in the areas bordering Croatia have been harassed, for months, by some regular police units and military troops of the Republic of Serbia."<sup>40</sup> When Knin Krajina fell and refugees massively settled in Vojvodina, Croats once again became targets.<sup>41</sup> Assaults against them stopped once the Dayton Accords were signed.<sup>42</sup>

Interestingly, hardly anyone speaks of a number of Hungarians who also left Hrtkovci. Members of the Hungarian community massively moved from Vojvodina though they had not been targets of orchestrated chauvinistic campaigns and nationalistic hysteria. However, it is hard to claim that their decision to leave the country was not made under pressure. Dissolution of the country, fear of war and mobilization, harsh circumstances, sense of insecurity and dwindling opportunities made scores of Hungarians – and people from other minority communities as well – leave Vojvodina. Consequences of such massive departure – of young people and intellectuals in the first place – affected minority communities, weakened them in terms of demography and culture, destroyed their institutional structures and deprived them of "organic" intellectuals that are most significant for the maintenance of ethnic identities. Moreover, the entire society was affected by such brain drain – it lost creative young people in all spheres of knowledge in whom it invested so much.

The April 2002 census provided an overview of the changed demographic structure of Vojvodina. The province's overall population increased, but from the angle of ethnic structure the number of minority members was smaller than before. Apart from the reasons referred to in the paragraphs above, the latter can also be attributed to low birthrates that are more visible in minority communities than in the majority population. Besides, one should always bear in mind that it were national minorities that paid the cost of the state's national homogenization and ethnic consolidation. When compared with the 1991 census, this last one showed that the number of Hungarians fell by 15 percent, i.e. 49,284 persons; Croats by 24.41 percent, i.e. 18,262 persons; Slovaks by 10.9 percent, i.e. 6,908 persons; Rumanians by 21.6 percent, i.e. 8,390 persons; and Ruthenians by 11.5 percent, i.e. 2,226 persons. The community of "Yugoslavs" dwindled the most of all – it decreased by

<sup>39</sup> Massive exile of Hrtkovci Croats begun in May 1992, once the local branch of the Serbian Radical Party was set up in the village. Vojislav Seselj told the branch's constitutive meeting that "all Croats who misbehaved should go." Then the Radicals' leader read out the names of 17 Croats who almost immediately moved out. According to the information provided by local priest, 280 Croatian families left Hrtkovci. "Position of Minorities in Vojvodina," p. 45.

<sup>40</sup> *Ibid.* p. 47.

<sup>41</sup> *Ibid.* p. 49.

<sup>42</sup> *Ibid.* p. 50.



124,414 persons (in 1991 174,295 people registered themselves as Yugoslavs). Today Yugoslavs, once the third biggest community in Vojvodina, take the fifth place on the list.<sup>43</sup>

On the other hand, the number of Ukrainians (4.635: 4.565), Roma (29.057: 24.366) and Serbs (1.321.807: 1.143.723) took an upward curve. As for Ukrainians, this rise resulted from their changed national identification, rather than from the birth rate. In the case of Roma, their demographic growth should be ascribed to the painful process of national self-consciousness versus ethnic mimicry they have been turning to, as well as to inflow of Romany population to Vojvodina from other parts of ex-Yugoslavia. What influenced the bigger percentage of Serbs in Vojvodina's ethnic structure was the exodus of minorities on the one hand, and the inflow of refugees that streamed in Vojvodina in two big waves on the other.<sup>44</sup>

From mid-20<sup>th</sup> century when Serbs became the biggest ethnic group in Vojvodina to the end of the century, their percentage in the overall population rose by 14.65 percent. Actually, the number of Serbs has been on the upward curve ever since 1880. Pronounced rises were registered in the period between the 1931 and 1948 censuses (12.6 percent), and between the 1991-2002 (8.25 percent). In a nutshell, the first demographic growth is not only to be attributed to the process of colonization, but also to expulsion of Germans accused of collective guilt. So, after the World War II Vojvodina was not only a booty that included confiscated property of the German minority, but also – due to the support some among them gave to the Nazi occupation – figured as the place of mass suffering of local Germans.

## The Role of Refugees In Shaping Vojvodina's Identity

Today's ethnocultural situation of Vojvodina differs from that at the time when Milosevic's imperial policy produced massive migrations in the territory of ex-Yugoslavia. Refugees are the tragic outcome of the policy focused on creating nationally homogeneous and territorially rounded up states. Refugees changed demographic structures in all immigration destinations and fueled minorities' sense of insecurity. Apart from strengthening the Serbian ethnic corps – particularly in Vojvodina – refugees brought with themselves their

<sup>43</sup> Here one should bear in mind that over preparations for the census the term Yugoslavs was usually referred to as "a fraud" or "a fabrication." Nationalists used to offer Yugoslavs the opportunity to return to their "sweet ethnic home." Practical disappearance of Yugoslavs not only indicates the changed structure of Vojvodina's population, but also the rise of chauvinism.

<sup>44</sup> Interestingly, no ethnic community, except for Serbs and Hungarians, participates in today's demographic structure of Vojvodina with over 3 percent.

painful experience telling that multiculturalism is either unviable or, as a rule, leads to conflicts.

Assaults against members of minority communities in Vojvodina illustrate that some refugees cannot simply rid themselves of their painful experience. On the other hand, assaults against advocates of autonomy and the very idea of autonomy can be logically ascribed to the times of turbulence and forced migrations. For, autonomy advocacy is perceived as narrow-mindedness and selfishness, while autonomists themselves are, as a rule, labeled as separatists. As for newcomers, they are mostly apt to perceive themselves as promoters of an ideology the sum and substance of which is anti-separatist and integrative, and, therefore, strengthens the nation and the state.<sup>45</sup> Ultraradical political forces taking refugees as their target group and voting bank attempt to profit from such political sentiments, the more so since the state can hardly help them to solve problems of their everyday life. Weak and fragile reformist wing – faced with obstructions and allegations, and weighted by scandals of all sorts – on the one hand, and the accelerated social differentiation on the other, push refugees to the strata usually attracted not only by prompt, but also radical solutions. The fact that they found themselves in Serbia makes the things even worse. For, should they come from any other ethnic group, they could exert pressure on the administration in the name of human rights and look forward to the international community's protection.

Subotica's refugees recent request to be granted the status of a national minority does not (only) indicate their utter social desperation, at it seems at first glance.<sup>46</sup> From refugees' point of view, the status of a national minority would improve their position. Besides, they claim, the international community, by treating them as a national minority, would press the government to efficiently solve their problems. Unlike Milosevic's regime that had been disinterested in their everyday problems – for it actually wanted to present them to the world as people in jeopardy – the new administration seemed unaware of the issue's complexity. For, in addition to all problems that can be registered as social, economic, political, legal, etc., the refugees give rise to yet another – the issue of complexity of the Serbian nation itself.

Given that they have lived in different surroundings and communicated within different cultures and traditions, refugees, taken as a social group, have traits that differ than from members of the ethnic majority in Serbia. Being a specific minority within the Serbian nation, refugees, among other problems, have to face the monocultural, ethnocentric model that denies pluralism and

<sup>45</sup> Neither culturally nor socially are the refugees homogeneous. For instance, they may be divided into the refugee aristocracy and the refugee poor.

<sup>46</sup> At the convention held last May in Palic, refugees said they were maltreated, lived in homes without electricity, etc. and demanded relevant authorities to intervene on their behalf. They also asked to have their stay in Palic prolonged. In addition, they requested the Ministry of National Minorities to list them as a new national minority under the name of refugees. *Dnevnik*, May 23, 2003.

differences within a single nation, a model that demands assimilation and annuls differences, rather than offers integration.<sup>47</sup> Therefore, refugees are additionally marginalized, frustrated and growingly aware that they are nothing but victims and food for nationalistic exclusivity.<sup>48</sup>

### Problems Standing in the Way of Shaping Vojvodina's Identity

Today's process of shaping Vojvodina's identity and parallel insistence on its full autonomy are weighted, on the one hand, by the powerful concept of a nation-state, and by the pronounced aspiration for a territorial "ethnic self-administration" on the other. Mutually challenging and feeding on each other, the two processes additionally impair the forces that advocate autonomy. Incapable of animating the public and incite citizens to be more resolute in their demands for autonomy, these forces hide behind an empty radical phraseology and look forward to official Belgrade's support. In return, they offer their services to the capital's political showdowns. Belgrade thus utilizes autonomy-advocacy leaders who, eager to discredit each other - for instance, Isakov discredits Canak for his alleged ties with mafia, while Canak discredits Isakov for his ties with Kostunica and as a person prone to vice - weaken and fragmentize the autonomy-advocacy bloc. If one bears in mind that a new constitution is underway, it is no wonder that conflicts break out, the same as that some experts go public with analyses questioning the autonomy. That was why the Vojvodina Movement released an appeal to "progressive forces to get organized and unite, as we should not allow retrograde, centralistic and nationalistic ideologies to score off in the new century."<sup>49</sup>

<sup>47</sup> See Ratko Bubalo's contribution to the collection of papers "Minorities and Transition," Helsinki Committee for Human Rights in Serbia, Belgrade, 2002, p. 140.

<sup>48</sup> Regardless of their ethnicity, local population perceive refugees as rivals in the struggle for the anyway meager resources. Wars for territories have been replaced by "wars" for jobs, and national-chauvinism by social chauvinism and cultural racism. See, "Minorities and Refugees in Vojvodina," Helsinki Committee for Human Rights in Serbia, Belgrade, 2001.

<sup>49</sup> *Dnevnik*, June 17, 2003. Apart from the listed Vojvodina Alliance and Vojvodina Movement, as well as LSV, RV and SVM, the release was not clear about which "progressive forces" it appealed to. Does the Movement rely on two influential actors at the political scene such as the Democratic Party of Serbia (DSS) and the Democratic Party (DS)? The two parties do not differ much when it comes to the necessity to decentralize the state and upgrade the authority of local self-governments. However, they differently perceive these principles in practice. As for Vojvodina, the DS maneuvers so as to be able, if necessary, to accept the concept of asymmetrical regionalization. (See: Jovan Komsic, "Vojvodina and the Future Constitution of Serbia," p. 32). The DSS speaks in favor of symmetrical regionalization, which in itself raises doubts that by decentralization the party actually tends to "weaken/eliminate" autonomy. If this is the criterion for classifying political parties in "progressive" and "retrograde and centralistic" ones, it is also no wonder that the Socialist Party of Serbia (SPS) and the Serbian Radical Party (SRS) are taken as the latter. The Socialists still propagate "the

The same as the Vojvodina issue was once utilized to secure support to the DOS coalition, there are attempts today to utilize the fear of further fragmentation of Serbia and the Serbian ethnic community against Vojvodina's autonomy. So, Vojvodina was firstly utilized to topple Milosevic's regime and then to "normalize" nationalism. Normalization of nationalism in the case of the German community that requests denationalization of the property confiscated from its members after the World War II is also manifest as a denial of crime. Calling up national interests, the Novi Sad branch of the SRS released that "actual administration prepares an organized return of 'volksdeutschlanders' to Vojvodina." To support their claim the Radicals explain that denationalization in the case of members of the German community "implies that all citizens of Serbia, who have been granted abandoned real estates as compensation for the war damage after 1945, will have to move out of their homes, apartments and other facilities." Such program, take the Radicals, "has been devised for the sole purpose of equating the genocide against the Serbian people in the WWII with the alleged suffering of Germans at the time of communist dictatorship; the bottom line here is to dwindle the number of Serbs in Vojvodina and deprive them of their property."

The Radicals' release not only endeavors to disqualify the administration as anti-Serbian,<sup>50</sup> but also to raise doubts about the hardship members of one national community went through. The term "alleged" serves to minimize, if not deny, a crime, which is thus supposed to be "smaller" when compared with another one. In addition, such wording illustrates nationalistic tendency to present one's own nation as a victim throughout its history.

Facing the past is far from being a simple process in ethnically complex societies. Coming to grips with the past and crimes affects multiethnic relations. However, only the public awareness of the crimes that have been committed and readiness to acknowledge them contributes to peaceful living side by side.

Findings of the research conducted by Vladimir Ilic - and publicized in the book "Overcoming the Past in Vojvodina" - show that Vojvodina Serbs are apt to perceiving themselves as victims, while turning a blind eye to the responsibility of their countrymen. However, these findings also speak of their readiness to build a better life for themselves. True, such vistas are blurred by

process that has overcome Serbia's division in three parts and thus resulted in a unified republic." They are still dedicated to "the struggle against political forces that aspire to separate Vojvodina from Serbia or divide Serbia," while the Radicals, advocating a centralized state, "advocate abolishment of Vojvodina's autonomy." *Ibid*, pp. 34-35.

<sup>50</sup> Though not freed from well-argued criticism of its work, the provincial administration manifested the readiness to combat the notion of collective guilt. Namely, in late February 2003 the Vojvodina Legislature adopted a resolution saying, "The Executive Council of the Autonomous Province of Vojvodina shall prepare an overview of all regulations passed during and after the WWII that were grounded on the principle of collective guilt, and shall put forth to relevant authorities of Vojvodina, Serbia and the state union of Serbia and Montenegro to proclaim them null and void."

nationalism. On the other hand, this is not about the same nationalism that, afraid of another nationalism – hangs on to violence and ethnic terror. Though not giving up their strategic goal – unification of all "Serbian lands" – nationalists are now forced, under the pressure from the international community, to postpone its attainment and adjust themselves to new circumstances. They have replaced their fierce patriotic rhetoric by democratic phraseology, and turned their eyes from Kosovo – a mythic place of Serbian nation's birth – to "Serbian Athens," i.e. Vojvodina, "the most endangered land of Serbs."

Every nationalism, Serbian included, feeds on a notion about "endangered nation" and people's fear of unemployment and insecurity. In Vojvodina, for instance, over 300 thousand people are jobless. The unemployment rate has been rising for over a decade. Such high unemployment rate will not only lead to reduction of salaries, but will also sharpen the struggle over the anyway meager public funds. The growing competition along ethnic lines and permanent listing of public officers on the grounds of their ethnic origin will be fueling the thesis about ethnic inequality that will, on its part, radicalize minority communities. The emphasis placed on the province's exclusively Serbian character is not resisted or criticized by the ethnic majority. The fact that the candidate of the nationalist Serbian Radical Party scored off in the election for Serbian presidency is rather telling about a practically non-existent resistance. Prompted by such triumph, some autonomists demanded a ban on the SRS. However, they never bothered to reconsider their policy and responsibility that were conducive to such electoral outcome.

Autonomists were taken by surprise at the Democratic Party's decision to participate in the parliamentary election on its own.<sup>51</sup> Autonomists, locking horns, run in the December parliamentary election within different coalitions and, as it turned out, failed to win a single parliamentary seat. Now that they are defeated in the election their anyway small influence on the issue of autonomy will be even smaller. Evidently, autonomy will be decided on in Belgrade, rather than in Novi Sad, and the decision will be on nationalists' agenda, rather than on autonomists' one. It is not to be ruled out that the new homogenization of the Serbian national corps would "force" a part of the

<sup>51</sup> Autonomists, particularly those assembled in the LSV, reacted at the decision with a mixture of silly unawareness and bitter feeling about being left in the lurch. "Just step into the shoes of other DOS parties that have been helping all these years the Djindic government, and then that of Zoran Zivkovic to secure the parliamentary majority. Would they act as they did have they known their interests would be ignored, the electoral threshold would not change, Serbia would be a single electorate, the Law on the Property of the Republic of Serbia passed by the Milosevic-Seselj coalition in 1996 for the purpose of robbing Serbia would not be amended, and that Zoran Djindjic's government and the one Zoran Zivkovic after him would operate under the same law?... If anyone knew that would happen, he would certainly act in a different way," said Nenad Canak, leader of the LSV. See: [www.lsv.org.yu](http://www.lsv.org.yu)

"Autonomists' Holy Trinity," the SVM, to discard the idea of citizens' autonomy and opt for a Hungarian regional autonomy instead.<sup>52</sup> The process of opening ethnic seams in Vojvodina that has been going on for over ten year will thus continue.

As an extremely heterogeneous community, Vojvodina needs institutions capable of holding together elements prone to cultural separation. It is most important in this context that political borders do not correspond to ethnic or linguistic ones. Plurality of identities is a mechanism that weakens the processes of ethnic homogenization, which bloom in poverty since poverty itself weakens social cohesion and boosts groups' aspirations when it comes to the anyway meager social resources.

Two ethnic communities – Serbian and Hungarian – crucially determine interethnic relations in today's Vojvodina. The character of these relations, therefore, depends on these communities' particular interests and political preferences. Though findings of a recent survey indicate that influence of the forces seeing Vojvodina as an ethnic Serbian province, rather than autonomy, is somewhat bigger, it is rather improbable that such state of affairs would sharpen interethnic relations.<sup>53</sup> This is the more so since some minority leaders, particularly of the Hungarian community, make no bones about the autonomy issue being solely a Serbian concern. In other words, elites of major ethnic communities would readily compromise to settle interethnic relations.

Unlike members of the Hungarian community that is large enough to promote its interests, other minorities – small minority communities in the first place – dread that such concessions might overlook their needs. They look with a suspicious eye at the way the Hungarian elite behaves. For, by participating in the government the latter not only makes it legitimate, but also manages for force solutions that suit it, while also trying to obtain some benefits and privileges over negotiations with its mother country.<sup>54</sup> Given that the concept of nation-state will not be abandoned in Serbia in foreseeable future, it is only natural that the Hungarian elite insists on ethnic identity and collective rights.

<sup>52</sup> The document titled "Agreement on Political and Legal Frames of Self-Government in Vojvodina and of National Communities Living in Vojvodina" signed in 1999 quotes, "Vojvodina's jurisdiction and functioning do not precondition the education in and functioning of the Hungarian personal self-government and the Hungarian regional self-government."

<sup>53</sup> For instance more Novi Sad residents than before say they are not in favour of any autonomy whatsoever (9%). Given that situation is about the same when it comes to those opting for an independent state (4%), one can only conclude that Vojvodina residents take growingly radical stands in the matter of autonomy.

<sup>54</sup> The Center for Minority Rights, for instance, called the request for dual citizenship discrimination. "We take that Hungarians outside Hungary should not be granted dual citizenship just because they are Hungarians... Otherwise, Hungary could be treated only as a nation-state, i.e. the state of Hungarians, which would turn its other residents such as Serbs, Roma or Rumanians into second-rate citizens." *Dnevnik*, October 24, 2003.

And it is not less logical that small minorities insist on individual rights, since for them, small as they are, collective rights are nothing but empty words.

Some minority problems can be overcome through pluralization of very minority communities, which at the same time opens them vistas to prosper. National elites are those that fiercely oppose pluralization. By pinpointing cultural differences and specificities, they actually aspire to establish a vertical communication among ethnic leaders. This is quite contrary to the grassroots network that attracts and is practically created by ordinary people.

## Situation of Minority Communities

As a notably multiethnic and multiconfessional whole, Vojvodina was greatly affected by Milosević's policy of "soft cleansing." Reduction of minority rights deteriorated the situation of minority communities. Once ex-Yugoslavia dissolved, people from communities that used to have the status of nations became, all of a sudden, members of some unrecognized minorities. By inciting fear and the sense of insecurity, strong nationalistic campaigns hindered members of minority communities from insisting on their rights. While centralization made it impossible for minorities to exert influence in the matters crucial to the safeguard of their identities, the overall impoverishment practically destroyed their institutions.<sup>55</sup> Relevant authorities did nothing to prevent breaches of minority rights laid down in relevant regulations.<sup>56</sup> Moreover, the regime boasted that members of minority communities exercise their rights in full keeping with international standards in this domain.<sup>57</sup> Grounding itself on such thesis, the regime easily disqualified minority requests by labeling them, *inter alia*, as aspirations for establishing a state within the state. A nationalistic policy as such "impaired interethnic relations in Vojvodina. Members of minority communities often complained of discrimination, their worsened position, inadequate representation in

<sup>55</sup> "For instance the Ministry of Education's 'Curricula for the Classes in Minority Languages' has been almost entirely composed from the same curricula for the classes in the Serbian language. So, Hungarian students are hundred times more instructed in Serbian history than in their own," Tamas Korhec, "True Equality of National Minorities in Vojvodina, Serbia and Yugoslavia," The Helsinki Committee for Human Rights in Serbia, Belgrade, p. 234.

<sup>56</sup> Under the law, all public inscriptions in municipalities inhabited by minority population must be bilingual. Breaches are punished by enormous fines, while relevant republican authorities are responsible for enforcing such regulations.

<sup>57</sup> Ex-Yugoslavia endeavoured to have the minority issue incorporated in the CSCE Final Act. Though it made a breakthrough in this domain and managed to turn the minority issue into a key one on the international community's agenda, ex-Yugoslavia practically paid the cost. Namely, once opponents of its demands turned critics that requested to see the protection of minorities in practice. See: "Individual and Collective Rights of Minorities," Helsinki Committee for Human Rights in Serbia, Belgrade, 2001, p. 39.

governmental agencies and endangered identity."<sup>58</sup> In the meanwhile, "the Vojvodina Serbs manifested no readiness whatsoever to promote minority rights."<sup>59</sup>

The October 5 overthrow of Milosević's regime created conditions for approaching the minority issue in a more constructive way. The FRY signed the Framework Convention for the Protection of National Minorities, passed the Law on the Protection of Rights and Freedoms of National Minorities, and declared the Charter for Human and Minority Rights, and Citizens' Freedoms. The union of Serbia and Montenegro's admission to the Council of Europe was also important from psychological angle, as it fueled minorities' sense of security.<sup>60</sup> The minority law innovated the relevant institutional arrangement and provided minority self-government in the areas significant to maintenance and promotion of their identities. Moreover, the Vojvodina Legislature elected an Ombudsman, the first "citizens' lawyer" in Serbia ever, tasked with controlling and promoting human rights.

However, the changes in legal sphere are by far speedier and efficient than those in real life.<sup>61</sup> The Milosevic regime did not rely on repression only or treated all minorities in the same manner. By exploiting the existing bias in full, Milosević's ideological apparatus widened the ethnic gap and thus deeply scarred the social tissue. A survey the Novi Sad "Scan" agency conducted in 2003 in 29 secondary schools in 22 towns in Vojvodina show that students are considerably biased about people coming from other nations and religions, and rather intolerant to them.<sup>62</sup> Regardless of a tolerance campaign staged by the relevant ministry, cases of intolerance are frequent and manifested in different ways.<sup>63</sup> Though state authorities do not always adequately react at nationalistic

<sup>58</sup> Miroslav Samadzic, "Transition and Vojvodina's Minorities," collection of papers titled "Protection of Minority Rights," the Center for Anti-war Action, Belgrade, 2002, p. 109.

<sup>59</sup> *Ibid.*

<sup>60</sup> The union of Serbia and Montenegro are obliged to sign and ratify several of major European documents such as the European Convention of Human Rights or the Charter for Regional and Minority Languages.

<sup>61</sup> Interestingly, no MP in the federal parliament voted against the minority law.

<sup>62</sup> According to the survey, one in ten secondary school student is ready to learn about cultures of other Vojvodina's nations. Also, as most of interviewees put it, parents would be more tolerant to teachers belonging to religions other than theirs than to spouses of different religions. Also, only one in ten interviewed Serbian students speaks a minority language. As many as 16 percent of interviewees said they faced difficulties because of their origin - this is most evident in the cases of Hungarian and Croats. Two-thirds of interviewees said they never spoke about tolerance with their teachers. One in nine students said teachers referred to people from other ethnic group negatively. *Gradjanski List*, July 17, 2003.

<sup>63</sup> For instance, ethnic intolerance is evident in graffiti such as "Put Hungarians in refrigerator trucks," "Death to Croats and Muslims," "Death to Jews," etc. It is also manifested through verbal assaults. For example, in early 2003 a teacher was severely assaulted in a bus just because she spoke to her students in Hungarian. When it comes to physical assaults, they are mostly directed at Roma and Ashkalia.

incidents, one cannot but be encouraged by the reaction of the civil sector<sup>64</sup> and some indisputably outstanding figures.<sup>65</sup> This evidences that Vojvodina's tolerance resources are not totally exploited, in spite of being rather undermined by the former regime's nationalistic policy.

## The Role of the Media in Promotion of Multiculturalism

The media play a crucial role in the promotion of tolerance, dialogue and multiculturalism. According to the research conducted by the Novi Sad School of Journalism, the media in Vojvodina are not sensitized when it comes to the needs of people living in multiethnic communities, while raising public awareness about the imperative of interethnic dialogue and advantages of multiculturalism is certainly not a part of their editorial policies.<sup>66</sup>

"The media in Serbian as the majority language cover minorities and their problems only when it comes to various festivities or incidents. The media in minority languages are nested in their own ethnic and cultural areas, and are concerned with 'others' only in 'special' cases – either when some developments affect their communities or make hard news. Editorial policies of the Vojvodina media, unfortunately, are unaware of the necessity to shape public opinion in favor of multiculturalism or to influence full implementation of cultural rights of all ethnic communities in the region," concludes the research.

Ethnocentrism on the one hand, and superficial and unsystematic media coverage of minorities – which amount to 34.95 percent of the province's population – confound the minority issue. Journalists hardly ever lean on the concept of minority rights as an indispensable journalistic tool that enables them to perceive the reality in its true light or question official stories. Obviously, journalists do not perceive minorities as an acute problem. Stories dealing with minorities are usually to be found on inner pages, which in itself

<sup>64</sup> On the occasion of the Day of Europe activists of non-governmental organizations launched a campaign they titled "Whitewashing Fascism." They "whitewashed" the facades of buildings carrying the hate speech in several Novi Sad residential districts.

<sup>65</sup> While guesting the TV Novi Sad show "Unbuttoned" in September 2003, Jovan Pejic, historian from Kikinda, claimed there were no Croats in Vojvodina. As for Slovaks, Rumanians and Hungarians, he called them settlers, and said Baranja was occupied. Writer Laslo Vegel reacted at his discourse by accusing the TV Novi Sad of restoring the values prevalent in the Milosevic era. Vegel was particularly critical of the fact that the show coincided with the official visit of Croatian President Sjepan Mesic to the union of Serbia and Montenegro. *Gradjanski List*, September 12, 2003.

<sup>66</sup> Within the project titled "Media Awareness," the School monitored the media in Serbian and minority languages. The monitoring included Serbian and Hungarian dailies such as "Vojvodina," "Dnevnik," "Glas Javnosti" and "Magyar Szo", weeklies "Ruske Slovo," "Hlas Ludu" and "Libertatea," as well as local media in Hungarian and Romany languages – Radio Sombor and the "Dunataj" weekly.

indicates the priority given to the subject matter. To make the things worse, minorities are more often than not seen as folklore groups – actually, this is about a premodern perception. The attempt to explain all shortcomings in the minority coverage – both quantitative and qualitative – by the topic's unattractiveness to readers, neglect the fact that the media, as Mihalj Ramac put it, are generally not self-sustainable and that most of them survive thanks to subsidies or donations.<sup>67</sup> It was only due to the French government's grant that the Novi Sad-based Dnevnik daily covered the minority issue on one newspaper page in the period from August 2002 to August 2003.<sup>68</sup>

And yet, the Radio 021 deserves to be singled out. In October 2000, this radio outlet launched the program in minority languages known as Multiradio. Unlike the existing concept of multilingual programs – that ghettoize minority communities, according to this broadcaster – the Multiradio has no separate desks in minority languages. All journalists, regardless on the language they use in their reports, work together to prepare and realize the news program. The Multiradio attracted public attention in almost no time and was acknowledged for its endeavor. Interestingly, in one day only the station was informed that the Hungarian Fund for the Freedom of Media bestowed upon it the Free Press Award, and received a communication from provincial authorities saying the province was not interested in supporting its news program.

Among the problems the Vojvodina media have to cope with are politicians trying to step into the shoes of their editors.<sup>69</sup> There is still no telling to what extent will privatization of the Dnevnik daily or the Magyar Szo, known as the most controlled party newspaper in Vojvodina, contribute to the break with the center of political power. The Radio 021 and the Kikindske Novine make the handful of the media that openly criticize the attitude of decision-makers: in Vojvodina, and outside it.

The Vojvodina government's decision that, by the end of 2003, the Information Secretariat should draft a document enabling the transfer of

<sup>67</sup> The "Svet" magazine is the only successful media project in Vojvodina. This is to be ascribed to the magazine's large network of distributors and its attractiveness to the masses. The magazine is yet another example testifying that one can easily profit from the longstanding, destroyed value system and distribution of primitive patterns. *Helsinki Charter*, No. 69.

<sup>68</sup> The latest findings of the "Skan" agency show that the Dnevnik daily is the most popular newspaper in Novi Sad (18.4% of Novi Sad residents read it occasionally, while 13.5% make the paper's regular readership). It is followed by "Blic," "Vecernje Novosti," "Gradjanski List," "Politika" and "Danas." Generally speaking, the Novi Sad-based newspapers attract less regular readers than those published in the capital. The Novi Sad "Radio 021" is the media outlet with the highest ratings. The Radio Belgrade comes next on the list and attracts more listeners than the Radio Novi Sad.

<sup>69</sup> In this context it suffices to recall the scandalous and arrogant behaviour of the Vojvodina parliamentary speaker, Nenad Canak, and the leader of RV, Mile Isakov, demonstrated when journalists, having waited for several hours for the start-up of a scheduled press conference, walked out in protest.

ownership rights from the Vojvodina Legislature<sup>70</sup> to national councils,<sup>71</sup> which would consequently be entitled to either to change the ownership structure of newspapers, i.e. privatize them, additionally capitalize them or publish them under different names<sup>72</sup> calls for discussion. Though expected, the decision raised a number of questions. First of all, why such rush for transformation?<sup>73</sup> Why should ownership rights be transferred to national councils set up by authorities and acting hand in glove?<sup>74</sup> Why not transfer these rights to the municipalities where most members of a particular minority community live? Why shouldn't publishing houses distribute shares to their employees? National councils were also on the carpet – for, said the critics, as newly established bodies they have not acquired authority so far; they have been established in an undemocratic manner; they are incapable of managing institutions that have been there for decades, etc.<sup>75</sup> Besides, according to the critics, a national council, composed of a community's political representatives, might meddle in media policies and thus turn such outlets into partisan mouthpieces.<sup>76</sup> Top-down homogenization of minorities, i.e. a one-party monopoly might be, as Laslo Vegel put it, is the outcome of such transfer of ownership rights.<sup>77</sup>

Most of those who publicly commented the matter never gave thought to the fact that a transfer of ownership rights changes the very character of a

<sup>70</sup> The Vojvodina Legislation is the owner of eight publishing houses: "Dnevnik," "Hlas Ludu," "Magyar Szo," "Hrvatska Rijec," "Libertate," "Ruske Slovo," "Them" and "Het Nap." "Dnevnik" is supposed to be privatized with the consent of its owner, the Vojvodina Legislature.

<sup>71</sup> The decision derives from the provision of the Public Information Act, according to which the state of territorial autonomy, a governmental agency, a business or other legal person that is partially or wholly subsidized, except if not provided otherwise under a special broadcasting bill, cannot – directly or indirectly – figure as newspapers' owners.

<sup>72</sup> According to Provincial Secretary for Administration, Regulations and National Minorities Tamas Korhec, the issue of financing should be separated from the issue of ownership rights in this particular case. "Under the Constitution, Vojvodina is obliged to more or less finance mass media in minority languages. However, the Vojvodina Legislature will no longer be the one to decide on the amounts and manner of such financing." *Dnevnik*, September 12, 2003.

<sup>73</sup> Djordje Subotic, president of the parliamentary Information Committee, wondered whether the upcoming election was behind such rush. *Dnevnik*, September 17, 2003.

<sup>74</sup> Commenting the decision, Laslo Vegel noted that national councils were incorporated into the administration and parliamentary system, in spite of the fact that in keeping with European standards, an administration could not figure as an owner of a media outlet. *Gradjanski List*, October 28, 2003. Niku Cobanu, director of the Libertatea, told about the same the Helsinki Committee's round table.

<sup>75</sup> Niku Cobanu, *Danas*, September 6-7, 2003.

<sup>76</sup> In Djordje Subotic's view, transfer of ownership rights to national councils might result in a situation the same as the one before October 5, 2000. *Danas*, September 12, 2003.

<sup>77</sup> A monopoly in the case of the Magyar Szo would be in the hands of the SVM. "Even now you may criticize them all in the Magyar Szo – from Zivkovic to Kostunica. But you cannot criticize Josef Kasa and other SVM high officials." *Gradjanski List*, October 28, 2003.

media outlet. From a media outlet in a minority language, it is turned into a minority outlet. In other words, this is about having Vojvodina media in minority languages, rather than Hungarian, Rumanian, Ruthenian or Croat media.<sup>78</sup>

Against a backdrop as such, the Novi Sad School of Journalism logically wonders whether the transfer of ownership rights would fuel ethnocentrism, widen the cultural gap and further loosen interethnic ties. In 2002, when the Hungarian Status Law came into force, several citizens called in the Helsinki Committee's branch in Novi Sad asking, "What's going on? How long shall Serbs in Serbia be discriminated? How come that Hungarians can apply for jobs both in Serbia and in Hungary, while Serbs are unemployed?" And all of them offered a "simple" solution to the problem by stating, "Serbs should be favored when applying for jobs, since Hungarian might always find jobs for themselves in that pretty Hungary of theirs!" It goes without saying that the said transfer of ownership rights will make ethnic elites even more powerful and boost segregationist multiculturalism they advocate. Nestling in one's own ethnic group and permanently feeling anxious about assimilation and domination of others is the bottom line here.

## The Role of the Serbian Orthodox Church in Shaping Vojvodina's Identity

Vojvodina used to be a model of coexistence of different nations and religions. However, everything turned upside down when Milosevic came to power, and nationalism and conservatism triumphed. The biggest church, the Serbian Orthodox Church (SPC) made a comeback at the point when Milosevic homogenized the public sphere on the grounds of nationalistic program. The SPC's support to such nationalistic program was fully consistent with its role throughout history. For, all the time, the SPC was "more of a guardian of Serbhood than a religious institution."<sup>79</sup> Counting on the DOS coalition's nationalism and anticommunism, the SPC skillfully strengthened its position in the society. Backed by conservative parts of the political elite, it conquered the newly liberated public sphere and forced its way in a variety of institutions – schools, barracks, hospitals, diplomatic missions, etc. – while ignoring the constitutional principle of the separation of the state and church, and the principles of equality of all religious communities.

The Church's encroachment upon the public sphere is justified by its concern for people's spiritual health, and the need to have all areas inhabited by Serbs spiritually, culturally and politically marked as Serbian. So, as of

<sup>78</sup> See: Djordje Subotic's statement run in the issue of September 9, 2003, of the *Danas* daily.

<sup>79</sup> See: Mirko Djordjevic, "War Cross of the Serbian Church: Facing Democracy," Helsinki Committee for Human Rights in Serbia, Belgrade, 2002, p. 70.

lately, churches the shape of which has nothing to do with the prevalent architectural style are being constructed throughout Vojvodina. Eager to expand its influence, the Serbian Orthodox Church not only disregarded the specificity of the Serbian Eastern Orthodoxy in Vojvodina, but also challenged the state by putting forth that the Mt. Fruska Gora should be proclaimed a holy place. The Church was obviously not bothered by the fact that the state had already proclaimed the Mt. Fruska Gora a national park, or that there was no canon on the grounds of which it could be proclaimed a holy place.

Ongoing developments point to clericalism and the Church's intention to play a guiding role in it. This is probably best illustrated by the scandal related to anniversary of the infamous "Novi Sad raid" (in the WW II). Should President of the Vojvodina Assembly Nenad Canak address the memorial service, said the Church, it would organize a commemoration of its own. Further, addressing the second assembly of the Svetozar Miletic Serbian National Movement, Bishop of Backa Irinej (Bulovic) said, "The very idea of our nation's congregational unity, and its national and cultural identity is in jeopardy," adding "It (the nation) is now more threatened from the inside than from the outside, and is threatened by people of burned conscience... by Serbs who deny their own national identity and are, as a rule, atheists... In brief, was the Church intent to do something to stop these people's doings, exorcism would be the only solution."<sup>80</sup>

As it perceives itself as a strong factor of integration, the Serbian Orthodox Church opposes the idea of Vojvodina's autonomy.<sup>81</sup> The assembly of the Svetozar Miletic Movement referred to in the paragraph above also requested an early election for the Vojvodina legislature. The request was based on the claim that the Vojvodina legislature and Vojvodina Serbs were not even in minimal accord.<sup>82</sup>

The Church's reaction to ever more frequent sacrileges of Catholic graveyards, particularly in Novi Sad, is also most illustrative. The Secretary of the Backa Eparchy said this act of vandalism (in Novi Sad) should be ascribed to "excessive liberalization" of the town hosting the Exit Music Festival for three years in a row. The Secretary equaled the sacrilege of the Catholic graveyard with this music festival by saying, "We are all aware that it is, in a way, a hotbed of narcotism and vices of all sorts."<sup>83</sup> Actually, the Exit is the biggest music festival in the Balkans assembling performers from all over the world and visitors from the entire ex-Yugoslavia. It is obvious that what most bothers the Church is the festival's liberal spirit and its openness to "the Other." Instead of pointing a finger at the Exit and liberalism, the Church representatives

<sup>80</sup> *Nasa Rec* No. 6, p. 2, February 15, 2003.

<sup>81</sup> Namely, the advocates of Vojvodina's autonomy are criticized for wanting to establish a separate church.

<sup>82</sup> See "Human Rights in the Shadow of Nationalism," 2002 annual report of the Helsinki Committee for Human Rights in Serbia, p. 85, Belgrade.

<sup>83</sup> *Gradjanski List*, October 2003.

should better blame nationalism for the sacrilege of the Catholic graveyard - i.e. the nationalistic policy they used to back wholeheartedly.<sup>84</sup> For, this is the same policy that never restrained from turning Serbian "graves and bones" into the instruments of political mobilization and nationalistic homogenization. Had the SPC reacted properly, that would indicate its readiness to come face to face with its past activity and thus amend its present mission.

The Serbian Orthodox Church strongly opposes The Hague Tribunal and actively participates in its disqualification by labeling the Tribunal as a political and quasi-judicial institution.<sup>85</sup> Insistence on the Tribunal's ethnic bias proved to be sufficient to assemble a variety of factors - mundane, ecclesiastical, political, military and civil. The initial denial of the Tribunal and war crimes was later on replaced by reluctant cooperation with it and the ongoing relativization of crimes. Disclosure of mass graves in Serbia boiled down to a generalized showdown with the former regime and blaming communists, rather than resulted in the readiness to face the past. However, the strongest resistance to the cooperation with The Hague Tribunal is manifest when it comes to officers of the former Yugoslav People's Army, the SPC attempts to amnesty at all costs. No wonder that such hue and cry was raised at the indictments against four army and police generals.<sup>86</sup> Speaker of Vojvodina Legislature Nenad Canak attended the rally to support one of the inditees,<sup>87</sup> though, the same Legislature, by adopting the proposal of several non-governmental organization,<sup>88</sup> proclaimed the Declaration on the Cooperation

<sup>84</sup> "Wherever Serbian blood is split, and wherever Serbian bones are buried, this must be Serbian territory," said Bishop Nikandor. See "War Cross of the Serbian Church: Facing Democracy" by Mirko Djordjevic, Helsinki Committee for Human Rights in Serbia, Belgrade 2002, p. 79.

<sup>85</sup> According to Metropolitan Amfilohije, The Hague Tribunal is a mouthpiece of those that bombarded Yugoslavia and are eager to thus "justify their evil and crime before God and history."

<sup>86</sup> The rally to support Police General Sreten Lukic was organized by the police, and backed by Premier Zivkovic himself. According to what Minister of the Interior Dusan Mihajlovic said over the interview with the issue of October 10, 2003, of the *Novosti* daily, Serbia would be lost if the four generals were extradited to The Hague, since "it would be deprived of both the police and army." Minister Mihajlovic said, "I will certainly not be the one to extradite General Lukic."

<sup>87</sup> Canak said he joined the police rally, as it would be treacherous to turn one's back to the people that have been professionally doing their duty ever since October 5. "This is about the country's attitude to its own police forces and officers who have behaved loyally in hard times. If they are to be taken to account, they are to be tried before domestic courts." *Danas*, October 25-26, 2003. In an interview with the *Dnevnik* daily Canak said, "General Lukic should not be extradited to The Hague!" Paradoxically, the same person claiming he has always advocated "the full cooperation with the Tribunal" calls the latest indictments "unprecedented foolishness." *Dnevnik*, October 26, 2003.

<sup>88</sup> The Declaration was put forth by the following organizations: Helsinki Committee for Human Rights in Serbia, Forum Iuris, Forum of Stara Pazova Citizens, Center for Regionalism, Center for Multiculturalism, Regional Council of Non-governmental Organizations and Council for Sombor's Strategic Development.

with The Hague Tribunal. True, the Declaration<sup>89</sup> is neither obligatory in terms of law nor the Vojvodina Legislature is invested with authority when it comes to the cooperation with the Tribunal. However, the document itself takes into account the interest of Vojvodina residents and, therefore, pinpoints the importance of such cooperation.<sup>90</sup> Notwithstanding, prompted by the police rally and its message to the general public, the high official of SPS branch in Vojvodina, Dusan Bajatovic,<sup>91</sup> said that in the matter of The Hague the new authorities adopted his party's rhetoric – which in itself implied that politicians were inconsistent and turncoats, and had short memory.

## Civil Society in Vojvodina

Endeavoring to impose upon Vojvodina the cultural model of Sumadija, i. e. to reduce its historical specificity, Belgrade political elites were persistently destroying Vojvodina's civil society. However, Vojvodina managed to maintain its specific traits – an advantage that might propel its transition. A collection of papers titled "Suppressed Civil Society" quotes, "With its two provinces, Vojvodina and Kosovo, different as they are Serbia best illustrates how significant and beneficial even small elements of an incomplete, though developed civil society, and traces of the rule of law, though restricted within a state burdened with bureaucracy may be. These elements that were developed even in their rudimentary forms at the time of Austrian and Austro-Hungarian rule remain impressed forever."<sup>92</sup>

Compared with Serbia, Vojvodina has a more developed legal culture. Proceedings instituted in Vojvodina have always been more efficient and better than those in Serbia. In the collection of papers "Vojvodina and the Future Constitution of Serbia," lawyer Slobodan Beljanski says, "Ever since 1956, edited by a board composed of representatives of the Supreme Court of Yugoslavia,

<sup>89</sup> Velibor Radusinovic, head of the DS caucus, called the Declaration "an utter nonsense," while his party colleague, Miroљub Ljesnja, said, "The gentlemen from the Vojvodina government are playing video games and uncritically accept the initiatives launched by non-governmental organizations."

<sup>90</sup> It would be interesting to know what interests of Vojvodina residents and the union of Serbia and Montenegro made it imperative for Canak to attend the police rally. A hint of the answer to that question can be tacked down in one of Canak's interviews with the *Dnevnik* daily. Namely, Canak said over the interview that the Tribunal was doubtful when it came to domestic judiciary's ability to try the indictees. "If that's true," said Canak, "Serbia is not a state in the true meaning of the term. And that's exactly how the things are! The fact that Serbia is not a state explains the very existence of The Hague Tribunal. Should it be otherwise, there would be no reason to have either the Tribunal or Carla del Ponte. And why is it that Serbia cannot get constituted as a state?" asked Canak, while messaging that "General Lukic should not go to The Hague!" *Dnevnik*, October 26, 2003.

<sup>91</sup> Bajatovic also reiterated the SPS' request for passing a law on breaking the cooperation with the Tribunal. *Kurir*, October 30, 2003.

<sup>92</sup> "Suppressed Civil Society," ed. Vukasin Pavlovic, Eko Centar, Belgrade, 1995, p. 114.

the Supreme Military Court and the Supreme Commercial Court, a collection of court decisions has carried paradigmatic rulings of all supreme courts in the big Yugoslavia of the time. If we single out and analyze criminal and civil lawsuits in the period 1958-70, we shall see that the collection published 253 model rulings of the Supreme Court of Croatia, 241 of the Supreme Court of Vojvodina, 175 of the Supreme Court of Bosnia-Herzegovina, 119 of the Supreme Court of Slovenia and 78 of the Supreme Court of Serbia. The Supreme Court of Vojvodina was the second best after Croatia when it came to criminal suits (63 rulings were quoted as model), while only 6 such rulings of the Supreme Court of Serbia were cited as exemplary. With its 178 model rulings in civil lawsuits the Supreme Court of Vojvodina topped the list. The ratio between the Supreme Court of Vojvodina and that of Serbia is 90% : 10% in civil proceedings, and 70% : 30% in criminal proceedings. Taking into account populations and the number of processed cases in Vojvodina and ex-Yugoslav republics, particularly in Serbia, one cannot but conclude that the Supreme Court of Vojvodina was by far the most cited court." According to Beljanski, regardless of the crisis of the Serbian judiciary, "courts in Vojvodina are still more efficient than those in the rest of the republic."

Two periods can be distinguished in the development of civil society in Serbia – the period before and the one after October 5, 2000. Over the first period the civil society was instrumental in toppling Milosevic's regime. Now in the second, it has to cope with creating basic conditions for the establishment of a free society – the respect for human rights and freedoms, division of power and its control, unbiased public opinion, autonomous associations, the rule of law, etc. The civil society has entered the stage more conducive to its development than ever before. This primarily refers to the overall climate in the society. Non-governmental organizations are no longer stigmatized as anti-governmental. Moreover, unlike its predecessor, the new administration considers it a partner in solving problems.

On the other hand, non-governmental organizations in Vojvodina – as those all over Serbia – are faced with scores of problems. Their still unregulated legal status is among these problems. In addition, the patterns of cooperation with the public sector are inadequate. Namely, the civil society and the administration do not only work together in solving problems, but are also rivals. Therefore, one should not overlook the warning that the administration, the same as big political parties might instrumentalize the civil society.<sup>93</sup> Meager financial resources figure as yet another problem for the civil society. Once Milosevic was ousted, foreign donor organizations turned less interested in supporting it, while rivalry within non-governmental sector itself became

<sup>93</sup> "We kept telling the late Premier that we are not willing to be just a facade, a butterfly on governmental wall or a voting bank for things we do not deem worthy of support, but will be backing real things," said Danica Stefanovic, director of the Panonija NGO from Novi Sad. *Dnevnik*, November 16, 2003.



stronger, along with all negative effects. When it comes to subsidies Vojvodina manifested more sensibility than Serbia. In 2002, over 600 non-governmental organizations managed to get grants through relevant provincial secretariats. In April 2003, the Vojvodina Legislature set up the Fund for Development of Non-Profit Sector supposed to back quality projects but with limited resources.

Vojvodina's NGOs can be classified into those dealing with human rights, ecology, humanitarian issues, restitution of property, etc., but also into organizations established in the province and those that figure as branches of big and powerful Belgrade non-governmental organizations. Though it is hard to determine with certainty how many NGOs operate in Vojvodina, their number has surely grown since October 5, 2000.

The media coverage of the non-governmental sector does not correspond to the significance attached to it. Superficial and unsystematic coverage testifies that Vojvodina has no media people qualified for the subject and able to report on it professionally. In addition to the problems referred to in the paragraphs above, there is imbalance in Vojvodina's civil sector. Namely, more organizations operate in urban communities wherein overall conditions are better than in rural settings.

Two problems should be specifically singled out. Firstly, civil initiatives are met with ignorance. Secondly, distribution of funds within minority communities is disputable. Though repeatedly stressing the significance of citizens' entrepreneurship and its readiness to act as a public service, the new administration more often than not turned a blind eye to civil initiatives. So, for instance, the city authorities totally ignored the appeal signed by over 30,000 Novi Sad residents. The citizens petitioned against section of a highway planned for construction on a part of the Almasko graveyard that has been given the status of a cultural monument. Then, there was an initiative dealing with cooperation with The Hague Tribunal that several non-governmental organization put forth to the Vojvodina Legislature. The Legislature embraced the initiative and passed a declaration that, though not obligatory in legal terms, advocates attitude quite contrary to the one taken by its speaker at the police rally in Belgrade.<sup>94</sup>

As for the distribution of funds within minority communities, it is rather telling of the attempts of centers of power to influence their activities. This is not about a novel problem nor the one that affects minority communities only. This is about a longstanding endeavor to control and have monopoly on the funds provided by donor organizations. Such attempts might dangerously affect minority communities given that funds are going to be distributed through national councils. Such distribution, therefore, may give rise to national elite's aspirations to fully control these funds and thus influence

<sup>94</sup> At the police rally staged to protest against indictments against four police and army generals, the speaker of the Vojvodina Legislature, Nenad Canak, said, "Lukic should not go to The Hague."

activities of non-governmental organizations. Obviously, such "national disciplining" will not only make NGOs simulate their activities, but will also hamper the civil society's development, turn it fragile and blur its specific traits. Finally, there are minority communities that are not organized along party lines unlike, for instance, Hungarians or Croats. Geographically dispersed and small, such communities turn to civil, rather than to political society.

However, not only emancipatory ideas are generated by Vojvodina's civil society. Ultrationalistic NGOs such as "Obraz," "Svetozar Miletic" or the Alliance of Serbian Nationalists propagate homophobia, religious intolerance and nationalism. Agressive and backed by nationalistic (secular and clerical) elites, they get more media coverage and leave one under impression that they are stronger and more active than other NGOs. The civil society's resources are not put to full use. However, it should be stressed again that a group of Vojvodina NGOs initiated the above mentioned declaration on the cooperation with The Hague Tribunal that attracted considerable attention.

Besides, some NGOs such as the Center for Regionalism have developed regional cooperation, primarily with Croatia and Bosnia-Herzegovina, but also with Kosovo and some regions in Serbia proper. This is about processes that take time and the effects of such cooperation cannot be assessed in the short run.

## Conclusions:

- The situation in Vojvodina has been radicalized by Serbian elites' insistence on constituting Serbia as an ethnic state. This stands in the way of a constitutive status for Vojvodina that would be in keeping with its historical legacy, tradition and specificity. Vojvodina's elites are to blame for such development as they inadequately promote regional identity;
- The predominantly conservative Serbian elite's insistence on centralism basically fragmentizes Serbia and prevents it from being constituted as a modern and composite state;
- Consolidation of the majority on notably ethnic principle radicalizes minorities and makes them antagonistic. Therefore, bigger minorities take that territorial autonomy is the only possible solution, while the smaller ones the capacities of which are meager are losing their cultural specificities and are doomed to assimilation;
- National councils that represent minority communities are not up to their stipulatory role of maintaining and promoting minority identities. Among other things, lack of funds hinder smooth operation of this mechanism;
- Though major bridges of regional cooperation are being established, the role of minorities has not been put to full use. This mode of cooperation is the more so important since some neighboring countries such as Hungary are about to be admitted to the EU full-fledged membership;

- The media in Vojvodina – nested in ethnic areas of their own – are still not up to the task of advocating tolerance and multiculturalism;
- As the biggest "safe haven" for refugees from Croatia and Bosnia-Herzegovina, Vojvodina has failed to adequately integrate the refugees and thus loosen the tension and ultraradical tendencies;
- Provincial authorities have not sufficiently profited from Vojvodina's potential for regional cooperation, in spite of the fact that they had launched some relevant initiatives;
- The Serbian Orthodox Church's mission in Vojvodina conflicts with the province's multireligious and multicultural heritage, including that of Serbs, which it endeavors to boil down to a strictly Byzantine pattern. This sources religious intolerance and stigmatization of small religious communities that are treated as sects.

### **Recommendations to the Serbian Government and the International Community:**

- Vojvodina should be given autonomy in keeping with today's democratic standards and mainstream decentralization;
- Both the Serbian administration and the international community should play a more active role in the search for a constitutional status for Vojvodina, so as to avoid further radicalization in this matter;
- The international community and the Serbian government should financially support national councils, as well as back the latter's functioning aimed at the safeguard of specificities and adequate integration into Serbia's political and social life;
- With the assistance of the Council of Europe and the EU, state bodies should get more engaged in shaping and promoting a cultural model able to boost Vojvodina's multidimensional identity;
- The international community should discern Vojvodina's potential as "the most European" part of Serbia, capable of accelerating Serbia's integration into Europe.



# **Sandzak: The Biggest Challenge to Regionalism**

## **A. Introduction - General Data**

### **1. History of Sandzak**

Sandzak stretches over an area of eight thousand square kilometres. In both economic and cultural terms, throughout most of its history, it was considered a very backward and underdeveloped region. Word "sandzak" is of Turkish origins and it means "banner" or "flag." During the Ottoman Empire, Sandzak was termed a second-degree military and administrative-territorial area, in contrast to "Elajet" ili "Pashaluk", deemed the first-ranking or the first-degree units of the empire. Bosnia and Sandzak were one unit/whole, and had common borders since the 1699 Karlovac Peace. In the year 1790 the newly-formed Novi Pazar Sandzak, together with six other sandzaks, made part of the Bosnian pashaluk. But at the Berlin Congress in 1878 the then big European powers, thanks to the consent of Russia and Turkey, greenlighted the Austro-Hungarian annexation of Bosnia-Herzegovina and let Turkey administer the Novi Pazar Sandzak.

After the Balkans wars Sandzak was incorporated into Serbia and Montenegro and kept its name to this day. In his book "Sandzak" Mirko Catovic explains that non-change of the region's name was due the fact that it was considered an important international region, as it was disputed by Turkey, Serbia, Austro-Hungary, and other European countries, notably before and after the Berlin Congress. Its name was oft quoted in international conventions and treaties, state documents and letters, in reports and articles ran by many European dailies and periodicals, and the subject-matter of many debates and discussions. Its name, denoting an area encompassing parts of the current republics of Serbia and Montenegro was entered in many dictionaries and lexicons of European peoples and was kept alive to this day.

Before the WW2 Sandzak ranked among the most underdeveloped areas of the then Yugoslavia. It did not have any industrial facilities, roads, or railway lines. Extensive cattle-breeding was its principal industrial branch. In the post-war period some industrial branches –textile, woodcutting, etc.-gradually developed mostly in Sandzak towns and the exploitation of coal and lead and zinc ores was kick-started. Hydro-power plants, roads, and railway lines were also built. An important road Beograd-Uzice-Podgorica-Bar and railway line Beograd-Bar cut through the territory of Sandzak. Although since then other roads were also built, Sandzak has the worst road network in the Balkans. Sandzak villages are scattered on the mountain sides, while main towns are located along the roads and railway lines. Economic and cultural centre of the Sandzak region is Novi Pazar.

Since 1990, in Sandzak, notably in Novi Pazar, many private shops and companies opened, and the private entrepreneurship flourished.

Serbian part of Sandzak is composed of 6 municipalities – Novi Pazar, Sjenica, Tutin, Priboj, Prijepolje and Nova Varos, while the Montenegrin part consists of Bijelo Polje, Pljevlja, Berane, Plav and Rozaje. In the Serbian part Sandzak municipalities are divided in two districts – Zlatiborski and Raski; the seat of the first one is Uzice, and of the second one, Kraljevo. This existing administrative-territorial division of Serbia is the subject-matter of mounting criticism by advocates of decentralization and regionalization, while national minorities view such ideas as a covert attempt at breaking up of political, economic, cultural and religious identity of the region. Namely municipalities in which some national minorities make up the majority population are mostly situated in the Serb municipalities-dominated districts. That fact has a major impact on results of parliamentary elections (in cases when constituencies overlap with districts), in naming/appointing local district administrators, and also has a bearing on the projected development of that area, elaboration of economic-social plans and in town-planning. According to the existing territorial division of Serbia, Raska District encompasses (in addition to municipalities of Novi Pazar i Tutin) Kraljevo, Vrnjacka Banja and Raska, a Zlatiborski District (in addition to Sjenica, Nova Varos, Priboje and Prijepolja) encompasses also Arilje, Bajina Basta, Kosjeric, Pozega, Uzice and Cajetina. According to the last population census from 2002, in Raska District there are 291,230 people, that is, 188,456 Serbs and 93,921 Bosniaks; in Zlatibor District there are 313,396 people, that is 261,055 Serbs and 40,225 Bosniaks. In contrast to the aforementioned, 6 Sandzak municipalities have 235,567-strong population, namely 89,396 Srba and 134,128 Bosniaks<sup>1</sup>. Representatives of the two leading political parties of Bosniaks, SDA and SDP, have a different tack to this problem. SDA insists on indivisibility of the whole territory of Sandzak (Serb and Montenegrin part) and constitution thereof as a distinct region, while

<sup>1</sup> "2002 Population Census ", Republican Statistical Institute of Serbia, 2003. \*Caveat: Undeclared, and members of other minorities make up 12,043 locals.

SDP deems such claims as dangerous and politically unrealistic, and insists on the preservation of the state union of Serbia and Montenegro, as a framework ensuring the territorial wholeness of Sandzak. SDP also floats the opinion that due to justifiable economic interests, six municipalities in the Serb part together with municipalities Raska and Ivanjica should constitute a separate region.

## 2. Basic Demographic Data

According to the March 2002 census, there are 136,087 Bosniaks in Serbia, that is, in Central Serbia- 135,670, and in Vojvodina, 417. However the largest number of Bosniaks live in the Serbian part of Sandzak, a total of 134,128 people. As regards 6 Sandzak municipalities, the largest number of Bosniaks are in Novi Pazar, a total of 65,593 denizens, and the smallest in Nova Varos –only 1,028. Most densely populated is municipality of Novi Pazar with its 85,996 denizens, then Prijepolje with 41,188, Priboj with 30,377, Tutin sa 30,054, Sjenica sa 27,970, and the least populated is municipality f Nova Varos with only 19,982 denizens.

Of total population of 235,567 people in Sandzak, there are 134,128 Bosniaks, 89,396 Serbs, 8,222 Muslims, and all others have together only 2,115 members. 629 locals did not declare their nationality, while in case of 967 locals nationality remained unknown. Instead of national, 30 denizens of Sandzaka declared their regional adhesion, while 80 of them were placed in the group "Others".

According to statistical data, of 6 Sandzak municipalities, members of Bosniak and Serb nationality have majority in three municipalities each: Bosniaks in Novi Pazar, Tutin and Sjenica, and Serbs in Nova Varos, Priboj and Prijepolje. Majority of self-declared Muslims live in Prijepolje, Novi Pazar and Priboj, minority of them in Sjenica and Nova Varos, and the least of them in Tutin.

The break-up of ethnicities according to municipalities is the following:

In the largest Sandzak municipality, Novi Pazar, there are 65,593 Bosniaks, 17,599 Serbs and 1,599 Muslims. The second largest municipality, Prijepolje, is inhabited by 23,402 Serbs, 13,109 Bosniaks, and 3,812 Muslims. In Priboj there are 22,523 Serbs, 5,567 Bosniaks, 1,427 Muslims. In municipality of Tutin, 28,319 –strong Bosniaks make up a majority, Serbs are the second-ranking community with 1,299 people, and Muslims the third-ranking one, with 223 members. In Sjenica Bosniaks make up the majority with 20,512 members; there are 6,572 Serbs, and 659 Muslims. In municipality Nova Varos there are 18,001 Serbs, 1,028 Bosniaks, and 502 Muslims.

When one takes into account the type of settlement, more Bosniaks – 74,154 live in towns, than in villages – 59,974. All Bosniak denizens -1,028 –of municipality of Nova Varos live in that town. Migration to towns is conspicuous both in Priboj with its 4,396 Bosniaks (as compared to 1,171 Bosniaks living in villages), and in Novi Pazar, with its 46,339 Bosniaks-while

the rural areas are inhabited by 19,254 Bosniaks. In Sjenica municipality the number of Bosniaks living in villages is nearly identical to the number of their fellow-nationals living in the city (10,405:10,107), while in municipalities Prijepolje and Tutin more Bosniaks live in rural than in urban areas (in Prijepolje that ratio is 9,168 versus 3,941, and in Tutin, 19,976 versus 8,343 u gradu).

Similar ethnic division of Sandzak was registered by the 1991 census. Namely even then members of the two dominant ethnic communities had majority in the aforementioned communities. In comparing the results of the last two censuses it emerges that Sandzak experienced a demographic decline, for its total population decreased by 22, 101, (257,668:235,567). All ethnicities and communities –Bosniak, Serb, Montenegrin, Yugoslav, Albanian, Romany, were faced with that decrease. Total Bosniak population decreased by 13,190 members, the Serb one by 5,965, Yugoslavs saw their number fall by 1,503, Montenegrins by 1,072, Romany by 373, etc. That population decrease, notably of Bosniaks, resulted principally from nationalistic policies and wars in the former Yugoslavia. Violence, persecution, nationalistic denial of Bosniak ethnicity, and intimidation compelled many Bosniaks, notably those from border areas, to leave their homes. Repressive policy, notably during the wars in Bosnia-Herzegovina and in Kosovo, left its mark in Sandzak, that is affected the regional ethnic set-up and relations between the two most numerous communities. War, fear and insecurity, were principal, but not the only factors contributing to the aforementioned fall in the number of local Bosniaks. That decrease was also due to lack of jobs, discrimination at work, and a reduced framework for meeting the needs and legitimate interests of Bosniak locals.

### 2.1. *Bosniaks and Muslims*<sup>2</sup>

In comparing the census results another fact should be pointed out. Namely during the 1991 census, people of Sandzak were only allowed to declare themselves as Muslims<sup>3</sup>, while in 2002 they were also allowed to declare

<sup>2</sup> Ethnonym Muslims (with capital "M") was introduced as a compromise solution of expressing a distinct national identity of population professing Muslim faith, principally in Bosnia-Herzegovina. Blunt denial of the existence of the Bosniak national identity by the majority peoples, notably Serbs and Croats, both in its most radical and moderate shape, was very much marked before the SFRY disintegration. On the other hand, the use of this name resulted in many dilemmas and inaccuracies in statistical elaboration, having in mind the fact that Albanians, Turks, Romany, etc., either expressed by that name their nationality or their religious denomination.

<sup>3</sup> In the 1961-1991 censuses period, persons who declared their ethnicity or nationality as Muslim, were thus registered in the census results. In the 1953 census, those who declared themselves as Muslims were placed in the group "Yugoslavs, undeclared". In the first post-war census, the one carried out in 1948, it was thought that Muslims of Yugoslav ethnicity would give one of the following answers: "Serb-Muslim", "Croat-Muslim", etc. or "undeclared-Muslim", while during elaboration of results, "Serbs-Muslims" were included in the group-

themselves as Bosniaks. Muslims, in the socialist Yugoslavia, were considered all Yugoslav citizens of Slavic descent, born or bred in Islamic tradition, and publicly declaring themselves as ethnic Muslims, whereby their professing or not of Islam, was of no importance. <sup>4</sup> However the name Bosniaks has been used to denote Serb-speaking Muslims of North and Central Balkans in many state documents and in literary texts since the Ottoman times. Historically speaking, Bosniak identity characterised Muslim population of Bosnia, Herzegovina, Sandzak, Muslim locals of some Montenegrin municipalities (Niksic, Podgorica, Kolasin, Plav and Gusinje), and locals who inhabited southern areas up to Kosovska Mitrovica. Gorani, Muslim inhabitants of area Gora (Metohija part of Kosovo, situated between Albania and Macedonia)<sup>5</sup> were once also considered Bosniaks.

Between the two last censuses the Yugoslav state disintegrated. In the clash between ethno-centric concepts identity of Bosniaks was denied, and they were subjected to violence and persecution. In a bid to emphasize different features of their identities, Bosniak intellectuals held a congress in Sarajevo, in 1993. At that venue an agreement was reached to reject "erroneous declaring of Muslims in national terms"<sup>6</sup> and to embrace the old historical name of Bosniaks. <sup>7</sup> Since 1996 that name was accepted by all Bosniak parties and associations in Sandzak. As the new census was approaching, the demands of Bosniak parties and associations to include modality Bosniak into the census classification, grew louder. That demand was met, and the census classification was innovated, that is expanded to include three more modalities (Ashkali, Goranac, Cincar).

Judging by the aforementioned, former Muslims (of the Serbian part) of Sandzak in the census declared themselves as Bosniaks. But the fact that a certain percentage of inhabitants still declare themselves as Muslims may indicate that the process of national integration of Bosniak/Muslims is yet to be completed, or that members of other nationalities keep resorting to ethnic mimicry. This furthermore hints at the existence of still problematic relations between members of "smaller" and "larger" national minorities.

Serbs, "Croat-Muslims" in the group Croats, and "Macedonian -Muslims" in Macedonians, while "undeclared-Muslims" constituted a separate group. However, in the introductory explanations of the book IX th along with the 1948 census results there were also data on the number of Muslims of the Yugoslav ethnicity, who declared themselves as "Serbs-Muslims", "Croat-Muslims", that is, "undeclared-Muslims". See: Metodoloska objasnjenja, Rezultati popisa 2002. Republički zavod za statistiku Srbije, Beograd, pages. 7 and 8.

<sup>4</sup> Dr Smail Balic: "Bosnian Muslims", Most no. 98, Mostar 1997.

<sup>5</sup> Dr Smail Balic, idem.

<sup>6</sup> *Idem*.

<sup>7</sup> Parliament of B-H also decided to change the national name of Muslim into Bosniak.

## B. Sandzak and Serbia: Difficult Legacy

In the socialist Yugoslavia members of the Bosniak community, together with Serbs, Croats, Slovenians, Montenegrins and Macedonians enjoyed the status of one of six constituent peoples. Following the dissolution of the state, Bosniaks found themselves in the position of a "new", unrecognized minority, whose identity was frequently and brutally denied. By dint of nationalistic ideology they were downgraded to Serbs of Islamic faith. Moreover Bosniaks faced a narrowed framework within which they could hardly meet and express their legitimate interests and needs. Their loyalty was oft under suspicion suspected, and harassment and intimidation of many members of that ethnicity often went unpunished.<sup>8</sup>

Bosniaks living in villages of Priboj municipality, bordering with Bosnia-Herzegovina, faced a very difficult predicament, for they were badly affected by the project implemented in Bosnia-Herzegovina. Statements of some politicians, notably of Vojislav Seselj, leader of the nationalistic Serbian Radical Party, that "border belt of 30 km in the depth of the territory should be cleansed of Bosniaks"<sup>9</sup> only increased their. Threats and insults, intimidation, beatings, lootings and destruction of property, killings, desecration of cemeteries, assaults at religious and cultural institutions, abductions and searches on grounds of alleged possession of arms, compelled many inhabitants of Priboj villages to leave their homes and seek refuge with cousins and friends in Priboj, Novi Pazar, Sjenica, Federation of Bosnia-Herzegovina, in Western Europe, and in Turkey. Those who out of fear left their jobs were threatened with sackings.<sup>10</sup>

Citizens of Bosniak nationality who fled their villages and found security in Priboj, appealed to the local and republican bodies to ensure their elementary security and aid them in meeting their basic needs.<sup>11</sup> After the fall of Knin and

<sup>8</sup> Sandzak Committee for Protection of Human Rights has repeatedly reported such cases, but the competent authorities failed to act adequately.

<sup>9</sup> Sandzak Committee for Protection of Human Rights: "Sandzak dossier: Pljevlja i Priboj", Novi Pazar, 1996, str. 3.

<sup>10</sup> Fearing for their lives, about 200 workers of FAP plant employed in facility "Preseraj" stopped going to work. Namely their facility was located in the conflict-ridden Bosnian territory. Although no-one guaranteed the workers safe journey to their workplace, procedure for dismissal was instituted against 96 workers who failed to clock in for 5 days running.

<sup>11</sup> In mid-September 1993 Bosniaks who had been compelled to leave their villages Kukurovici, Sjeverin, Strmac, Dragovici and Zaostro publicly appealed to state bodies to resolve their status and ensure their lives. They stressed that in Priboj "the first-rate racism is at work" and demanded that local, republican, and federal authorities ensure repatriation of all displaced persons, damage compensation for looted and torched houses, and cut forests, arrest of perpetrators of all crimes, and at least meeting of their basic needs through the Centre for Social Work, Red Cross and humanitarian organisations. Sandzacki odbor za zastitu ljudskih prava i sloboda: "Sandzak Dossier: Pljevlja i Priboj", Novi Pazar, 1996, pages 60 and 61.

arrival of Serb refugees from Croatia, status of Bosniaks worsened, for the Red Cross<sup>12</sup> sent a loud and clear message that "there was no more aid for Bosniaks" and they were also stripped of their health insurance.<sup>13</sup> Executive Committee of the assembly of municipal parliament of Priboj twice responded cynically to their appeals by the following message: "Return to your homes, for the Republic of Serbia guarantees peace and freedom to all its citizens in border areas..."<sup>14</sup>

According to collected and published data of Sandzak Committee, and information imparted by Bosniaks proper to members of the Helsinki Committee, locals of Priboj villages were oft maltreated and harassed by those whose professional duty was to provide protection! Detentions and physical maltreatment by police, harassment and looting by uniformed persons, reservists and members of different para-military units, various serious armed threats, only increased the fear of locals and encouraged emigration.

In a leaflet distributed (in 1995) in Priboj "the Serb people of Priboj" were warned by "patriots of this state and Serb people", that Muslims were enemies, people to be distrusted, and that "cohabitation is not sustainable"<sup>15</sup>. In 1996 the local radio advertised an agency calling on Bosniaks to swap their homes with Serbs from Bosnia-Herzegovina. That move was assessed by the Sandzak Committee as a logical and wily continuation of the ethnic-cleansing policy aimed at expelling Bosniaks from their ancestral homes. During the Milosevic era about 17,000 Bosniaks were detained, beaten, maltreated and harassed in different ways. Only in Priboj municipality 22 persons were killed, 59 houses torched, and 124 looted; tens of thousands of villages were abandoned, and only few locals returned to their homes. Statistical data confirm that in 1991-2002 period number of inhabitants decreased in all Sandzak municipalities, barring Novi Pazar. Although such a trend is conspicuous in other parts of Serbia (general fall in birth rate, emigration of young people to Western countries, etc.), decrease in population of all Sandzak municipalities primarily resulted from the policy of "ethnic cleansing" and anti-Bosniak hysteria of the Greater Serbia nationalists.

During the war, in Sandzak region few abductions were committed, notably abduction of passengers from Sjeverin-Priboj bus line and the one of train passengers at Strpci train station. Both abductions (according to Sefko

<sup>12</sup> In addressing participants of the Paris Conference, Bosniaks from Priboj demanded that the aid in kind be distributed through "MHD Merhamet", in Novi Pazar. "We don't trust the Red Cross of Serbia for it toes a discriminating line towards us". *Idem*, page 77.

<sup>13</sup> In their addresses to state authorities, domestic and international public, Bosniaks from Priboj clearly stated that they had been stripped of health insurance.

<sup>14</sup> *Idem*, page 73.

<sup>15</sup> In a written warning distributed in Priboj, there was a list of names of all Muslims who had sought refuge in Priboj, and whose sons "in green berrets slaughtered and tortured Serb children in Sarajevo..." *Idem*, page 80.

The pertinent commentary underscored "many listed persons are now living in Priboju, Austria, Germany, Sweden, Belgium, and some persons don't even exist".

Alomerovic from the Sandzak Helsinki Committee there were altogether 6 abductions) happened in a short span of time. The first one took place on the 22nd of October and the second on the 27th of February 1993; in the first incident 17 Bosniak passengers were abducted, and in the second, 20. A week after the Strpci abduction, Montenegrin "Monitor" warned: "When 17 Priboj Muslims were abducted from the bus, that incident served as a warning to the state that it failed to provide enough security to its citizens. On the other hand, abduction of Muslims from the Beograd-Bar train, on the Serb formations-controlled territory, demonstrated that the state policy was wrong." Rifat Rastoder, representative of families of Strpci abductees, in "Sandzacke novine" illustrated the post-abduction predicament of families of abducted passengers: "Instead of aid, or at least compassion the Belgrade companies, which employed most of abductees, two months later responded by-sackings, on grounds of -ironically- "absence from workplaces." Secretary of company "Planum" thus responded to the telephone intervention of Elifi Bakija, wife of abducted Fehim Bakija, : "Only Allah can help you"<sup>16</sup>.

Both quotations are important for they clearly accuse the then Serbian authorities of genocidal policy, which continued and peaked, several years later, in Kosovo. Aforementioned crimes against Bosniaks cannot be reduced to "privately enacted" violence and vendetta wreaked by frustrated and angry individuals. They are in fact results of the well-designed, anti-Bosniak, state policy which enjoyed a very large backing of the majority people. Gross and drastic violations of human rights, destroyed property, and poisoned inter-ethnic relations, have burdened relations between Serbia and Sandzak, and those between Serb and Bosniak people. The aforementioned abductions, despite efforts to cover them up, became key symbols of terror to which Bosniak people were exposed. Thus many had high hopes and expectations that clarification of the said abductions and crimes would attest to the will and ability of the post-5 October Serbia to make a clean break with the policy of the previous regime.

During last year, four members of paramilitary formation "Osvetnici" charged with war crimes against civilian population stood trial in Belgrade. In October 1992 they made part of the group which in locality Mioce abducted 17 passengers from the Sjeverin-Priboj bus line. According to the indictment, abducted Muslims were ferried to the territory of Republika Srpska, to be later brutally tortured and killed. Their bodies were thrown into river Drina. Four members of "Osvetnici" were convicted of the crime and sentenced to 75 years in prison. But that sentence failed to satisfy families of abductees and their lawyers, for "those who ordered and organised the crime were not arrested and tried." Two of four indicted from the group "Osvetnici" were tried in absentia, although, according to the media reports, competent authorities knew their

<sup>16</sup> See: Abductions in Sandzak, Sandzak Committee for Protection of Human Rights, Novi Pazar, 1996, pg. 18.

whereabouts.<sup>17</sup> And finally disputed were some also contradictions relating to the passing and justification of the sentence. Namely the court first admitted that "Osvetnici" were members of Visegradska brigade, but later cited that the brigade was bereft of paramilitary formations. According to both families and lawyers of abductees the latter was tantamount to an attempt to shun the issue of responsibility of the Army of Republika Srpska and of the Yugoslav Popular Army.

In the case of abduction of Strpce passengers all perpetrators were not brought to trial. The fact that only one person (convicted to 15 years in prison) was tried clearly demonstrated the intention of authorities to "cover up the motives and protect the identity of key perpetrators and organisers of abduction". Or, as Sefko Alomerovic, went on to note "to cover up the policy which represented the state program-ethnic cleansing of Sandzak"<sup>18</sup>.

Both Bosniaks and the Serb democratic public opinion were of opinion that in the aforementioned cases there was no political will and readiness to re-appraise responsibility of the state and its institutions. Crushed hopes and failed expectations slowed down democratic consolidation and raised suspicions as to the legitimacy of new institutions and public promises that all war crimes should be thoroughly investigated. Perpetrators, though in some cases well known to the competent authorities, were not brought to justice. Thus the process of confidence-restoration or re-building was stymied at the very outset, while failed expectations and suspicions encouraged extremism and political intolerance both among the Serb and Bosniak community.

Several incidents marked in Sandzak in recent years clearly indicate that the onerous legacy has not been prevailed and that ethnic conflicts still weigh on the society. In that regard most troubling are incidents during sport matches, characterized often by nationalistic frenzy. Thus during the football match between "Rad" and "Novi Pazar", in September last year, the audience sang and shouted : "We shall kill, we shall slaughter", "Kill Serbs", the Chetnik song "Od Topole pa do Ravne Gore", "Hashim Tachi", "Radovan Karadzic", "Mladic", "Srebrenica", etc. Similar incidents happened also in the past. <sup>19</sup>The most troubling incident happened during celebrations of Yugoslavia's victory in the World Basketball Championship when groups of Serbs and Bosniaks clashed in the Novi Pazar downtown. The police intervened then, but in the resumption of the conflict the following day two youngsters of Serb nationality

<sup>17</sup> "Danas", 29. September 2003.

<sup>18</sup> "Danas", 27 September 2002.

<sup>19</sup> Loud cheering of representation of Turkey by local audience and its jeering of the Yugoslav volley-ball players at the volleyball match between Yugoslavia and Turkey caused much media buzz. The fact that a girl originally from Novi Pazar was playing for the Turkish team, was omitted in the ensuing media commentaries. Previously, during the match with a Greek team, hacklers singing the old Serb anthem "Boze pravde", interrupted the playing of the official anthem "Hej Sloveni." During the match part of public also sang the old Chetnik song "Od Topole, pa do Ravne gore".

were beaten up while their mates blocked the crossroad Sestovo until early morning hours. All relevant factors in the city condemned that incident but failed to unanimously establish the responsibility of perpetrators. Namely the Bosniak National Council of Sandzak assessed that at play was a well-orchestrated action by the Serb militants and extremists from the ranks of the Serb police officers, and nationalists "imported" from Raska, while the Committee for the Protection of Serbs was of opinion that extremists from the SDA ranks through this incident tried to win over their voters and sympathizers.

Similar incidents happened on other occasions. For example during the inauguration of the new church Saint Maria Magdalen in village Pope near Tutin, songs about Radovan Karadzic and Ratko Mladic were sung, while in attendance were high government officials, representatives of local Tutin authorities, church dignitaries, including Bishop Rasko-Prizrenski, Artemije and representatives of the Islamic community. That occasion could have set a nice example of religious and national tolerance, for Bosniaks also gave donations for the building of the church.<sup>20</sup> Added to that citizens of Priboj, Prijepolje and Nova Varos found in their mail boxes a leaflet calling on Bosniaks to boycott the Christian holidays and festivities, in order to "resist the Devil". That incident (leaflets were produced and distributed by Organization of Active Islamic Youth) was condemned by both political and religious organizations which vilified those leaflets as tools for inciting religious and inter-ethnic intolerance. In the early 2003 in Sjenica were distributed leaflets with the following contents: "Poor Sjenica, the second Srebrenica!" and "poor Pazar, the second Vukovar!"

The aforementioned nationalistic incidents cause concern and insecurity among members of both communities. Fearing further radicalization and vendettas, some citizens notably those of Serb nationality leave their homes, mostly in Bosniak-dominated municipalities. Emigration of Serbs is also fuelled by economic factors: shortage of jobs and exorbitant prices of real estate, in some parts of Sandzak even three times superior to the ones in other parts of Serbia. <sup>21</sup> Both Serbs and Bosniaks agree that emigration continues; both explain it by economic and national factors, but lay different emphasis on importance of those factors. <sup>22</sup> Obvious ethnic distance (which between Serbs and Bosniaks was never large, or comparable to the one between Serbs and Albanians) is on the rise. Revival of nationalistic and radical ideas and forces and their re-

<sup>20</sup> Prava i slobode u Sandzaku VI, Sandzacki odbor za zastitu ljudskih prava, Novi Pazar, 2004, page 91.

<sup>21</sup> For years real estate and business premises prices were much higher in Novi Pazar, than in Belgrade, but they started plummeting after DOS took office.

<sup>22</sup> It is interesting to note that emigration of Serbs was one of the problems addressed by the London-based Institute for War and Peace Reporting. In one of the institute's reports it is underscored that emigration increased after the October coup in Serbia, and "if it continues it could provoke a strong Serb nationalistic backlash and a new Balkans crisis:"

conquest of both electronic and printed media polarizes and deepens anew divisions thought to have been relegated to the past (patriots and traitors, domestic patriots and foreign mercenaries etc.); there is an upsurge in hate speech and in intolerant mood, ethnic and other differences, and not cultural and democratic pluralism, are underscored as a "natural" justification for chauvinism... Rather visible is the public insistence on different names given to the region, their ancestral homeland, both by Serbs and Bosniaks, although the name "Sandzak" is generally accepted by both peoples. In Serbia that region is increasingly called by its old medieval name (Raska), along with the caveat that "Sandzak" is a Turkish word, dating back to the Ottoman rule over Serbia. The gist of such a message is that that Turks are historical enemies of Serb people and that centuries-long experiences teaches Serb to treat Bosniaks with caution and suspicion... In reality such "enlightening" stances have been already echoed in the most primitive way: in every day speech citizens of Sandzak are increasingly called "Turks", instead of "Muslims from Sandzak" or simply, "Sandzaklians". Such ethnicization of language and common speech instead of being the source of communication, is increasingly turning into the source of divisions and misunderstandings.

Authoritarian regimes generate many problems and thus leave behind an onerous legacy. To prevail that legacy concerted efforts, and well-designed and well-intended policy, along with adequate institutional and normative solutions are needed. All the aforementioned coupled with very diligent work is needed to create new customs sensitive to violations of human rights. Unless such efforts are made, new political and civilian prime movers shall be faced with revived, negative facets of the said legacy. In view of that Sandzak poses a serious and great challenge.

### C. Bosniak Issue as the Minority Issue

Like other citizens of Serbia, members of numerous national minorities enthused over the fall of Milosevic regime. Electoral results from September and December 2000 indicated that members of national minorities were overwhelmingly reform-minded and backers of the policy pursued by DOS. Added to the Albanian minority, Bosniaks in Sandzak were most threatened people during the Milosevic regime.. They paid a high price for preservation of their national and religious identity. Although extremist ideas of secession and unification with the domicile state -Bosnia-Herzegovina-have never been accepted in Sandzak proper, the whole region, and notably Bosniak-dominated municipalities bore the brunt of various, dangerous political manipulations, subversive activities by secret services, and were subjected to obvious discrimination at all levels of social life. In view of their continuing predicament and traumatized by the recent repression, Bosniak population laid great hopes in the triumphant coalition. They hoped that the pro-reform forces within DOS would gradually prevail over the conservative and nationalistic ones, and then



make a clean break with the former policy, its promoters and followers. After the hand-over of Milosevic to the Hague Tribunal, new, additional encouraging signs emerged, and civil Serbia and national minorities were gung-ho. Rasim Ljajic, President of Sandzak Democratic Party was elected Minister for National Minorities, the Act on Protection of Rights and Freedoms of National Minorities was promulgated, National Minorities Councils were constituted, and for the first time ethnonyms "Bosniak", and "Bosniak language" were officially recognized... moreover in Novi Pazar, Sjenica and Tutin, municipalities with the majority Bosniak population, in the newly-elected local bodies and municipal assembly Bosniaks were appointed to top positions. Bosniaks were also appointed to many positions in local administrative bodies in Priboj, Prijepolje and Nova Varos<sup>23</sup>, and although in some of them they were underrepresented a major breakthrough in legitimisation of Bosniak nation was achieved. National set-up in the judicial bodies, primary and secondary schools, and publicly-owned companies was improved. <sup>24</sup> That is the top positions also went to Bosniaks. Although DOS has not ammended much-criticised Constitution of Serbia, announcements of the new state structure and of the impending work on the new Constitution gave incentives to floating of decentralization and and regionalization ideas, thus opening up new prospects for Sandzak too.

### 1. Legal Framework

Legal status of national minorities was regulated at the federal level, but the minorities-related, concrete regulations are by and large devised by states, union-members. Republican constitutions guarantee equality regardless of nationality, religion, or language, while collective and individual rights of national minorities are additionally regulated by the two important federal documents, the Act on Protection of Rights and Freedoms and National Minorities (2002) and the Charter on Human and Minority Rights and Civil Liberties adopted in 2003. These documents guarantee constitutional freedom of (non) expression of nationality, the right of national minorities to decide on issues related to their culture, education, information and use of language and alphabet in keeping with the law, the right to preservation of distinct minorities features, to association and co-operation with their fellow-nationals in other states, and also ban discrimination of members of minorities, forcible assimilation, and instigation of national, racial, and religious hatred. Charter on

<sup>23</sup> According to the 1991 census, considered valid at the time of formation of the new local authorities in 2000, in municipality of Novi Pazar there were 75.37% Bosniaks, in municipality of Sjenica 76.11%, in municipality of Tutin 94.34%, in municipality of Priboj there were 30.39% Bosniaks, in municipality of Prijepolje 43.42% Bosniaks, and in municipality of Nova Varos only 8.51% Bosniaks (Muslims).

<sup>24</sup> Accurate data are quoted in the book "National Minorities and Law" published in 2002 by the Helsinki Committee for Human Rights in Serbia.

Human and Minority Rights preceded adoption of the Constitutional Charter of the State Community of Serbia and Montenegro, and was thus called "Small Charter"; prior to its adoption by the Federal Parliament, it had been greenlighted by both republican parliaments. Although it was highly rated by the OSCE, "the Small Charter", as its authors also profess, is not a perfect document for protection of human and minority rights (primarily because of limitations foreseen by the Constitutional Charter and Constitutions of union-members), but is an important step forward on the road to full protection of those rights. In the Serb Parliament MPs of the Socialist Party of Serbia and of the Party of the Serb Unity voted against the charter, while MPs of the Radical Party walked out of the session. They criticized "an excessively liberal text", and assessed it as a concession to national minorities and European Union, at the expense of tradition, culture, and interests of majority people.

In compliance with the Act on Protection of Rights and Freedoms of National Minorities, members of 10 minorities constituted their national councils: Bunjevci, Bulgarians, Bosniaks, Hungarians, Romany, Romanians, Vlachs, Slovaks, Ukrainians and Croats.

In the early September 2003 Bosniak minority elected its representative body in Novi Pazar. Dr. Sulejman Ugljanin, long-standing President of another body-Bosniak (earlier Muslim) National Council of Sandzak<sup>25</sup> became President of the newly-elected council.<sup>26</sup> Muslim National Council was set up in May 1991 to represent and protect Bosniaks and their interests. When in February 2002 Federal Parliament adopted the Act on Protection of Rights and Freedoms of National Minorities, BNCS tried to take on the role envisaged for national councils under the law. That attempt was resisted by Bosniak parties and individuals non-participants in the work of the body, while the competent ministry pre-empted that move by declaring that the legal procedure had to be respected.

Representatives of the Party for Sandzak and of the Sandzak Democratic Party stayed away from the electoral assembly at which the national council was elected. They justified their absence by the following words "conditions for the national council election are not ripe, for we still don t know if Montenegro shall recognize the council at the level of the state union or it shall urge formation of the council at the republican level". However, it seems that the motives for their resistance to the electoral assembly were of different nature. Namely, they wanted first to capitalize on their mounting influence in the Bosniak electorate at the elections and then move on to formation of a national

<sup>25</sup> Council is composed of 28 men and 7 women. 28 members have university degrees-3 doctors of sciences, one master of sciences, 5 medical doctors, 6 educational workers, 4 engineers, 3 political experts and 1 jurist, 2 economists, 1 sociologist-3 with higher school diplomas, and four with high school diplomas.

<sup>26</sup> Dr. Amer Halilovic, Prof. Vasvija Gusinac, Bajram Omeragic and Dr. Izudin Hadzagic were elected Vice Presidents of the BNC. Esad Dzudzevic was elected President of the executive Committee of the BNC.

council. On the other hand, Coalition "List for Sandzak" had to revise its stance due to its fear that voters might withhold their support and thus subsequently limit the Coalition's influence on formation and work of a national council. The electoral assembly was preceded by a joint meeting of several Bosniak parties, associations and NGOs at which all the participants declared themselves against the electoral assembly.

Inability of Bosniak representative structures to reach a consensus on the election of a key representative body was manifested also later, on the occasion of the snap parliamentary elections in Serbia. Bosniak parties had two instead of one electoral list, thus reducing the chances of the Bosniak community to be fairly and largely represented in parliament of Serbia. Underrepresentation of Bosniaks at the republican level is due to the existing election law, that is, a high election census-5 % necessary for the election of minorities political representatives- which leaves Bosniaks and other minorities representatives outside parliament. Bosniak political parties have repeatedly indicated that such a high census was discriminatory, and that it should be reduced, or that a new way should be devised for adequately representing minorities in parliament<sup>27</sup>. After failure of the list "Together for tolerance" at the last elections, -a large number of minorities parties did not win any seats-the majority of political parties in Serbia, at least declaratively, agreed that the problem had to be solved adequately.

As regards members of national minorities, most other republican laws are devoid of discriminatory or otherwise unfavourable solutions. Minorities, notably Bosniaks, are disgruntled because of inconsistent or incomplete implementation of the existing legislation, and arbitrariness of enforcers of minorities-related legal provisions. For example, the Act on Identity Card of the Republic of Serbia ensures equality in the use of language, but Bosniaks from Sandzak have hinted at a major problem: the provision lays down that photographs of persons with caps and scarves are not acceptable, but the local police insists on such photographs notably of Bosniak women (under the tenets of the Islamic religion women are duty-bound to wear scarves) but not in case of Serb nuns. Also under the Act on State Holidays, employees are exempted from work, during religious holidays of their Bosniak community, that is, on the first day of Ramaddan and on the first day of Eid; on those days children don't attend school classes either, but one professor of Technical Education in Priboj, gave very low marks to all children who failed to turn up for his class on the first day of Ramaddan. Bosniaks mostly complain of religious and national intolerance in schools and gross breaches of legal provisions. But the state bodies fail to respond to such complaints, despite existence of pertinent

<sup>27</sup> In a letter addressed to representatives of Council of Europe, EU and OSCE in Belgrade, on the eve of 2003 parliamentary elections, Bajro Omeragic, Vice President of "List for Sandzak", highlighted that a high census stymied minority parties to have their representatives elected to Parliament. Thus, according to Omeragic, the state directly violates provisions of the Constitutional Charter of Serbia and Montenegro.

sanctions. In Serbia, as far as we know, not a single person has been punished for any criminal act or misdemeanour in the sphere of violation or deprivation of minority rights.

## 2. Bosniak Language

Language once spoken by four peoples in the territory of "great" Yugoslavia met the fate of the state proper, for it, like the state, "disintegrated" into several "distinct" jezika. Following in the footsteps of Serbs and Croats, Bosniaks named their language by their national name in keeping with their national cultural and historical legacy. Dr Smail Balic says that "neither Croat or Serb language, judging by the official lexicography, can supplant adequately Bosniak language<sup>28</sup>". He goes on to note: "In their written tradition Muslims called their language Bosniak, which during the Austro-Hungarian era was the official name of the language spoken by population of Bosnia-Herzegovina until 4 October 1907, when the authorities decreed that the language had to be officially called -Serbo-Croat. Since Bosniak language is rooted in mother tongue of Muslims, the authorities issued the new decree on 29 November 1907 ruling that within the framework of autonomous institutions the language could continue to be officially called Bosniak in all school documents, for example school certificates and similar. <sup>29</sup> Process of disintegration of the former joint state and of constitution of the "new" states and "old" peoples, also impacted constituent peoples's languages. "Following disintegration of Yugoslavia, Serbs discovered that they spoke "Serb", Croats discovered that their language was "Croat". Thus Bosniaks had to re-embrace the historical name of their language, for they could not imagine speaking their 'mother tongue' or 'Serb-Croat language'. Dangerous syntagm 'Serbo-Croat' implied that inhabitants of Bosnia were only Serbs and Croats and not Bosniaks. <sup>30</sup>". Bosniak language was first accepted as mother tongue by Sandzak Bosniaks, and subsequently decreed by DOS the official language in Serbia.

Under the Act on Protection of Rights and Freedoms of National Minorities, minorities languages must be used officially if, according to the last census, members of a certain minority, make up 15% of total population of an administrative unit/municipality. Out of 6 Sandzak municipalities this prerequisite was not only met by one municipality, Nova Varos. In the remaining five, Bosniak language entered official use only in three municipalities- Novi Pazar, Sjenica and Tutin. In two municipalities only Serb is officially used which means that the local MPs disregarded provisions of the

<sup>28</sup> Dr Smail Balic: "Bosanski Muslimani", Most br. 98, Mostar, 1997.

<sup>29</sup> Opa enciklopedija, Zagreb, 1979.,page 630.

<sup>30</sup> Dr Smail Balic, "Bosanski Muslimani", Most no.. 98, Mostar, 1997.

Act on Protection of Rights and Freedoms of National Minorities, and also failed to comply with the Act on Local Self-Rule.<sup>31</sup>

Interestingly enough, though an official language Bosniak is not used as such in many municipalities. This is unusual, for one would have expected that the local Bosniak power-holders would have insisted on consistent implementation of the law. State bodies also frequently violate the provision on the official use of language and alphabet. For the recent presidential elections ballots were printed in Serb language and in Cyrillic alphabet, and not as the law stipulates in Bosniak language and in Latin alphabet. Priboj has been the scene of various violations of the pertinent provision: on local TV it is not possible to advertise a message or greetings containing word "daidza," that is, uncle. That word has always been censored. This is even more bizarre in the light of the fact that RTV Priboj's director is of Bosniak descent. This example illustrates the spread of linguistic "ethnic cleansing". Radio and TV stations in Novi Pazar, Sjenica and Tutin don't have problems of this kind, though a major scandal followed entry into force of Bosniak language and Latin alphabet and its official equalisation with Serb language and Cyrillic alphabet. Namely MPs of Serb descent walked out of the session which was greenlighting that use.

### 3. Education

Many Bosniaks are disgruntled with the network of educational institutions, curricula and educational programs, and with the way official languages are used in education. Bosniaks in Sandzak are educated in 48 primary and 14 secondary schools, two higher schools, four classes of the Belgrade, Kragujevac and Nis University, and in a private, unregistered university. In 6 Sandzak municipalities there are 78,868 young people, aged 7-27. They make up 33.48 percent of total population. There are 29,284 primary school children in Sandzak.

Members of the National Bosniak Council in charge of education say that the status of educational institutions has never been worse. According to them none of the educational facilities were renovated and no new school or kindergarten was built in the last decade. Novi Pazar which has five times population of Raska, has the same number of kindergartens, and in the whole Sandzak their number is inferior to the ones operating in Nis. That is why only 817 children (6 percent of the total number) attends these pre-school institutions, while 700 go to religious kindergartens run by the Islamic Community. Small number of schools are underequipped and don't meet even the minimum of legally prescribed standards: classes are overcrowded with an average 38-40 pupils, there are three shifts, whereby the first shifts starts at 6,30 a.m.!

<sup>31</sup> Act on Local Self-Rule lays down that through its statute a municipality shall establish languages and alphabets in official use its territory. See: Article 18, paragraph 29.

Bosniaks assess that the existing network of secondary schools is insufficient and inadequate. Due to the latter, they deem their status unequitable. Young people leave their homes at a very tender age to study elsewhere. Thus their education also becomes a financial burden for their families. In the past two years secondary school education has been slightly improved in terms of emergence of new special schools. But Bosniaks think that new, special schools are much-needed, notably medical, electrical-engineering, and mathematical secondary school. Since Novi Pazar has a developed entrepreneurial spirit many are of opinion that profiles of secondary schools should be adjusted to regional, industrial needs and-demand. As regards higher schools it is thought that a high technical school with textile and leather processing departments should be opened.

Before 2002, when the first, private university in Novi Pazar was opened, about 4,500 young people had been enrolled mostly at Sarajevo, but also in Kragujevac and Belgrade Universities. Opening of the new university was surrounded by much media buzz, both because of the election of Imam of Sandzak Muamer Efendy Zukorlic the acting rector, and the unexpected and open backing by Prime Minister Djindjic. Due to prominence of Imam Zukorlic most media depicted that University as the "Islamic one", which in the rest of Serbia was deemed as an unacceptable and dangerous precedent. Democratic and civil-minded public understood that election as yet another proof of uncontrolled meddling of religious communities (in this case of the Islamic one) in the non-establishment or secular principle of the state, while nationalistic and conservative forces hinted at an "anti-state" (and consequently "anti-Serb") behind-the-scene manipulations. Conspicuous non-involvement of local authorities in the whole project, has additionally politicized the whole event. Consequently no-one paid much attention to the program of this university. But the university proper is still a bone of contention, and also a bargaining chip in negotiations between the prime movers of both Serb and Bosniak community, government, local authorities, and the Islamic Community. Despite the foregoing the university survived and it has currently several hundred students at four faculties (humanitarian sciences, management and business economy, information sciences and technology and law) and 11 study groups, including Bosniak or Serb language and literature, European languages (German and English) and oriental languages (Arabic and Turkish), design and fashion, banking, etc. The largest number of students are of Bosniak descent. Imam Zukorlic thinks that the media demonization of the university hurt both the state and University, the latter best seen in a small number of Serb and Montenegrin enrollees. He underscored that his new position is of temporary character, and denied the religious character of the university by saying that at the newly-opened department of Novi Pazar university in Nis, 135 students, all of Serb nationality are enrolled on design and journalism courses. All the university's curricula have been certified with the Ministry of Education in Belgrade. According to Imam Zukorlic those curricula represent a compilation

of the best experiences from several, regional universities. Educational staff is composed of professors of Sarajevo and also Kragujevac, Nis, and Belgrade universities. University is exclusively financed by private donors, that is, successful, private businessmen from Novog Pazara and other Sandzak municipalities, but the state is yet to recognize its interest in the existence of such an educational institution and to financially bolster its development.

Opening of the private university, and notably backing of government of Serbia, have provoked open resentment of local administrators and officials of the ruling SDA. Bearing in mind the frosty relations between SDA and Mufti Zukorlic, and between his SDA and SDP headed by Rasim Ljajic, Sulejman Ugljanin got a clear signal that government of Serbia did not see him and his party as political partners. Members of SDA interpreted that move as disrespect of the electoral will of the majority of Bosniaks. At the time of inauguration of the private university, local authorities were engaged in adaptation of a building, which according to their designs, was to become the future "state" University, in view of the fact that some departments of Law and Economic Faculty from Kragujevac, Pedagogical Faculty from Belgrade and Physical Culture Faculty from Nis, with several hundred enrolled students, are already operational. Although legal conditions for evolution of those departments into the university are not ripe, citizens of Sandzak already acknowledge this building as the state university or deny its purported rank.

Bosniaks are also dissatisfied with educational plans and curricula. Bosniaks don't mind the fact that Bosniak pupils are taught history and culture of the majority people, but rather resent the lack of classes of Bosniak art, culture and history, that is their non-imparting to all pupils. Ethnocentric character of curricula is best illustrated by the fact that the mandatory literature for pupils from the 1st to the 8th grade, covers 221 author, of whom only four are of Bosniak descent. Similar is the situation with music and history classes: not a single Bosniak composer or his creation is mentioned, while in the second case origins or Bosniaks and their history (resistance movements, emigration, and suffering,) are totally neglected. Education covers historical, traditional and cultural heritage of Serb people, while textbooks and some professors remarks are rife with ethnic intolerance towards and disqualifications of Bosniaks.

And finally it bears saying that Bosniaks and Serbs in Sandzak speak and write Ijekavica, but in classes there is much insistence on Ekavica pronunciation and orthography. Hence both teachers and pupils in Sandzak are in a bizarre situation, for in school they must correct their extra-school spoken and written language. At home people speak Ijekavica, in communication with Serbs, Ekavica, in encounters with Bosniaks-Ijekavica, in school-ekavica, and most frequently- mixture of both is used. The use of alphabet is also controversial. In classes Cyrillic must be used, although Bosniaks write in Latin alphabet.

#### 4. Media and Culture

Media play a major role in preservation and promotion of national and cultural identity of Bosniaks. But one can hardly call the local media the Bosniak ones, in view of their information policy and contents thereof. None of the media are truly engaged in preservation, presentation, promotion and affirmation of Bosniak culture. As most media have strong commercial leanings, cultural and information programs have been put on the back burner. Bosniaks are oft critical of incompetence and stances of journalists, while journalists complain that they are burdened by many financial and technical problems and sporadic pressures by some local political elites bent on impacting the general public and public opinion through the media.

In the recent past the print and electronic media in Sandzak were exposed to major political pressures, were fined and their property seized, while nowadays their biggest problem is a constant lack of funds which affects rhythm of their work and regularity of their editions or leads to their closure. (the case of weekly "Parlament")<sup>32</sup>. Then only paper which is printed regularly is weekly "Sandzacke novine", which aspires to be a regional, rather than a national paper. Two literary magazines deal with creative writing and cultural heritage - "Sent" (8 issues to date) and "Mak" (35 issues to date), while the third magazine "Sandzacka revija" folded in 1998.

Print media from Sandzak share the fate of local and regional papers in other parts of Serbia: their market is small, they employ few professionals, and the marginal position of Sandzak (stemming from a strongly centralized state order) reduces the number and importance of contents. Coverage of financial scandals and organized crimes wrongdoing-the legacy of the former regime- is rare and scant.

Having in mind the complexity or relations between the state and Sandzak and both the internal and international importance of stabilization thereof, persistent Sandzak-bashing by the Belgrade print and electronic media is extremely detrimental and -beyond comprehension. Belgrade media tend to choose negative topics, cover regional developments only sporadically, take a sensation-hungry stance, understate and marginalise developments in the region, treat Sandzak-related topics in a superficial way and without any understanding. All this creates a bad image of the region, fuels artificial

<sup>32</sup> In Sandzak there are private media (TV "Jedinstvo", Radio "As", Radio "M") and municipal media (Radio Novi Pazar, Regional TV), print media ("Sandzacke novine") and electronic, religious ones ("Glas islama"), weeklies and monthlies, (if there are funds, "Mozaik", "Mak"). Radio "STO Plus" is financed by the French government and thanks to good frequency it can be heard from Berane (Montenegro) to Zvecane (Kosovo). Radio broadcasts serious informative and cultural programs, and news bulletins are aired every hour. There is also a new agency "SANAPress" (in N. Pazaru) which services about 30 users, including OSCE, and governments of Serbia and Montenegro.

tenskons, and deepens Bosniaks mistrust of this country, and Serb population mistrust of Sandzak.

Unfortunately even cultural institutions don't contribute to a better understanding and greater tolerance. Inhabitants of Sandzak municipalities are faced with lack of institutions, cultural events, and creative people in all artistic spheres. There is no professional theatre in Sandzak; and there is only one art gallery – within the Cultural Centre in Novi Pazar. Historical Archives are also located in Novi Pazar. In three municipalities there are museums – in Prijepolje, Novi Pazar and Priboj (the Priboj museum was criticized for allegedly failing to respect multi-ethnic character of municipality). Priboj, Novi Pazar, Nova Varos, Prijepolje, Tutin ("*Mladost*") and Novi Pazar ("*Damad*") have cultural centres. There are libraries in all 6 Sandzak municipalities, but none of them has the status of a national, Bosniak library. Most prominent cultural institutions of Bosniaks are "*Ikre*" (Prijepolje), "*Sumeja*" (Sjenica) and artistic association "*Behar*" (Tutin). Not a single bookstore exists in Novi Pazar, the largest educational and the only university centre in Sandzak!

Even in former Yugoslavia lack of institutions and non-existence of cultural model of integration of Bosniaks were an established fact. "Large peoples" with "large cultures" dominated educational programs and also every day life, while the Western cultural model minimized and kept at bay the richness of oriental cultures. Added to that the Serb-Croat oligarchy often called their own the most prominent Bosniak creators and artists and used the Communist Party apparatus and ideology to strengthen its national elites. Tragic experience of members of Bosniak minority in Sandzak during disintegration of Yugoslavia included destruction of an already small cultural potential. In the era of a militant Serb nationalism, intimidation and ethnic cleansing the issue of survival became the foremost issue. Thus the issues of institution-building, of raising the national awareness of Bosniaks in Sandzak and expression of distinct cultural features were once again suppressed. Cash-strapped and neglected by Serbia and the domicile state of Bosnia-Herzegovina Bosniak creators and cultural workers find it very hard to promote a rich heritage of their people. Prevailing of that problem is made more difficult by the ruling provincial spirit, rivalry between Bosniak leaders and the atmosphere of "cultural ghetto". This affects the broader social community by depriving it of an efficient mechanism of emancipation of Bosniaks proper, and rapprochement and familiarization between different peoples. Most Bosniaks think that emancipation of the whole Sandzak could be boosted by founding of an institute devoted to study of Bosniak language, culture and history, corresponding university departments and a professional regional theatre. It is high time that Serbia recognized that founding of such institutions could also serve its interests.

## 5. Judiciary

As regards the status of judiciary little has changed in Sandzak, like elsewhere in Serbia. The post-5 October mood in Sandzak was characterized by a general decrease in tension and fear, a heightened feeling of personal and property security, a gradual return to freedom of movement and expression. This, along with the aforementioned moves made by the republican and federal government crafted an image of an improved status of Sandzak and Bosniaks. In contrast to other parts of Serbia in which most citizens expected better living standards and economic prosperity, citizens of Sandzak, who in the Milosevic era bore the brunt of direct or indirect repression, in the wake of the 5 October coup, mostly hoped that strong democratic institutions would be built and a showdown with masterminds and executors of various crimes would be staged. Hence the post-5 October overhauls among the police and judiciary ranks are considered by many in Sandzak as merely "cosmetic changes." Common people know that officials who have grossly violated human rights and elementary civil freedoms, still discharge their functions.

On the other hand President of the Municipal Court in Novi Pazar maintains that citizens trust in the judiciary increased and corroborates his statement by the fact that in 2003 number of cases with respect to the previous two years drastically increased. Number of judges in Novi Pazar increased too. Now there are 17 judges (excluding the President), of whom 6 were named in June 2003 (five are trainees). Only one judge is from Raska, the others are from the Sandzak region. 38 percent of judicial staffers are of Serb descent, all the rest are Bosniaks. Due to a large number of cases and shortage of personnel (some judges retired, the others joined the lawyers ranks), the Serbian Ministry of Justice greenlighted the employment of additional staff, that is, of 4 judicial trainees and two legal experts. President of the Municipal Court in Novi Pazar maintains that judges have always discharged their functions in a very professional manner, and that they acted in full compliance with the law, Constitution and their conscience. He denies any external pressures and influences on judges by political and financial power-holders. Problems in the judiciary arise mostly from the past practice and legacy of Milosevic era, but also from a constant inflow of new cases. But such problems also plague other courts in Serbia. It is however, worth mentioning that judges in Sandzak courts have lower pays than their colleagues in Serbia, and earn much less than judges in Vojvodina. According to Sandzak judges, the Serbian Ministry of Justice, has not even tried to lessen those pay differences, despite its acknowledged awareness thereof. Bosniaks are presidents of municipal courts in Novi Pazar and Tutin, while Serbs preside over the other four municipal courts in the territory of Sandzak. District court is also located in Novi Pazar. Due to the increased needs in the past 15 years, the first regional Commercial Court shall be finally opened in the near future in Novi Pazar.

Election of the president of Municipal Court in Novi Pazar was much contested by the media, experts and the general public due to his alleged ties to Milosevic regime (he was member of the Associated Yugoslav Left) and unprofessional work. Scandals surrounding appointments of several judges Serbia-wide increased citizens mistrust of changes in the judiciary system. Laws were adopted and amended very slowly, and many top judicial appointments represented compromise solutions, resulting from the inter-party bargains and interests. Moreover many judges renowned stooges of the former regime and blatant law-breakers managed to retain their positions..

Despite everything encouraging is the fact that there were no judicial cases related to inter-ethnic conflicts. Most cases were of property-legal nature. Numerous were also criminal offences against life and body (fights, brawls, riots), closely followed by large number of cases of traffic accidents and financial swindles. Citizens of Novi Pazar, the city often accused by the media of being one of the most important centres for money laundering, drug-smuggling and sex-trafficking, say that the said allegations are excessive, though there are cases of such criminal nature. Little has been done to counter such crimes, although in such a small milieu all pertinent data and information are quite accessible. During the "Sabre" action several notorious criminals were arrested, but then quickly released. District court in Novi Pazar has tried several drug dealers, but it is generally thought that only small fry were caught while the big guns, considered untouchables, remain at large. It is also public secret and a taboo topic that girls working in night bars are victims of sex-trafficking. It is obvious that the big mafia bosses are protected either by their political mentors with whom they divide profit from illegal operations or by various secret services and covert power centres. Assassination of Prime Minister Djindjic has proved that criminals have closed their ranks successfully, while the post-election political crisis indicates that criminal structures have regained strength and are bent on taking over power. Three years after the victory of democratic forces, the state is at a serious junction, in a kind of a face-off with forces which had dominated in the past decade and ever ready to stop the reform course pursued in the past period. In view of the historical aspects, geographical position, population set-up, and complexity of this area, concern in Sandzak for Sandzak is quite justifiable. Unfortunately authorities in Serbia failed to recognize the necessity of thoroughly dismantling the apparatus of the former regime as a condition "sine qua non", and have already paid a high price for their vacillation. Serb authorities also failed to recognize and adequately react to many salient problems in Sandzak (and those related to Albanians in South Serbia), Consequently its activities, though positive, left little mark and a very weak impression. Bosniaks in Sandzak feel fear and anxiety anew and are still sidelined. The DOS-initiated long and difficult process of restoration of confidence of national minorities has been now stalled, and the fear of worsening of inter-ethnic relations is rife.

## 6. Economic Status

Generally difficult situation in Sandzak has been worsened by a plummeting economy in the wake of Milosevic's downfall. Although the whole Serbia feels consequences of erroneous monetary and economic policy pursued in the Nineties, and strong transition-generated blows, Sandzak is the region currently most affected by the changing economic fortunes. In the Milosevic era Sandzak was the centre of illegal trade and of all forms of "grey economy", which brought revenue to the state and enabled survival of millions of citizens of Serbia in the face of hyperinflation, total collapse of economy and international sanctions. In that period private entrepreneurship flourished in Novi Pazar even under irregular conditions of business-making, and that municipality was the biggest contributor of all kinds of taxes to the state budget. Novi Pazar businessmen don't hide the fact that the largest part of their initial capital for opening companies and jump-starting production came from Turkey. In that country most Sandzak Bosniaks have many relatives and friends. However, various trading and production activities increased even before disintegration of the former FRY, and traditionally hard-working, able and crafts-prone Muslims, thanks to the aforementioned financial assistance and favourable legal provisions devoted themselves wholeheartedly to development of so-called small-scale industry and private entrepreneurship. In the early stages of disintegration of the SFRY, a slump in the production was registered, but shortly afterwards, the production of clothes, notably jeans, picked up and even expanded during the UN embargo. Shrewd Sandzak businessmen were quick to meet all market demands, branch out, introduce new production lines, and –expand their business. In less than 10 years in Novi Pazar hundreds of small companies and several major ones sprung up. Soon modern production of footwear and furniture was also launched<sup>33</sup>. Serbia was the largest market for Novi Pazar goods, but they were also exported, despite the ongoing war, to Bosnia-Herzegovina, Croatia, Macedonia, and also swamped Kosovo and Montenegrin markets.

Thus once sidelined and underdeveloped Sandzak became the region of vital interests for Serbia and Milosevic regime. Novi Pazar small-scale industry employed thousands of people from all parts of Sandzak (both Serbs and Bosniaks), and enabled them both to survive and to provide livelihood for their families in poor, and inaccessible mountain villages; hyperproduction of all finished products (notably clothes and footwear), but also trading in raw materials and machinery, as well as flexible business-making conditions (deferred payment, advance payment, hire-purchase, clearing etc.), have kept alive hundreds of small shops and several private producers Serbia-wide; tens

<sup>33</sup> At the end of bombardment, in June 1999, a large number of Novi Pazar companies turned to wood-processing and furniture-making. In the post-bombardment period, Kosovo, in view of its recovery and reconstruction, was a major market for such goods.

of thousands of citizens of Serbia for years earned their only income by purchasing small quantities of retail-price goods (directly from producers or at numerous markets) and then reselling them<sup>34</sup>; ever-increasing industrial output and trade (the only one marked in Serbia), had a positive impact on many other activities (for example, transport services), while in the Greater Novi Pazar Area thus generated income contributed to the rise in living standard. Although most operations were illegal and far from the established business standards ("import" of raw materials was embargoed, consequently the production process and trading could not be controlled, while a high manpower demand increased the number of black market workers). By and large significant revenue much superior to the one recorded in many developed municipalities in Serbia was pouring into the state coffers. The state and Milosevic regime permitted and moreover encouraged such activities: preservation of social peace through any kind of "employment" of population was doubly positive- citizens thus earned their -albeit-minimal living, but due to the harsh conditions of their workplaces and gruelling hours they did not have time to dabble with politics or think about the destructive regime; on the other hand, the magnitude of any illegal business was favoured by Milosevic for it enabled much "control" in the shape of "racketeering," enrichment of a narrow circle of his stooges, plus consolidation of the regime's power. More importantly thus established "system" was in fact a cover for smuggling of non-banned goods, coffee, hard liquor, and cigarettes, but also of prohibited goods -drugs, people and arms. War-torn SFRY was a fertile ground for very profitable, international criminal activities. That kind of crime, without any connection with "illegal" business of Novi Pazar entrepreneurs, was obviously controlled by security services. Today it is quite clear that those services and top security officials in fact initiated and organized such businesses. Thus, because of different motives and objective, Sandzak region profited from the newly-acquired importance, but it also ultimately paid a high price for such a course of developments.

Embargo-lifting and sudden opening of country, along with the fine-tuning of Yugoslav legislation with international standards and EU, World Bank and IMF demands, affected the Novi Pazar businessmen and traders. Namely they suddenly faced serious competitors from China whose goods swamped Serbian markets and consequently with its prices threatened the entire textile industry in Serbia. Because of overabundance of cheap Chinese goods, markets in the neighbouring countries also became smaller for Novi Pazar trademarks. This led to a drastic fall in production, closure of many shops and lay-offs.

<sup>34</sup> During hyperinflation 1992-1993. and later, during the embargo, 50 buses, and dozens of mini-buses and vans arrived in Novi Pazar every day. All the passengers came for a -shopping -spree.

According to the Association of Private Companies and Entrepreneurs "Unija 2001" from Novi Pazar, in this city there are 3,200 small and medium companies, and private businessmen. Main industrial branch in Novi Pazar is still footwear and textile production, while the largest furniture and wood-processing companies are in Tutin ("Dalas", "Elan", "Jasen"..). But according to a recent assessment their number in a year or two shall be halved, because of high state taxes, and tightened control by tax and inspection services. The state failed to deliver on its promise that many of Novi Pazar "illegal" companies would be officially recognized and also to grant benefits for such a makeover. Hence many people in Sandzak are still moonlighting or working in black market. But it also bears saying that many Sandzak businessmen oft complain that inspectors and state officials are graft-prone and corrupt.

Economic slump and closure of private firms in Sandzak had dire consequences. A large number of workers sacked from private companies, along with an imminent laying-off of a large number of workers from the socially-owned companies shall increase an already striking unemployment figure. Since 80 % of agricultural land is used for cattle-breeding (teering on the brink of survival due to lack of market and subsidies), many Bosniaks face the problem of economic survival. According to the Republican Statistical Institute in early 2003 in Novi Pazar 18,972 persons were employed, in Tutin 2,353, Sjenica 4,140, Prijepolje 8,616, Priboj 7,332 and Nova Varos 4,646. At the same time, a total number of unemployed was: u Novom Pazaru 12,956, Tutin 4,838, Sjenica 4,195, Prijepolje 5,699, Priboj 5,883 and in Nova Varos 2,033<sup>35</sup>. But these figures are controversial, for all persons formally-legally employed fall into category of "employed", though most employed in socially-owned companies practically don't work and don't receive pays, nor contributions to their pension and health schemes are paid into coffers of pertinent agencies.

Citizens of Sandzak initially expected very much from privatization and overhaul of failed socially-owned companies. But recent results in that field have disappointed them. Local businessmen and municipal authorities openly criticize the pace of Sandzak companies privatization. At public auctions so far 16 companies were privatized (25 companies are also slated for auctions, 2 are being overhauled, one shall be sold through a tender) though, in words of President of "Unija 2001", both workers and some buyers were interested in a different transformation of 70 % of socially-owned companies.<sup>36</sup> President of municipality of Novi Pazar, Vasvija Gusinac, stresses that local authorities have no say in the process of privatization<sup>37</sup>, despite a recent emergence of a

<sup>35</sup> "Municipalities in Serbia 2002", Republican Institute for Statistics of Serbia, Belgrade, 2003.

<sup>36</sup> "Initiative" means a legally initiated procedure for privatization of a socially-owned enterprise.

<sup>37</sup> Under the Privatization Act (Off. Gazette of Republic of Serbia 38/2001), bodies in charge of privatization are Privatization Agency, Shares Fund, and Central Fund for Securities. (Art.. 4).

municipal "privatization team". Many interlocutors have assessed privatization of the knitwear plant "Raska" as "scandalous", pointing out many irregularities during and at the end of that process. Many suspect transparency and sincerity of government's intentions, because of repeated postponement of auction of agricultural plant "Pester" from Sjenica, in the face of a manifest interest of a potential buyer, a consortium of legal and corporate persons, and earmarked funds for revival of both that plant and individual agricultural production.

Representatives of "Unija 2001" also highlight a DOS-staged turnaround. Namely in only two and a half years, (2001-2003.), Fund for Development of Serbia granted more subsidies to Sandzak companies than in the past ten years. But even that assistance was not deemed sufficient. In talks with concerned ministries and government of Serbia Sandzak businessmen stressed that the state had to find new markets for them, notably former Yugoslav republics, former USSR republics, many Islamic countries. The awareness that the state cannot ban import of foreign goods for the sake of protection of domestic producers made representatives of "Unija" launch an initiative in the Industrial Chamber of Serbia and government for drawing up a catalogue with real prices of imported goods enabling levying of proper customs duties (currently at border passes bills with fictitious prices of imported goods are shown). Idea of signing the Agreement on Free Trade and Import with Turkey (urged by some circles in Sandzak), was assessed by Sandzak businessmen as a "death sentence for textile and leather industry in Serbia." Together with other Serbian textile producers they cautioned Serb government that such an agreement could have dire consequences.

In addition to the above problems plaguing also other citizens of Serbia, Sandzak economy faces other specific, difficult problems. Division of Sandzak into two parts by Serbia and Montenegro is not acceptable for the majority of Bosniak population and the leading Party of Democratic Action. Togetherness of the Serb-Montenegrin union is at stake, despite recent efforts at bringing closer the two entities of the union. On the other hand specific attributes of each entity are being strengthened and independence movements are gaining the upper hand. Customs regimes at border passes have made more difficult and even reduced trade in commodities and services, all of which hit hard Bosniaks in Sandzak. Provisions which should regulate and make easier life of population living in cross-border areas have not been elaborated or adjusted to daily needs of locals. Small allotments of arable land lie on slopes of mountains belonging to Serbia, Sandzak and Montenegro. Bosniak locals from mountainous, cross-border areas are compelled to use frequently border passes several times in a day in order to finish some private or official business. Added to that due to inaccessibility of terrain the border belt is poorly controlled. Consequently in recent times it has become a smugglers paradise. Head of Priboj police says that in that part of Sandzak the most frequent activity is smuggling of luxury items (sugar and cigarettes from Bosnia-Herzegovina into Serbia) and of chicken meat (from Montenegro, via Serbia, into Bosnia-

Herzegovina). Though police work has been lately improved, there is still lack of vehicles, equipment and shortage of highly-trained personnel (inspectors for general and notably industrial crimes). Smuggling of drugs mostly from Kosovo is rife in Novi Pazar area, but also in parts of Serbia bordering with Macedonia and Bulgaria.

### **7. Representatives of Bosniaks: Political Parties and the Islamic Community**

Bosniaks availed themselves of the opportunity to found their national parties and through them affirm and protect their national interests. Thus in August 1990 the first Bosniak party in Sandzak-Party of Democratic Action, in fact an offshoot of its Sarajevo namesake- was formed in Novi Pazar. That party initially rallied a large number of people, but later, due to growing internal differences and constant bickering between intra-party factions, many prominent individuals started leaving the party ranks. Many former PDA members founded new parties. The incumbent Minister of Human and Minorities Rights, Rasim Ljajic, became the leader of Sandzak Democratic Party. Thus in Sandzak there are currently 14 parties. It seems that such a large number of parties harms interests of Bosniaks, for they atomize the local political scene already burdened by rivalries between vain leaders and consequently make it possible for the Belgrade authorities to play those parties against each other, and by favouring one party to neutralize the more general regional political claims, aspirations and pressures.

The most influential Bosniak political organization in Sandzak is Coalition "List for Sandzak", a product of merger of Party of Democratic Action of Sandzak, Bosniak Democratic Party of Sandzak, Reform Party of Sandzak, Social-Democratic Party of Sandzak and Social-Liberal Party of Sandzak. Coalition has the majority of seats in assemblies of Bosniak-dominated municipalities. In the snap Serb parliamentary elections, two representatives of that coalition ran on the Democratic Party ticket and won seats in the republican parliament. A Bosniak who ran on the "G17+" ticket also won a parliamentary seat.

Party-political life in Sandzaku unfolds along the lines of ethnic divisions. Bosniaks generally participate actively in all elections, and make rational and nationally-minded choices. But in presidential elections majority of Bosniaks usually vote for candidates deemed a "lesser evil", that is for candidates whose programmes take into account Bosniak vital interests.

Bosniak parties, because of too strong role of their leaders, different programs, scant democratic capacity and excessive political will to portray themselves as the only and authentic representatives of Bosniaks, according to many, are the root-cause of divisions among the Bosniak community. They are often criticized for incompetence and irresponsibility, but the general political situation in the country keeps them afloat in the public scene. One must also



say that radicalization of some Bosniak parties is a logical outcome of Bosniak-bashing and demonization by political representatives of the majority people.

In contrast to Bosniak parties, the Islamic Community plays a cohesive role among highly religious Bosniak population. Imam of Sandzak, Muamer Efendi Zukorlic has been at the helm of the Meshihat of the Islamic Community of Sandzak since 1993. He is also a dean of the Islamic Academy and Acting Rector of Novi Pazar University. This energetic and pragmatic man, in the wake of 5 October coup, also proved himself as an able politician. Namely he recognized the wish and need of the new Serb authorities to pursue a better policy towards minorities and he and Prime Minister Djindjic spoke the same language. Prime Minister helped and backed opening of the first University in Novi Pazar, and after nearly 100 years was the first head of government who visited Meshihat of the Islamic Community. Imam Zukorlic was the first Muslim dignitary from the region, to make part of the official delegation visiting Dubai. Previously religious education was introduced in schools and there was large-scale lobbying for a Muslim contender for the position of the Federal Minorities Minister. All those moves were intended to boost confidence of Bosniak population in Sandzak. On the other hand once official Serbia assessed Imam as a more influential Bosniak leader than other local politicians it tried to enlist him in the campaign aimed at improving a bad image of Serb government in Sandzak and also at re-building deeply impaired relations between Serb and Bosniak community. Such a policy suited Sandzak Democratic Party of Rasim Ljajic, member of DOS, the popularity of which, after October 2000, steadily grew. But that fact soured relations in the local political scene: dominant "List for Sandzak", and the leading PDA of Sulejman Ugljanin were sidelined. This furthermore caused much revolt and ultimately a total break of communications between local authorities and PDA. PDA frontmen's long-standing resentment of Djindjic's government and also of Imam Zukorlic was increasingly visible and added much nervousness to the local political life. Serb authorities, in a tit-for-tat policy, tended to totally ignore local authorities (notably of those in Novom Pazaru). Such a development did not come as a surprise for Bosniaks. Most of them assessed that the new government of Serbia just emulated Milosevic-conceived Sandzak policy: divided and bickering Bosniak parties were not able to unite and consequently exert major pressure, while co-operation-prone Bosniak parties were ever ready to back and legitimize the government's policy towards minorities. Authoritarian and undemocratic PDA with its radical claims could not be a good interlocutor of Serb government, notably in view of the latter's good co-operation with a moderate SDP. But on the other hand no religious community could be considered an idoneous political partner of any government, and that was one of the biggest errors of the late Prime Minister. "Conflict" between PDA and the Islamic Community is mostly seen as the conflict between Sulejman Ugljanin and Mufti Zukorlic-the first is a civil (political) leader nursing ambitions to become a religious one, while Mufti is a

religious leader with very worldly ambitions. The gist, according to connoisseurs of Sandzak political scene, is that "on the religious basis one gets political support, while on the political basis personal interests are -satisfied." Although Imam Zukorlic maintains that the reform initiated two or three years ago within the fold of Islamic Community precluded any possibility of political engagement of religious dignitaries, his engagement (aside from an indisputably religious one) is seen by many as a -political one. After unexpected emergence of the PDA (on the Democratic Party electoral list) in parliament of Serbia, and SDP's joining of ranks of extra-parliamentary parties, new tensions and re-alignments may be expected in the Sandzak political scene. .

### **9. Misuse of Anti-terrorism : Case of "Wahabi "**

In early February 2004, when devout Muslims prepare for celebrations of their most important religious Eid, the state agency Tanjug ran an interview with Colonel Momir Stojanovic, Director of Military-Security Agency of Serbia and Montenegro. That interview ran in its entirety or in part by almost all dailies and weeklies, caused a major uproar in the country and provoked many media commentaries and public comments.

Colonel Momir Stojanovic was named Head of Department for Security of Chiefs of Staff of Army of Serbia and Montenegro (later renamed Military-Security Agency, MSA) in late March 2003, after the Supreme Defence Council's decision to Major General Aca Tomic. That naming attracted much media attention after the Fund for Humanitarian Law accused Stojanovic of breaching national provisions and those of the Geneva Convention relating to protection of civilians during armed conflicts while discharging functions of Operational Head of Command of Kosovo Corps in 1999. According to testimony of the former officer of the Army of Yugoslavia, witness Niko Peraj (in the ICTY proceedings against Slobodan Milosevic), Stojanovic ordered massacre of civilians and torching of houses in Kosovo villages Meja and Korenica. In the massacre which was carried out on 27 April 1999. godine 74 "terrorists" and 68 in Meja 68 were killed. Their bodies were found in the mass grave in Batajnica. Stojanovic denied accusations and stated that he could not issue such an order for did not discharge the said high duties. He was then "defended" by President of the Supreme Council of Defence, Svetozar Marovic, and Defence Minister Boris Tadic who claimed that "there was no certified evidence" of Stojanovic's culpability.

In the said interview Colonel Stojanovic cautioned against "a major campaign of radical Islam and terrorism in Western Balkans, including territories of Serbia and Montenegro in the next period... . According to information collected in Rasko-Polimska area and in North Montenegro militants of the extremist organizations 'Wahabi' and 'Red Rose' are very active,

'Tarikat' is active in Macedonia, while cells of 'Al Qaeda' are active in Kosovo and North Metohija. "We have mounting intelligence pointing at newly-established and even strengthened ties between prime movers of international terrorism and militant and terrorist organizations in Kosova and Metohija, Rasko-Polimska area and in North Montenegro". Director of MSA was very specific: "Part of their activities aim at achieving their strategic goal, that is creation of a genuine Islamic state in the Balkans and building of so-called "green transversal" (that state would include Rasko-Polimska area and part of Montenegro, that is, of "state" of Sandzak, Kosovo and Metohija, and via Bosnia-Herzegovina, Albania, Bulgaria and Turkey, the state would then link-up with Islamic countries of Middle East). "The ultimate goal of Muslim militants in that area is creation of the Islamic state of Sandzak, to be realized in two stages. In the first stage a claim that Sandzak be arranged as the region with a high degree of autonomy shall be made, while in the second stage that claim would become more radical, that is, closer links with Bosnia-Herzegovina and the leading Islamic countries would be advocated and urged. In that context claims of Bosniaks from that area should be viewed. Their Bosniak National Council intends to force the government's hand to amend the Constitution of Serbia so that it includes the provision on regionalization of Serbia... Some Muslim political parties endeavour to internationalize alleged threats to human rights, and thus bring about full unification of Muslim population in that region". Colonel Stojanovic went on to note: "According to our intelligence and the one gleaned by SFOR and KFOR, organization "Red Rose" is active in Raska-Polimska area and we are looking into their activities... while "Al Qaeda" has strongholds in Kosovo, North Albania, and West Macedonia (in Tetovo, Kicevo and Gostivar); Islamic sect "Tarikat", which shares "Wahabi" goals and organization is operating in Skopje." Noteworthy is also Colonel's claim that MSA has been operationally present in Kosovo and Metohija for over a year... "we have re-activated our moles among the top leadership of separatist movements and terrorist organizations with branches in South Serbia for they have intensified their activities."

Interview of the first man of the military-security services caused many negative responses and opened many issues and dilemmas. Blagoje Grahovac, Defense and Security Adviser to President of Serbia and Montenegro assessed Colonel's claims as "an international scandal"<sup>38</sup>, while Defence Minister of Serbia and Montenegro Boris Tadic tried to soften consequences of that scandal by arguing that "there is no dramatic threat to security of the country by terrorist organizations, namely that threat has not increased in the last few years." Tadic also said that "information about the presence of MSA in Kosovo was clumsily presented to the general public" and "MSA should not disclose all its pertinent intelligence, for every state has discretionary rights when it comes

<sup>38</sup> "Danas", 04 February 2004.

to security issues"<sup>39</sup>. KFOR and UNMIK representatives denied knowledge of any such activities of Serb secret police in Kosovo and of existence of terrorists and "Al Qaeda" cells in the province. Albanian print media in Pristina ran the interview on their front pages, highlighting the part relating to the presence of Serb intelligence officers in Kosovo and South Serbia, while officials of Kosovo institutions refused to comment MSA claims, and termed them "sheer propaganda"<sup>40</sup>. In a response to Colonel's claim that Albanian terrorism spread from Kosovo, to Macedonia, South Serbia and finally Montenegro, President of Democratic Union of Albanians Ferhat Dinoso demanded that Director of MSA publicly disclosed the names of Albanian extremists in Montenegro.

The disturbing claims about "Islamic extremism" did not resonate well with the Muslim faithfuls in Sandzak. Presidents of municipalities of Rozaje and Plav, Nusret Kalac and Adem Jasavic, in an interview to Radio "Free Europe" denied all Stojanovic's claims. They denied operational knowledge of existence of such units by any Montenegrin body and termed them "fabrications" aimed at hurting Muslim population. Both of them stressed loyalty of their electorate to "their only homeland, Montenegro" and added that "there are other hints indicating presence of other tension-mongers in the region"<sup>41</sup>. In the same broadcast Vice President of Assembly of Islamic Community and official of Bosniak Party Orhan Sahmanovic assessed that "national tensions are intentionally fuelled ... and misinformation is used to inflame the mood of the general public in Montenegro." Acknowledging the presence of Wahabi, Sahmanovic added that they are "good neighbours, good friends and not of aggressive disposition... They have no ties with 'Al Qaeda' and don't constitute radical elements." Dzavid Sabovic, MP of Social Democratic Party in Montenegrin Parliament, also denied existence of militant organizations: "This anti-Muslim harangue is of a much older date. Harangues like this one always augur badly for Bosniak people. I maintain that the guys from Plav who don't smuggle drugs and cigarettes, or go to cafes, but rather go to mosques and pray, are seen as a threat and impediment by some." Rais of the Islamic Community in Montenegro Rifat ef. Fejzic stated: "This is the first time that I hear of existence of Islamic terrorism and extreme intentions of Muslims in Montenegro... I think that the author should at least apologize for his allegations."<sup>42</sup>

The aforementioned interview prompted most media in Serbia to more "seriously" study and tackle the issue of Wahabism.<sup>43</sup> The results of such

<sup>39</sup> "Danas", 03 February 2004.

<sup>40</sup> "Danas", 04 February 2004.

<sup>41</sup> Sead Sadikovic: Radio "Free Europe", 02 February 2004.

<sup>42</sup> "Danas", 04 February 2004.

<sup>43</sup> Muhammed ibn Abdul Wahab is considered a founder of Wahabism. In the 18th century, somewhere deep in the interior of Arabic Peninsula, he opposed the dominant scholars and their interpretations of Islam, and advocated his teachings and mission as a return to the authentic Islam. At that time Wahabists were active in the area constituting part of

"studying" were the following brief conclusions: "Wahabic movement engages in militant and extreme interpretation of Islam, and its followers are inclined to radical solutions and actions. Wahabis are oft depicted as a religious sect, though that term is rarely used even by the most bitter opponents of Wahabism from the ranks of the Islamic Community. Wahabi movement is not a new phenomenon, though it has been mentioned in Serbia only in recent times, after the recent wars. During the fiercest fighting and conflicts in Bosnia-Herzegovina Serb media used to term fighters of the Army of Bosnia-Herzegovina, "enemies of Serb people", "mudjahedins", "Muslim terrorists", "Jihad fighters" and similar, obviously unaware of the presence of Wahabis. This sudden "interest" in Wahabis coincided too much with a growing engagement of Bosniaks and Sandzak in public life of Serbia, after the 2000 political changeover. It is indeed difficult not to notice the following coincidence: the first sporadic mentions of Wahabis in the Belgrade press overlapped with the naming of Rasim Ljajic the National Minorities Minister, or with the emergence of the issue of status of Sandzak during elaboration of the Constitutional Charter and new Constitution of Serbia. Thus the timing of publication of Colonel s interview is not surprising. It coincided with the formation of the new government which again tend to term as "separatists" advocates of political autonomy and regionalization and see Serbia as "a whole, integrated territory, with strong and stable central authorities" Bearing in mind pro-monarchy programs of most parties voted in by population in snap parliamentary elections, and the established practice of media-bashing of

the Ottoman Empire. That empire was then rapidly weakening, due to its engagement in anti-Christian wars, internal turmoil and power grab related to the struggle for the successor to the Sultan s throne. Ibn Abdul Wahab easily won over Bedouin tribes, and local rulers saw his reform of Islam as an opportunity to consolidate their power. It is thought that Wahabis were the first movement to declare the holy religious war in order to garner support for their movement. They declared their opponents the Islamic renegades, and permitted their assassinations and confiscation of their property. They declared war to all countries which they invaded (Yemen, Syria, Iraq). They ruled by force in some of them, or left them after a campaign of terror, looting, and plunder. They are remembered for having conquered Mecca in 1803, and Medina in 1804 and occupying them for 7 years. They were vanquished by the Egyptian regent Muhammed Ali Pasha. By the way, the English supplied arms and funded the Wahabi movement with the aim of weakening internally the Ottoman Empire and expanding English colonial conquests far into the East. Traditional Islam rejected Wahabi teachings, not only because of its aggressive and radial methods, but also because of key differences in interpretation of Islam. For example, Islamic proselytizing is of a peaceful character, and allows war only as a defence means; Islam cannot be forcefully imposed; Islam teaches Muslims that they must treat with tolerance their opponents of other faiths. Wahabis, on the other hand tend to cruelly treat even their Muslim brothers who disagree with Wahabi teachings. They oft resorted to the argument of force and violence, and this caused a backlash by their opponents. Wahabism is even today the official state ideology of Saudi Arabia. Wahabis consider themselves followers of the only true Islamic tradition, reflected in their full adherence to Allah s tenets and are bent on uprooting of all the innovatios embraced by other Muslims in the course of centuries.

political opponents and tension-creation in the society, one must carefully study the aforementioned claims, and give a wide berth to any radical adjectives. Therefore Minister for Human and Minorities Rights of Serbia and Montenegro, Rasim Ljajic, is right when he maintains that information on the alleged terrorist groups should be less vague and more accurate, instead of superficially "demonizing the whole region and the whole people"<sup>44</sup>.

Because of the wars and growing nationalism in the last decade, and also growing hostility towards other ethnicities and peoples, Serbs have become intolerant of and insensitive to other peoples living with them in the same state, and any information relating to their religions, tradition and culture. Hence information on Wahabi followers and the movement itself (as well on Islam) is scant and superficial, and misunderstanding is further fuelled by the stance taken by the very Islamic Community. In the background of such information, one may detect internal religious disagreements, various interpretations and also political strivings. Thus Imam Zukorlic says "Islamic Community does not allow flourishing of extremism... we are facing a handful of insignificant individuals, ... a group of 20 -50 people"<sup>45</sup>. He told representatives of Helsinki Committee that the eIslamic Community views Wahabism as a "deviant and very damaging form of religion" and "there are only few Wahabis in Novi Pazar." On the other hand some are of opinion that the number of Wahabis in Novi Pazar is growing, and that some young people are paid by the very members of the Islamic Community to join the Wahabi ranks. Representatives of Sandzak Democratic Party also think that the emergence of Wahabi in Sandzak is primarily due to high unemployment, economic insecurity, and similar. Belgrade Imam Muhamed Jusufspahic denies the presence of Wahabi in Serbia and adds that "in the Balkans on the rise are also those Muslims following other Muslim schools of legal thought, and not the traditionally dominant Hanefit one"<sup>46</sup>. He explains that the surging nationalism and wars in the Balkans have caused emergence of "radical Muslims", but "their militancy and violent actions have nothing to do with Islam and Islamic Communities in the territory of former Yugoslavia"<sup>47</sup>. In speaking about intra-denominational conflict, religious head of the Islamic Community of Montenegro, Rais Rifat ef. Fejzic, did not deny "minor presence of and sporadic actions by Wahabi ("itt is public knowldege that there are Wahabis among Muslims in all neighbouring Islamic communities, and therefore among the Montenegrin one too. Membership of Wahabi movement is not disputable, but we strongly oppose imposition of teachings that have not been practised for ages."<sup>48</sup>).

<sup>44</sup> "Blic", 13 February 2004.

<sup>45</sup> "Danas", 27 November 2003.

<sup>46</sup> Hanefit is one of the four leading legal schools for practicing Islam, barring Wahabism, in the world. Only government of Saudi Arabia accepts Wahabism as its official interpretation of Islam.

<sup>47</sup> "Blic", 13 February 2004.

<sup>48</sup> Sead Sadikovic: Radio "Free Europe", 13 August 2003.

It is noteworthy that in Bosnia-Herzegovina (from which, according to many, Wahabism is spreading to Sandzak), stances on that topic are much more polarized. Bloody, four year long-war in which Muslims were oft victims of Serbs and Croat armed forces, was a fertile ground for the upsurge and growth of Muslim radicalism and also considered a "holy war" venue by fanatic Muslims and mujahedins from Islamic countries. Thus in devastated, war-torn Bosnia many young people, ignorant of basic teachings of Islam and with no prospects, readily joined the Wahabi ranks. Wahabis were also joined by elderly Bosniaks, from poor and uneducated strata, those without any economic future, and from families with many war victims. Wahabi men wear long beards and short slacks, while women have veils and head scarves. Majority of Muslim population in Bosnia-Herzegovina however remained loyal to traditional Islamic practices and are much more critical of rigid Wahabi teachings than their fellow-nationals in Sandzak. Though it is thought that Wahabism does not have a dominant role in Bosnia-Herzegovina it is rarely publicly mentioned. But opponents of that movement are very vocal in their criticism of lethal influence of Wahabi teachings. Leading imam of Islamic Community in the US, who ranks among the most vocal advocates of democratic ideas and ecumenism, says: "Wahabis are belligerent... they want to make Islam militant and invasive at any cost, to prove that Islam is the only true faith and that all non-Muslims are -religious losers. And their strivings to that end are very rigid." Efendy Agic thinks that Wahabism is not acceptable for Bosnia, that Bosnia should not become a Muslim state, but he is also aware that Wahabis from Saudi Arabia invest a lot of money in building mosques. "In my mind it is short-sighted to accept such donations and think that they shall not have an impact on the image of Islam in Bosnia-Herzegovina". Because of terrorism originating from Arab, Muslim, undemocratic countries and radicalism of Wahabi who tend to distort islam, Efendy cautions against the following "religion is a weapon, ... and if we don t take adequate measures Wahabi version of Islam shall cost us a lot -in terms of human lives."<sup>49</sup> Senad Micijevic, one of the best experts of Dervish teachings in Herzegovina as early as in 1999 maintained that Wahabi in Bosnia were creating their own infrastructure of mosques in which their religious school of thought was proselytized/advocated and implemented. "Their ultimate goal is to found a distinct Wahabi religious community in the country." Micijevic quoted numerous examples of "attempts to arabize Muslims under the guise of Islamization in the sphere of religion, philosophy, architecture." He also cautioned against lethal consequences of donations by the High Saudi Committee, the money being used for renovation of damaged mosques during which the whole Islamic ornamental tradition was being -destroyed.<sup>50</sup> In his interview to Tanjug Colonel Stojanovic also stressed that "activities of Muslim

<sup>49</sup> Branka Mihajlovic/Isidora Sekulic, Radio "Free Europe", 20 October 2001.

<sup>50</sup> Enes Ratkusic, "Dam" no.122, 01 October 1999.

militants are backed by some international terrorist organizations, radical political circles in Saudi Arabia and in other Islamic countries and covertly by leaders of some local political parties. They are also tacitly backed by militants close to the Islamic Religious Community in Serbia".

Though the need and right of the state security services to gather intelligence impacting security and stability of the country cannot be denied what surprises is the choice of information allegedly in possession of the Military-Security Agency and the way they were marketed/publicly disclosed. The bulk of pertinent "information" which should be of confidential nature or the state secret, and as such serve the state bodies to take adequate and timely action (if the need at all arises), are more or less known by the general public. Extremist and militant ideologies and followers thereof are surely not only characteristic of Bosniak/Muslim population and of Islamic faith; militant extremism is also advocated by members of Serbian movements "Obraz" and "Svetozar Miletic", but the state obviously fails to recognize the peril posed by their activities. Such biased attitude calls into question real intentions and tack to minorities of the state authorities. Demonization of only one people is reminiscent of a recent scenario of destabilization played out only for the sake of certain political and national goals. The international trend of allegedly combatting terrorism through a strident anti-Muslim and anti-Islamic campaign -the trend which is currently criticized by some Western media, Amnesty International and Human Rights Watch, has already affected the sphere of fundamental democratic and human rights in the whole world. In Serbia and in the Balkans, where the basic democratic institutions are yet to be established, and the concept of human rights has yet to take root, acceptance of the aforementioned trend may have dire consequences.

#### D. Sandzak as the Regional Issue

After toppling of Milosevic regime, Bosniaks had high hopes of their more active participation in the building of an institutional order enabling their affirmation and ensuring respect of their interests in the post-5 October Serbia. Final stages of disintegration of the former SFRY embodied in ever-growing differences between Serbia and Montenegro, put at the forefront of the political agenda the issue of settlement of status of Sandzak region.

The first reason for preservation of the state union, as urged by Sandzak Bosniaks, lies in their need to protect and develop their national identity. Namely if the vital interest of every national community is to survive and moreover develop its culture, then a broader state framework is much more suitable for such an intent. In case of Sandzak, this means a guaranteed survival of its territorial integrity.<sup>51</sup>

<sup>51</sup> Some variants elaborated by some Bosniak political representatives indicated that integrity of Sandzak could be preserved even if Serbia and Montenegro were constituted as

The second reason has to do with the conviction that in such a way favourable conditions for an accelerated economic development of the region may be created.. Favouring of low-accumulation industrial branches, notably production of textiles, ready-to-wear, footwear, and wood-processing industry has not ensured a long-term and stable growth. Production of foodstuffs is sluggish, agricultural activities are neglected in mountainous areas, and communal and socially-owned arable land has been fragmented. Cattle fund has been destroyed, and agricultural producers/farmers have abandoned villages in fear of war and in order to find jobs in cities a decade ago. Socially-owned companies are heavily indebted, with a low degree of capacity utilization (under 25%), old technology and equipment, surplus of workers<sup>52</sup>, and all that affects the speed and quality of privatization. Opening of country brought about fall in production and massive lay-offs.<sup>53</sup> Many are disgruntled because the state failed to employ adequate measures with a view to protecting a minimum of entrepreneurial interests and creating conditions for "legalization" of many grey area companies. In Sandzak many think that the state is disinterested in the region and say that discriminatory laws clearly prove such a disinteresting stance. For example, the Law on Development Incentives for Underdeveloped Areas of Serbia, categorizes as underdeveloped all Serb-populated settlements, and only one Bosniak settlement, while the Law on Territorial Plan of Development of the Republic of Serbia by 2010 plans no major investment in Sandzak. We have already mentioned that roads in Sandzak are of a very poor quality, in fact the region has the last ranking road network in Serbia. Due to that fact all products are burdened by high transport costs. Telecommunications are also a weak point. In municipality Tutin there are only 1,000 telephones.<sup>54</sup>

Settlement of status of Sandzak encroaches onto the problem of a administrative-territorial organization of Serbia and Montenegro, and the Union of the two countries. Therefore consequences stemming from any or different Sandzak-related status solution could seriously affect relations and stability in the region. This adds weight to the whole problem and makes it suitable for various manipulations.

---

two independent states. In case of both units going independent Sandzak should decided whether it will stay with/within Serbia or Montenegro. If it stays within Serbia then it should have the autonomous status, like Vojvodina, but if it makes part of Montenegro then such a state should be composed of the two entities – Montenegrin and Sandzak/Bosniak. The latter, 'hrad-line' solution is advocated by Dzemail Suljevic from Popular Movement of Sandzak.

<sup>52</sup> See text by Alija Halilovic in a special issue of review "Sent", no 7 - 8, year III.

<sup>53</sup> In the late 2003 municipality of Novi Pazar had 20,000 jobless. Number of the private sector employees was superior to the one officially registered. Legal status did not suit employers, for it increased their costs. Workers did not want it either for it reduced their wages.

<sup>54</sup> "Sent", no 7 - 8, year III.

Muslim, that is, Bosniak National Council of Sandzak, has twice offered its proposal of order and territorial organization of Sandzak. According to the first document, the 1993 "Memorandum on Establishment of A Special Status of Sandzak", Sandzak should enjoy a special status in the FRY. Rights and obligations, as well as the set up of authorities, would be regulated by Sandzak Constitution. Under that Constitution Sandzak would have a parliament (legislative power), President (Governor) and government (executive power), including the control over police, the judiciary including the Supreme Court of Sandzak. Sandzak authorities would be exclusively responsible for education, information, communications and transport, police, organization of judiciary, exploitation of natural resources, health and social insurance, hydro and electric powere production, control of commercial banks and of other financial institutions. However they would have joint responsibility with Yugoslav bodies in the following spheres: environmental protection, regional and national roads, railway, canals, pipelines, postal, telegraph and telephone services, and system of transmission of electric power.

When the document was adopted in 1993, Bosniaks in Sandzak felt the consequences of the war raging in the neighbouring Bosnia-Herzegovina. As Bosniaks bore the brunt of repression, quite understandably in the third part of "Memorandum" it was highlighted that the Muslim people had to be guaranteed protection from all activities jeopardizing their survival, all cultural rights, the right to education in keeping with the national set of values, the right to proportionate participation in all administrative and governmental bodies, non-discrimination, freedom to express their nationality, freedom to have and make visible their national and religious symbols, dual citizenship, etc. By adamantly urging legally guaranteed exercise of those rights, the Muslim National Council of Sandzak imposed itself as the body concerned with interests of Muslims/Bosniaks.

In July 1997 the Bosniak National Council of Sandzak adopted Declaration on the Right of Bosniaks to Political and National Equality. Declaration underscored Bosniaks non-acceptance of inequitable status/position, and that "in creating conditions for their biological survival and preservation of national identity, Bosniaks are entitled to found national, cultural, religious, educational, scientific, and political organizations and institutions." Declaration also made it clear that Bosniaks were against the war and use of force in conflict-resolution and political solution-imposition processes, and expressed interest in preservation of the (then) FRY, as a federalized community in which Sandzak (in keeping with the will expressed at the 25-27 October referendum), would be arranged as a modern political-territorial unit with a high degree of autonomy.

In the mid-1999, 6 years after drafting of the first Memorandum, the Bosniak National Council of Sandzak put forward the second document: "Memorandum on Autonomy of Sandzak and Special Relations with Bosnia-

Herzegovina". According to this document<sup>55</sup> autonomy of Sandzak in the FRY is established. It shall be realized through the legislative, executive and judicial authorities. Sandzak parliament is empowered to take decisions on financing of Sandzak institutions (including collection of taxes and other duties), adoption of budget, organisation of institutions, adoption of educational plans and curricula, appointment of judges (proposed by President of Sandzak), co-operation with the FRY Federal Parliament and parliaments of federal units, participation in elaboration of programs relating to economic, social, scientific development, town-planning and territorial plan of Sandzak, etc. According to the wording of the document FRY shall have the following prerogatives in Sandzak: protection of sovereignty, territorial integrity, and unified Yugoslav market, functioning of customs, defence, foreign policy, federal taxes policy and federal elections. As regards issues falling within the competence of Sandzak, special relations with Bosnia-Herzegovina, in line with sovereignty and territorial integrity of the FRY, shall be established as an incentive to development of good relations with neighbours and regional co-operation. Agreement on Special Relations is ratified by the Assembly of Skupstina Sandzaka in agreement with the Federal Parliament.<sup>56</sup>

It is clear that unequitable treatment and even outright discrimination, as well as development of the global political situation, compelled Bosniaks and their representative structures to highlight predicament and poor status of their fellow-nationals in their appeals and addresses to domestic and international bodies.

In the aforementioned documents the Bosniak National Council put forward a desirable arrangement of status of Sandzak from the standpoint of the most numerous community, Bosniaks. It is not controversial to concentrate on and mark only interests of one community. But what is controversial is the fact that those documents failed to elicit a serious public response or debate. Moreover efforts of political representatives of Bosniaks to have the issue of status of Sandzak included in the agenda related to elaboration of the Constitutional Charter, met with a failure.

Unfortunately the process of disintegration of the former state has not yet been completed. Number of pro-independence backers is both in Montenegro and Serbia, hence political support to the union is waning. Idea of

<sup>55</sup> According to the document Bosniaks, Serbs and Montenegrins, in Sandzak, are constituent peoples. Parliament of Sandzak shall have a president and 3 vice presidents (one Bosniak, one Serb-Montenegrin and one of other minority descent.) Document also empowers Sandzak to pursue its foreign policy within the framework of its prerogatives equal to those vested in republics.

<sup>56</sup> If one compares the aforementioned documents one can see that in the second document prerogatives of Sandzak have been reduced. However there are some similarities, for both documents envisage Sandzak as a demilitarized region and view international community as a guarantor of implementation of a special status/autonomy and of attainment of special relations with Bosnia-Herzegovina.

independent Serbia, that is of Montenegro, enjoys support of some minorities. In contrast to Muslims/Bosniaks in Montenegro, the majority of whom as it seems support the idea of independent Montenegro, their fellow-nationals in Serbia, judging communiques of Bosniak parties, coalitions and NGOs *icija i nevladinih organizacija*<sup>57</sup>, deem that economic, political and national interests require preservation of the two-member union. Po njihovom misljenju, osamostaljenje Srbije i Crne Gore dovelo bi do podele Sandzaka kao jedinstvene multikulturne i multietnicke regije, a time i do podele same bosnjacke zajednice. If there were a division, Bosniak community would be fragmented and reduced to the level of a statistical minority with utterly reduced political, economic and demographic influence<sup>58</sup>. Disintegration of the former Yugoslavia placed Bosniaks in a very difficult position: if they insist on preservation of the union between Serbia and Montenegro they may be accused of being pro-Serb, and against Montenegrin independence, and if they back sovereign Montenegro they may be criticized for siding with those who are "breaking the backbone" of the Islamic community and splitting Sandzak.

Having in mind the state of affairs in the country (instability and tensions in Serbia, political-national divisions in Montenegro, mounting misunderstanding and lack of a genuine wish to arrange relations in the union), it is not very feasible that status of Sandzak, as a whole and autonomous region, would be at all dealt with. Even if there were let up in tensions between Serbia and Montenegro, and tolerance between them increased, the idea of autonomous region of Sandzak is not likely to take root in the near future, for Serbia and Montenegro clash because they both adhere strictly to the ethnocentric principle, and both would strongly oppose any idea of loss of sovereignty over any part of their territory. This was confirmed by the aforementioned interview of Director of Military-Security Agency of Serbia and Montenegro. Namely he said that "the issue of status of Sandzak and regionalization is considered an anti-state idea and activities related to its implementation are closely followed by security services"! Internationalization of status of Sandzak in those terms would be counter-productive, for any

<sup>57</sup> Meeting of Bosniak political parties, coalitions, and NGOs, was held in Rozaje, on 1 December 2001. The meeting issued a communique underscoring that the break-up of the union would be contrary to interests of Sandzak and calling on international community to take an active part in the process of definition of future relations between Serbia and Montenegro, and also to ensure an equitable participation of representatives of Bosniak people in pertinent negotiations.

<sup>58</sup> As in this text we are dealing only with Bosniaks in Serbia, it is nonetheless important to underscore that in case of referendum in Montenegro, votes of minorities, notably of Muslims/Bosniaks, would be of key importance. Montenegrin nationalists made it clear that in case of secession of Montenegro, Bosniaks would be scapegoated. Some floated the opinion that minorities should not vote in the referendum on the state status of Montenegro! That opinion was shared by many Bosniaks in Serbia. Thus Hodo Katal, from association "Ruka" stated that Bosniaks should boycott referendum and that the fate of Montenegro should be decided solely by Serbs and Montenegrins.

positive tack to that issue by international community, would pave the way for an uncontrolled territorial splitting and re-tailoring of borders in the whole region (Republika Srpska and Hercegovina in Bosnia-Herzegovina, Kosovo and Albanian municipalities in South Serbia and Macedonia). Absence of political vision and of strong democratic institutions in the newly-emerged states, along with a difficult war legacy-yet to be prevailed- are not propitious conditions for considering and accepting a regional order and linking-up as a model for the resolution of problems and European integration. This however does not mean that the issue should be avoided as a political topic. On the contrary, it should be imposed for the issue of regionalization, in the face of much resistance and misunderstanding, has been politically articulated by regional parties. In Montenegro the process of articulation of that idea has not been seriously initiated, and it is difficult to imagine even its outlines in view of the size of the territory, its population, and other specific features. But one must say that the major drawback is actually lack of support for such a project by Montenegrin Bosniaks. That is an aggravating circumstance for the project of Sandzak as an autonomous region.

In view of the aforementioned and the current state of affairs and relations in the country, representatives of regional parties in the Constitutional Sub-Commission for Territorial Organization, acting on the League for Sumadija proposal, ensured consent of other members of the Sub-Commission and put forward to the Constitutional Commission as fully agreed-upon document, the Proposal on Basic Guidelines of Territorial Organisation of the Republic of Serbia. That Proposal was fully fine-tuned with EU standards and elaborated in line with recommendations of the European Charter on Regionalism envisaging four levels of administrative-territorial organization: NUTS 1 (state), NUTS 2 (macro-region, province), NUTS 3 (region, area, district) and NUTS 4 (local self-rule, city, municipality).

According to the Proposal, the Republic of Serbia shall be a decentralized state composed of the following territorial communities: municipalities, cities and autonomous provinces: Vojvodina, Podrinjska Province, Sumadija, Podunavska Province and the City of Belgrade, while for Kosovo standards in keeping with 1244 UN Resolution would have to be applied. The proposal envisages further decentralization of all provinces, (barring the City of) into regions, or districts. Hence three regions (Srem, Banat and Backa) in Vojvodina, regions Macva, Raska and Sandzak (the Serb part) would make up Podrinjska Province, Sumadija would cover Smederevska, Kragujevacka and Pomoravska region, while Podunavska Province would be composed of Branicevo, Timocka Krajina and Niska region. Each region would be then further decentralized into self-rule units, or municipalities. The Proposal guarantees to all forms of territorial communities political, legal, economic, and cultural autonomy in line with their specific features and as the Constitution lays down; the right to their own property and sources of income, and the right to manage all revenue within the framework of their constitutional prerogatives. Autonomous

provinces and units of local self-rule in line with the Provincial charter are entitled to use and manage the state-owned property in the territory of autonomous provinces. Territories of municipalities, cities, autonomous provinces and of the City of Belgrade may be changed only under the constitutionally established procedure and if the mandatory consent of citizens of those territorial communities is obtained. The proposal also guarantees and elaborates the right of citizens to local self-rule and autonomy, as well as elements of legislative, executive and judicial authorities of Provinces.

Those who put forward the Proposal say that in this way authorities at all levels would be efficiently decentralized thus growing more attuned to needs of each citizen; specific cultural, geographic, economic and historical features of the region would be preserved, thus providing for better contacts and broader networking on the basis of established interests; elements of decentralized legislative and executive authorities would provide for the best solutions, in line with different needs and numerous, specific national, cultural and economic features and the electoral process would ensure an equitable representation and prevent discrimination on any ground, also thanks to the fact that Parliament of Serbia would be bi-cameral (House of Provinces, and House of Citizens). It is worth mentioning that thus conceived proposal of territorial organisation was backed by the majority of minority parties, the Venice Commission, and OSCE.

At one of the last meetings of the Constitutional Commission (already abandoned by representatives of Democratic Party of Serbia, Socialist Party of Serbia, and the Party of Serb Unity), the Proposal was in principle accepted. However it was envisaged that a more precise territorial division in Provinces and regions should be worked out within the next three years, in order to appraise the most comprehensive solution likely to win the political and popular backing. Unfortunately the subsequent withdrawal of support to and toppling of government was followed by freezing of all activities related to the work on the new Constitution of Serbia. But judging by the aforementioned statements of "triumphant", government-forming parties, it is realistic to expect that the whole process would be soon jump-started. However, the discouraging news is that in the new Parliament there will be no representatives of most important minorities, or those of regional options. If their interests are totally disregarded, new Constitution of Serbia shall be only one in the series of factors contributing to further internal destabilization of Serbia.





# Kosovo: Misperceived Reality

## Introduction

Settlement of the issue of final status of Kosovo gained momentum in the course of 2003. This event was of key importance for the creation of institutional framework guaranteeing respect of human rights and stability in the region. "Standards before status" policy was defined. Its implementation was a prerequisite for the start of negotiations. However that policy is tantamount to a time-buying vehicle, since its implementation is not feasible in a short-term period. For the first time since NATO intervention there is a mention of a time-frame within which negotiations on that status would be kicked-off. In that context the benchmark year is 2005. By then results of standards set by international community should be reflected. In early 2003 resolution of the issue of final status of Kosovo was intensified by the then Prime Minister Zoran Djindjic. He repeatedly stressed that "the waiting time is over" for Kosovo "slowly evolves into a state"<sup>1</sup>. Djindjic told Reuter agency that he intended to ask "Western powers to kick-off negotiations in June".

Road for kick-starting a dialogue was paved at the June EU Summit in Thessaloniki, while the EU Council of Ministers in September got across the message that the UNION would continue to back and facilitate the process of dialogue between Belgrade and Pristina together with partners from international community.<sup>2</sup> EU Foreign Secretaries clearly communicated that they fully backed the policy "standards before status" pursued by Head of UNMIK Harry Holkery. They also assessed that the first meeting for assessing the level of attained results could be held before mid-2005. Ministers

---

<sup>1</sup> [www.b92.net](http://www.b92.net); see 16 January 2003 archives.

<sup>2</sup> *Politika*, 30 September 2003.

established that Belgrade-Pristina dialogue is a key element of "standards before status" policy<sup>3</sup>.

In late 2003 the US also sent across a clear message relating to the resolution of final status of Kosovo. Namely State Department Undersecretary Mark Grossman stressed in Brussels that talks on the final status could start in 2005 if standards set by international community were attained in Kosovo by then. Grossman underscored: "If Kosovo interim authorities meet those standards, then we shall be ready for the kick off of relevant talks on the final status of Kosovo. If the standards are not met, then we shall set another date."<sup>4</sup>

In stressing that Kosovo is a key for Euro-Atlantic integration of Balkans, Grossman, during his visit to Belgrade, also quoted other standards set by international community: functional democratic institutions, the rule of law, freedom of movement, safe repatriation of refugees and displaced persons, open market economy, dialogue with Belgrade, and downsizing of the Kosovo protection corps to the size idoneous for Kosovo.<sup>5</sup> Those stances are shared by the Contact Group, whose Kosovo-related activities have been recently stepped up. Several US officials repeatedly stressed that the only option is independence of Kosovo. In an interview to Pristina-based "Koha Ditore" the former US Ambassador to UN Richard Holbroke said: "That is the only solution leading up to a lasting peace in the region."<sup>6</sup> Hungarian daily "Nepsabadsag" carried the statement by President of European Parliament Delegation for Co-operation with South East Europe Countries Doris Pack that Kosovo, shall become "a cancerous tissue of Serbia if that region is not granted independence"<sup>7</sup>. Although Belgrade does not even consider the option of independent Kosovo-the region is recognized within AVNOJ borders, like other former Yugoslav republics-that option has recently stopped being a taboo topic. Namely that solution has been put forward by some authors in some media. The option of division of Kosovo is also increasingly floated, which indicates that the awareness of public at large that Kosovo can no longer be Belgrade-dominated, is increasingly raised.

Poll conducted by "Martin Board International" covering a sample of 587 respondents indicated that 21% of citizens favour the option of division of Kosovo into Serb and Albanian part, about 60% think that Kosovo should have a status of province in Serbia, 6.7% see Kosovo as part of the Union of Serbia and Montenegro (outside Serbia), while 5.8% respondents are of opinion that Kosovo should be granted independence. However over 35% of respondents think that Kosovo shall not remain within the framework of Serbia, while 29.5% believe that Kosovo shall remain part of Serbia only formally.<sup>8</sup>

<sup>3</sup> *Danas*, 18 November 2003.

<sup>4</sup> *Politika*, 5 November 2003.

<sup>5</sup> *Politika*, 6 November 2003.

<sup>6</sup> *Novosti*, 13 July 2003.

<sup>7</sup> *Politika* 6 November 2003.

<sup>8</sup> www.B92.net; see news archives of 28 February 2003.

Some Belgrade officials still make very unrestrained statements and reject outright any negotiations. Nebojsa Covic thus had the following message: "Independence of Kosovo is out of question" and "if that independence is the price for joining EU, then, thank you very much, we shall not join that Union"<sup>9</sup>. Svetozar Marovic, President of the State Union of Serbia and Montenegro assessed that statement as "too harsh and excessive"<sup>10</sup>.

Covic stated he was against ethnic borders, but also against "swindles and carving up of Serbia" and that "many who think that carving-up of Serbia shall pacify the region are dead-wrong in their assumption". Covic threatened that the Co-ordinating Centre would in the future monitor statements of those who covertly kept saying that Kosovo was lost, and called on them to publicly voice and sign their opinion for "it was contrary to the adopted state policy and Kosovo-related strategy"<sup>11</sup>.

First step towards improvement of relations between Belgrade and Pristina was the Vienna meeting. However negotiations on formation of working groups in the area of transport, power-generation, repatriation of refugees and fate of displaced persons, have not been carried out within the set time-frame due to refusal of Serb representatives to join in those activities.

## Status of Kosovo

Kosovo, as Professor Olga Popovic Obradovic notes, represents "a constant of national policy of modern Serb state". Misuse of Kosovo in recent times began after promulgation of the 1974 Constitution. Thus Kosovo became a symbol and the strongest mobilizing factor of territorial expansion, a historical area from which a continuing expansion of Serb state began.<sup>12</sup>

In the course of 2003 several Kosovo-related documents were drafted by Belgrade officials and Kosovo Serbs: Declaration on Kosovo and Metohija by Parliament of Serbia and Resolution on Kosovo and Metohija by Parliament of the State Union of Serbia and Montenegro. Prior to adoption of those documents, President of Co-ordinating Committee for Kosovo and Metohija Nebojsa Covic submitted guidelines for the resolution of Kosmet crisis to Serb government. The Serb Orthodox Church issued a Memorandum on Kosovo and Metohija, while representatives of Kosovo Serbs issued several pertinent declarations. All those documents, barring the Serb-Montenegrin resolution, lay emphasis on the territorial integrity of Serbia and its sovereignty over Kosovo. All documents have a common feature: they propose decentralization of Kosovo on ethnic lines.

<sup>9</sup> *Politika*, 7 December 2003.

<sup>10</sup> *Politika*, 9 November 2003.

<sup>11</sup> *Politika*, 7 December 2003.

<sup>12</sup> "Serbia in the vicious circle of nationalism", Helsinki Committee, December 2003.

In August 2003 Parliament of Serbia adopted *Declaration on Kosovo and Metohija*. Parliament nearly reached a consensus on that document, which constituted a rare parliamentary development. It was voted hands down by 186 MPs out of a total of 209 in attendance (23 abstained from voting.) Prime Minister Zoran Zivkovic stated that Declaration was backed by DOS, Democratic Party of Serbia, and the Serb Orthodox Church.<sup>13</sup>

Declaration initially espouses the stand that "the state sovereignty and territorial indivisibility of the republic concerns also Kosovo and Metohija, regardless of the interim international administration in the province" and indicated that "the final settlement cannot be discussed until all provisions of Resolution 1244 are complied with, or until all standards of multi-ethnic life, as defined by the UN Security Council, are met". Declaration also insists on a previous decentralization of Kosovo in line with recommendations of Council of Europe and notes that "Competent institutions of Serbia are duty-bound and authorized to co-operate with UNMIK on a daily basis, and through the High Working Group, conduct negotiations on technical issues and consistent implementation of Resolution 1244, prioritizing resolution of the issues of fate of the missing and beginning of a sustainable repatriation of displaced persons. As stipulated, among other obligations of those institutions are "the start-up of the process of decentralization as a mechanism for guaranteeing a collective status and collective rights of the Serb national minority"<sup>14</sup>.

"When the Resolution 1244 and UNMIK standards in Kosovo are fully implemented, Serb competent authorities shall empower the Co-ordinating Centre to work jointly with the Contact Group on elaboration of a platform of "a key autonomy" of Kosovo within the framework of the Republic of Serbia as a member-state of the State Union of Serbia and Montenegro.

But work on that Declaration indicated a rift between Belgrade and Podgorica. Official Belgrade proposed adoption of Declaration by the Union s Parliament, but its text was adopted only after negotiations between a Montenegrin Democratic Party of Socialists and Serb MPs. Moreover it was amended and renamed-*Resolution on Kosovo and Metohija*. There is a key difference between Declaration and Resolution, namely the adopted document does not prejudice and even mention the future status of Kosovo. Namely the Resolution is of a more general character. It reads: "Parliament of Serbia and Montenegro is firmly committed to the process of European integrations, for that is the most efficient way for the resolution of problems of Kosovo and Metohija, along with a consistent implementation of the UN Security Council Resolution 1244 "<sup>15</sup>. Also backed are "efforts and decisions by bodies of the state union of Serbia and Montenegro, and bodies of state of Serbia relating to a peaceful resolution of status of Kosovo and Metohija". MPs of Social

<sup>13</sup> *Politika*, 13 August 2003.

<sup>14</sup> [www.b92.net](http://www.b92.net), see news archives of 27 August 2003.

<sup>15</sup> *Danas*, 5 September 2003.

Democratic Party, one of the leading parties of Montenegro, have stayed away from the session, for according to head of their MP group, Borislav Banovic, "we considered that the issue of Kosovo and Metohija is an internal issue of Serbia and its relations with Albanians in Kosovo" and "Parliament of the state community should not deal with that issue."<sup>16</sup> SDP communique reads: "Issue of Kosovo does not fall within competence of Montenegro" and "the only task of Montenegro is to back and encourage dialogue and contribute to settlement of Kosovo issue, in line with its interests, prerogatives and relations established by the Constitutional Charter".

Similar stance in December was voiced by Montenegrin President Filip Vujanovic: "the fate of Kosovo and Metohija cannot be linked to Montenegro..." and "it has to be resolved independently from the issue of future status of Montenegro". Vujanovic underscored: "There is a growing perception that the fate of Kosovo cannot be linked to Montenegro... it must be the subject of negotiations between Belgrade and Pristina, along with a strong participation of international community on the basis of UN Resolution 1244 "<sup>17</sup> High official of Democratic Party of Socialists, Miodrag Vukovic, stated that "the incumbent authorities in Serbia face a difficult task, for Kosovo, under the UN Resolution 1244, has the status of international protectorate, and was taken out of the constitutional-legal order of Serbia. They also have to acknowledge the fact that Kosovo has its own rounded, legal and institutional system."<sup>18</sup>

Positions on Kosovo are contained in the *Basic Guidelines for Settlement of Kosmet Crisis*, proposed by Nebojsa Covic, and as such adopted by government of Serbia. An almost identical text of guidelines penned by Vladislav Jovanovic, the Foreign Secretary in the Milosevic era, was also made public. This testifies to the continuity of Milosevic era perception of Kosovo autonomy. The document reads: "sovereignty of the state has precedence over the separatist will of the minority ethnic community living in the province." This is a clear suggestion that Albanians should be treated as a minority people. Moreover such wording is totally ignorant of the reality on the ground. Invoked is, inter alia, the final CSCE document from Helsinki "which guarantess inviolability of external borders of member-states, unless they are in agreement to change borders", the 1991 Hague Conference and findings of the Badinter Commission. But on the basis of conclusions of the Badinter Commission, leaders of Kosovo Albanians, have submitted a claim for international recognition of Kosovo in December 1991. Previously in a referendum citizens of Kosovo declared their pro-independence stand. The guidelines suggest that the new Constitution of Serbia, in addition to its part relating to inviolability of Serbia s territory, should include a special provision banning renunciation of Kosovo. Guidelines also underscores "a clear and categorical stand that accession of Serbia and

<sup>16</sup> *Danas*, 4 September 2003.

<sup>17</sup> *Politika*, 10 December 2003.

<sup>18</sup> *Novosti*, 8 July 2003.

Montenegro to Council of Europe, EU, the WTO, Partnership for Peace, NATO, is only possible within the AVNOJ borders of Serbia and Montenegro." The document also states: "Basis of our project of the final status of Kosovo and Metohija is the fact that sovereignty of Serbia and Montenegro over Kosovo is not debatable, while everything else is debatable and subject to agreement." Emphasis is also laid on "the highest-degree autonomy of Kosovo and Metohija under international guarantees and surveillance, within which the Albanian national community is guaranteed a high level of independence with respect to the domicile state of Serbia." Covic submitted the guidelines to the government of Serbia, Council of Ministers of the State Community of Serbia and Montenegro, Synod of the Orthodox Church of Serbia, Patriarch Pavle, the son of the last Yugoslav King, Aleksandar Karadjordjevic and "many other NGOs dealing with Kosovo".

Relations between the Serb Orthodox Church and the state should be viewed within the framework of Kosovo issue. In August 2003. godine the SOC issued the *Memorandum of the Serb Orthodox Church on Kosovo and Metohija*, a copious document-200 pages- edited by the church dignitary Atanasije Jevtic. This document is redolent of hate speech used by the previous regime in talking about Kosovo, notably during its ascent in late 80 s and beginning of disintegration of former Yugoslavia, hate speech approved by the then ruling structures. In talking about days of his religious duties and officiating in Kosovo, at the promotion of Memorandum, Patriarch Pavle stated: "Even then I saw that Albanians were preparing for ethnic-cleansing of Kosovo and Metohija and even then I appealed to competent bodies to offset the creation of an ethnically pure state."

Synod assessed that Kosovo and Metohija was the question of "popular, spiritual, Christian and cultural identity... what is Jerusalem for the Jewish people, Kosovo is for the Serb people. It is a vital point of our popular, cultural, spiritual, human and Christian identity." Memorandum speaks of the 1389 Kosovo Battle and the whole history of Serb Kosovo". It dwells on "suffering of Serbs in Kosovo and Metohija u 1941 - 45 period, during the communist rule in 1945 -1990 period, and Kosovo and Metohija under Milosevic regime." The book s closing chapters are dedicated to the "tragic predicament of Serbs and the SOC since 1999", and Kosovo in the wake of 5 October 2000 changes.<sup>19</sup> Artemije, the highest church dignitary for Rasko - Prizrenska area underscored that Memorandum is "a book written in a period of over 800 years, in blood and tears of many generations, innocent children and the elderly"<sup>20</sup>.

Vice President of Government of Serbia and President of Co-ordinating Centre for Kosovo and Metohija, Nebojsa Covic, at the promotion of Memorandum, stressed that "for the first time since WW2 the church and state

are in agreement on the issue of Kosovo"<sup>21</sup>. "Hence no wonder that one of key stances is almost identical in Memorandum and Declaration of Parliament of Serbia. That stand emphasizes territorial indivisibility of Serbia, respect of internationally recognized borders, and the state sovereignty of Serbia and Montenegro over Kosovo and Metohija, regardless of the interim administration in the province", said Covic<sup>22</sup>.

Influence of the Serb Orthodox Church over the Kosovo policy is very obvious. Frequently the state asks the Church s blessing and support for its various Kosovo-related moves. Thus Prime Minister Zoran Zivkovic had to be blessed by Patriarch on the eve of the first Belgrade-Pristina dialogue held in Vienna. On the eve of December parliamentary elections in Serbia, the Holy Synod s Committee for Kosovo and Metohija urged "all political parties in Serbia to resist under any condition all offers and blackmails... to subordinate their party interests to those of people and homeland... not to allow mutilation of Serbia, not to let Kosovo go!". Nebojsa Covic took part in the Committee s session.

## Decentralization and Idea of Division of Kosovo

All Belgrade s proposals related to autonomy of Kosovo envisage a status inferior to the autonomy which the province had had under the last federal Constitution, in 1974, within the former Yugoslavia. Division of Kosovo, and option dating back to previous decades, is anew dominating statements and documents of the Serb political establishment. It is offered as an alternative if the province of former Yugoslavia proclaims its independence. Federalization of Kosovo and vesting Serbs in constitutional rights was also put forward by the assassinated Prime Minister Zoran Djindjic<sup>23</sup>.

Option of division of Kosovo frequently lurks behind various projects on decentralization and cantonization along ethnic principles, and laying the groundwork for the resolution of the final status of Kosovo in that direction. In that context should be viewed the formation of parallel structures in Kosovo, that is, creation of an association of Serb municipalities, which five years after the KFOR deployment are still backed by the official Belgrade. The latter is a major hurdle to resolution of numerous problems in Kosovo. Proposals on decentralization of Kosovo go hand in hand with Kostunica s proposal on cantonization of Kosovo. That was one of his first official statments after taking on the powers of Prime Minister.

Head of Co-ordinating Centre for Kosovo and Metohija, Nebojsa Covic cautioned that "if Albanians get an opportunity to gain independence, the same

<sup>19</sup> *Novosti*, 10 August 2003.

<sup>20</sup> [www.b92.net](http://www.b92.net), see: news archives of 3 September 2003.

<sup>21</sup> [www.b92.net](http://www.b92.net), see: news archives of 3 September 2003.

<sup>22</sup> [www.b92.net](http://www.b92.net), see: news archives of 3 September 2003.

<sup>23</sup> [www.b92.net](http://www.b92.net), see: news archives of 6 March 2003.

opportunity must be offered to Serbs in Bosnia-Herzegovina. <sup>24</sup> and "in that case Belgrade shall respond by proclaiming autonomy of Serbs in Kosovo.<sup>25</sup> He added: "You cannot give democratic Albanians in Kosovo and Metohija the right to secede from democratic Serbia, without giving that same right to democratic Serbs in democratic Bosnia-Herzegovina. It is a firmly connected process."<sup>26</sup>

Forum for Ethnic Relations and the Jurists Committee for Human Rights have promoted a document called - "*Decentralization of Kosovo*" Project. According to the FER President Dusan Janjic the project represents "a Belgrade perception of settlement of Kosovo and Metohija problem" and represents a negotiating document. The goal of objective, according to a Law Professor Stevan Lilic, is to contribute to stance-building by Coalition "Return" and Co-ordinating Centre for Kosovo and Metohija. Nebojsa Covic confirmed that the Centre together with the Forum and Committee is working on the project of decentralization of Kosovo. This project envisages creation of local, regional, and national communities, as well as the formation of an "alliance of national communities".

Democratic Party MP in the federal parliament suggested from a rostrum the following: "We should in the future more seriously ponder the idea of division of Kosovo, for the territory with 2 million hostile Albanians is a great burden for Serbia <sup>27</sup>. G17 Plus is of opinion that the final status of Kosovo should be resolved by the new Serb authorities, and that "a lasting settlement of Kosovo status must include a fully guaranteed autonomy and special relations between Serbia and all North Kosovo, . Kosovo Polje and Binacka Morava municipalities, and Serbia s patronage of monasteries, Visoki Decani, Gracanica and Pecka Patriarchate". The latter is quoted in the state program for European Serbia of G17 Plus<sup>28</sup>. Foreign Secretary Goran Svilanovic stated that "survival of Serbs in Kosovo depends on guaranteed territorialization of Serb community, or putting in place a system of guarantess for the survival of Serbs in North Kosovo and in other parts of the province."<sup>29</sup>

Assembly of Association of Serb Municipalities<sup>30</sup> adopted *Nikoljdan Declaration* suggesting "creation of two entities in Kosovo and Metohija, of the

<sup>24</sup> *Glas*, 8 November 2003.

<sup>25</sup> *Danas*, 24 December 2003.

<sup>26</sup> *Politika*, 26 June 2003.

<sup>27</sup> *Danas*, 5 September 2003.

<sup>28</sup> *Blic*, 26 May 2003.

<sup>29</sup> *Politika*, 12 May 2003.

<sup>30</sup> Alliance of Serb municipalities of Kosovo and Metohija was founded in January 2003. It is composed of North Kosovo municipalities: Leposavic, Zubin Potok, Zvecan and Northern Kosovska Mitrovica. MP of Serb Parliament and assemblyman in Zubin Potok municipal assembly, Marko Jaksic, told B92, that the ultimate goal is formation of "association of municipalities in the whole province". On 20 January 2003 Jaksic also told B92: "Albanians can continue to build their entity, we shall in parallel build ours, but that Albanian entity should not overstep the framework of Serbia".

Serb and Albanian parts". It is maintained that "this is the only political option preventing further exodus and persecution of Serbs" and that "the positive experience from Bosnia-Herzegovina should be also fully applied in implementation of this project"<sup>31</sup>.

Momcilo Trajkovic, President of the Committee for Kosovo and Metohija of Serb Parliament, stressed that the *concept of Serb communities*, was an old proposal of his, and also a good response to Albanian independence claims. <sup>32</sup>According to him, "decentralization should be effected and in places with the majority Serb population municipalities should be formed."<sup>33</sup>

Mikael Steiner warned against "similarity between Association of Serb municipalities in Kosovo and the Serb Krajina formed at the outset of the war in Croatia" and remarked that "at play is a dangerous trend of separation between monoethnic and the international community-prescribed multi-ethnic institutions."<sup>34</sup> Steiner informed the UN Security Council of Belgrade s "continued financing of parallel structures and hindering of freedom of movement by refusal to acknowledge the UN licence plates for Kosovo"<sup>35</sup>. Nenad Radosavljevic, High Adviser to Head of UNMIK, accused Nebojsa Covic of making "a series of strategically wrong decisions, the biggest one relating to enormous investments in conflict-free municipalities. Thus he literally created centres sucking in Serbs from other tension-fraught areas of Kosovo."<sup>36</sup>

At a *Founding Convention of the Movement for Kosovo and Metohija*, held in Belgrade on 15 June 2003, a Declaration proposing "arrangement of Kosovo and Metohija as a political community of several districtss-regions with a district regular parliament and executive bodies, Pristina as an "open city", decentralized local self-rule, bi-cameral provincial parliament and Constitution in care of Europe, with the *two national governments* taking decisions on cultural, educational, health issues of ethnic communities, along with a guaranteed possibility for all citizens to take part in political life of Serbia and of the union of Serbia and Montenegro." was adopted. Co-ordinator of the movement is Momcilo Trajkovic, and representatives of political parties, associations and NGOs took part in the convention.

Oliver Ivanovic, member of the Presidency of Parliament of Kosovo, stated that municipalities in Kosovo should be re-organized, and instead "of the current 30, we should have 60 municipalities." Ivanovic is convinced that "new municipalities shall be formed and that Serbs thanks to decentralization could get "their" five, six or even 7 municipalities, "and boast a majority in them, though not an absolute one"<sup>37</sup>.

<sup>31</sup> *Novosti*, 19 December 2003.

<sup>32</sup> *Danas*. 2 April 2003.

<sup>33</sup> *Glas*, 4 April 2003.

<sup>34</sup> *Politika*, 8 April 2003.

<sup>35</sup> *Danas*, 4 July 2003.

<sup>36</sup> *Balkan*, 6. August 2003.

<sup>37</sup> *Novosti*, 19 November 2003.

Similar stances are espoused by the Serb Orthodox Church. Priest Sava Janjic says that "the general stand of the SOC is that the optimal political solution for Kosovo and Metohija would be a broad autonomy within the framework of the Republic of Serbia ", while "in places where Serbs constitute a relative majority, should be introduced a higher degree of local self-rule along with special relations with the republican institutions, and co-operation with them in the spheres of education, health and protection of cultural legacy... including ... mechanisms for those sacred monuments located in the Albanian-dominated areas."<sup>38</sup>

Centre for Liberal-Democratic Studies elaborated a project of regionalization of Serbia. Its authors are Zoran Vacic, Bosko Mijatovic, Aleksandar Simic and Zorica Radovic. That model does not envisage the population number nor regional borders. It allows the citizens to decide their own fate, or to form municipal associations, in a Spanish-style referendum. That opportunity would be provided for provinces (Kosovo and Vojvodina), but the model precludes "federalization of regions". Regions would have a parliament, government, and management bodies, but not a president. And acts passed by regional bodies would be controlled by the Supreme Court of Serbia.<sup>39</sup>

Idea on division of Kosovo has circulated for quite some time among intellectual circles. Recently it was floated by a historian and publicist Aleksa Djilas. According to him implementation of that idea would help Serbia save part of its sovereignty "in southern Serb province, while Albanians would get territories in which they could be independent.". In an interview to *Glas juga* in Gracanica he stated that the issue of division of Kosovo has to be launched by someone in the centre-right"... "in a similar way De Gaulle granted independence to Algiers.". "It would be ideal if Vojislav Kostunica, if he wins elections, or the one who emerges triumphant from them, immediately after elections, put forward a De Gaulle-style proposal on division."<sup>40</sup>

## Relations with Albania

For the first time, since the ouster of Slobodan Milosevic, the authorities focused on relations between Serbia and Albania, as the focal point of Kosovo issues. On the other hand Albanian Prime Minister Fatos Nano stated that Kosovo cannot be returned to Serbia.<sup>41</sup>

In mid-August Albanian Defence Minister Pandelji Majko refused to take part in a regional conference on security in Montenegro, "in order not to sit at the same table with the Defence Minister of the Union" at the time when in

<sup>38</sup> *Reporter* 14 October 2003.

<sup>39</sup> *Danas*, 30 April 2003.

<sup>40</sup> *Danas*, 4 August 2003.

<sup>41</sup> *Danas*, 1 September 2003.

Belgrade the first draft of Constitution, determining Kosovo as part of Serbia, was being drafted. In early September Parliament of Albania condemned Declaration on Kosovo of Serb Parliament as "a dangerous return to the unsuccessful nationalistic policy which led to violence during the SFRY disintegration and seriously jeopardized stability of the entire region." Parliament of Albania assessed that the aforementioned Declaration "unilaterally expresses the stand on the future status of Kosovo within the Union of Serbia and Montenegro and is not in keeping with resolution 1244, stances of international community and UNMIK"<sup>42</sup>. Ministry of Foreign Relations of the Union sent a protest note to Albania stating that "the said condemnation is a blatant interference into internal affairs of Serbia and Montenegro and is contrary to the expressed wish for development of good neighbourly relations and strengthening of stability in the region"<sup>43</sup>.

According to Svetozar Marovic, President of the Union of Serbia and Montenegro, the issue of status of Kosovo, was tackled first by Albanian President Alfred Moisiu, at the Ohrid Summit of the five Balkans countries held in June 2003. According to Beta report from Ohrid, on the initiative of President of Albania, the following sentence was included in the joint declaration: "status of Kosovo is not solved, but leaders agreed that all citizens of the region, had a European future."<sup>44</sup>

Serbia sharply responded to the free trade agreement signed by Kosovo and Albania. In fact the agreement was signed by Head of UNMIK with Albanian Ministry of Economy and Kosovo Trade Minister, and preceded by several months of consultations of UNMIK Administration with the EU Commission in Brussels and the UN legal department. When it was established that the EU Commission and the UN legal department had no objections, the signing of the agreement was greenlighted. The Union's Foreign Secretary Goran Svilanovic thus responded to the agreement: "Several days ago, Stainer also signed a Criminal Act and Act on Criminal Proceedings. In such a short span of time we have faced developments indicative of a continual trespassing of prerogatives of international institutions in Kosovo and Metohija. Some prerogatives of Kosovo institutions are defined by Resolution 1244, constitutional framework, and the UNMIK-Serbo-Montenegrin Agreement. As long as these documents are ignored we shall face similar developments, and situations stemming from them."<sup>45</sup>

Official Belgrade in past decades tried to find in Albania its partner for a Greater Albania, that is, a partner for hatching plans on division of Kosovo.

<sup>42</sup> *Politika*, 6 September 2003.

<sup>43</sup> *Politika*, 6 September 2003.

<sup>44</sup> *Politika*, 3 June 2003.

<sup>45</sup> *Novosti*, 8 July 2003.

## Relations with UNMIK

Although in the past year Belgrade demonstrated an increased readiness to start up a dialogue on Kosovo, attempts to undermine the process leading to such negotiations are still at play. In the face of the agreed Strategy "standards before status" Belgrade refused to accept operationalization of standards suggested by Head of Unmik Harry Holkery. Government of Serbia rejected the UNMIK-proposed *Draft Standards for Kosovo*, deeming it anew "far inferior to the level of 1244 resolution." Belgrade was disgruntled because the Draft excluded the Serb government proposals relating to "eviction of people usurping flats, apartments and houses and other immovable property, process of privatization of socially-owned companies, repatriation of displaced." The government's precondition for acceptance of the Draft was the suspension of the Kosovo Protection Corps or its overhaul into a de-criminalized, civilian service.<sup>46</sup>

Standards, presented in December by Head of UNMIK Mission, in his words represent "a new chapter" leading to determination of the final status of Kosovo.<sup>47</sup> Holkeri explained that those standards "in detail depict a society in which people from all communities live peacefully, respect each other, freely travel to workplaces, freely use their language... the society in which governmental institutions serve all ethnicities and peoples in the whole Kosovo, without discrimination, and where security and the just judiciary exist." According to Holkeri's assessment "in reality it means that all communities and ethnicities are represented in the Kosovo Protection Corps and police, that laws and official documents should be written in all official languages, that economic progress in Kosovo must be achieved without discrimination, and that all those who want to return to Kosovo may do that and are encouraged in that intent of theirs."<sup>48</sup>

This document was rejected by Kosovar Serbs. Interministerial Co-ordinator for Repatriation in the Kosovo government Milorad Todorovic reiterated that the document on the standards attainment, proposed by international community, was not acceptable for Serbs, for "in their opinion it bypasses Resolution 1244 protective of integrity of Serbia and Montenegro in Kosovo." Dusan Janjic, slated to become the next head of Co-ordinating Centre for Kosovo and Metohija, in commenting the "Standards for Kosovo" noted: "The general impression is that this highly pathetic text is full of easily given promises."<sup>49</sup> Due to rejection of the said standards formation of working groups was also stalled. Member of Presidency of Parliament of Kosovo Oliver Ivanovic stated that Coalition "Povratak" after consultations with Co-ordinating

<sup>46</sup> *Politika*, 9. December 2003.

<sup>47</sup> *Danas*, 11 December 2003.

<sup>48</sup> *Danas*, 11 December 2003.

<sup>49</sup> *Politika*, 18 December 2003.

Centre "shall take a final decision on participation of Serbs in working groups."<sup>50</sup>

Most major UNMIK moves are obstructed by the official Belgrade. Enormous influence of Serb authorities over Kosovar Serbs and their political decisions makes Kosovo situation even more difficult and prevents integration of the Serb community. UNMIK moves are often vilified as contrary to Resolution 1244 and Constitutional Framework for Kosovo and Metohija. That argument is –utterly false. For example Serb authorities are against the transfer of prerogatives from UNMIK to Kosovo institutions. There are no grounds for such a resistance, as none of those prerogatives is related to foreign policy, security and judiciary (all of them are within UNMIK competence). At the time of a pertinent decision-taking process, Covic stated "if Steiner or anyone else transfers those powers to incompetent and non-multi-ethnic authorities, that move would be null and void, for the Serb national community shall most probably walk out of them."<sup>51</sup> And he was right, for the Serb representatives declined to join the Council for Transfer of Powers to Kosovo Institutions.

Integration of Serbs in Kosovo is to a large extent prevented by some Belgrade structures. Kosovar Serbs were repeatedly advised by (read by Co-ordinating Centre) to refuse Kosovo IDs and licence plates.<sup>52</sup> Acceptance of Kosovo licence plates would not resolve the issue of security of Serb citizens, but would make easier their movement and travel across Kosovo.

Belgrade authorities strongly oppose privatization process in Kosovo, although it is one of key prerequisites for the improvement of overall economic situation. In May 2003 Steiner signed the Protocol on Renting Socially-Owned Companies Land, thus de-blocking process of privatization of 360 socially-owned companies in Kosovo. Rules, stipulating renting of that land for the period of 99 years, were also put in place. According to Steiner "in this way the last hurdle for the start of privatization in Kosovo was surmounted"<sup>53</sup>. Covic assessed that the UNMIK Head decree was unilateral, and moreover "greenlighted the plunder of social capital." Covic said: "In my mind this decree allows a blatant plunder of property, and as such represents a violation of standards and norms of international community... moreover it is a move made without consent of the owner of property, that is Belgrade."<sup>54</sup>

Official Belgrade is yet to change the negative public image of Albanians, and and create a climate of tolerance in Serbia, the climate which would then lead to the start of dialogue on the final status of Kosovo. For example Nebojsa Covic says that transfer of powers is not realistic for "those institutions are not even able to exercise prerogatives in which they had been earlier vested". Covic

<sup>50</sup> [www.b92.net](http://www.b92.net); see the news archives of 14 January 2004.

<sup>51</sup> *Novosti*, 5 April 2003.

<sup>52</sup> Kosovo NGOs interviewed by Helsinki Committee.

<sup>53</sup> *Novosti*, 13 May 2003.

<sup>54</sup> *Politika*, 13 May 2003.

stated that "conflicts are inevitable if Kosovo with UNMIK's backing slides further towards independence."<sup>55</sup>

Belgrade responded negatively to a letter by representatives of Kosovo Institutions and parties,<sup>56</sup> calling on displaced persons from Kosovo, currently accommodated in Serbia, Macedonia, and Montenegro, to return for "we guarantee you health services, public services and education. The letter reads: "We cannot guarantee job and security to anyone. All of us in Kosovo are victims of organized crime, as are people in Serbia, Montenegro, Macedonia and elsewhere in the Balkans. We must be realistic and admit that some parts of Kosovo are safer than others, but re-settlement decisions must be taken individually or by a whole family."<sup>57</sup> Although this was the first public gesture of this kind by Kosovar officials, Nebojsa Covic, termed it "a weak, cheap and transparent play."<sup>58</sup>

### Conclusions and Recommendations :

- Resolution of status of Kosovo, to be brought about through the US and EU-brokered negotiations between Pristina and Beograd, would lead to the regional stability and creation of institutional framework within which human rights and civil liberties would be respected. Hence it is necessary to encourage all the processes leading up to the final settlement of Kosovo status.

- Division of Kosovo would be the most radical solution, and the one least contributing to the regional stabilization. On the contrary that solution provoke further changes of borders along ethnic principles. Linking the status of Republika Srpska to settlement of Kosovo status, in terms of territorial exchange, would affect gravely the regional stability. The same applies to claims for federalization of Kosovo, for it is obvious that they would entail divisions on ethnic basis.

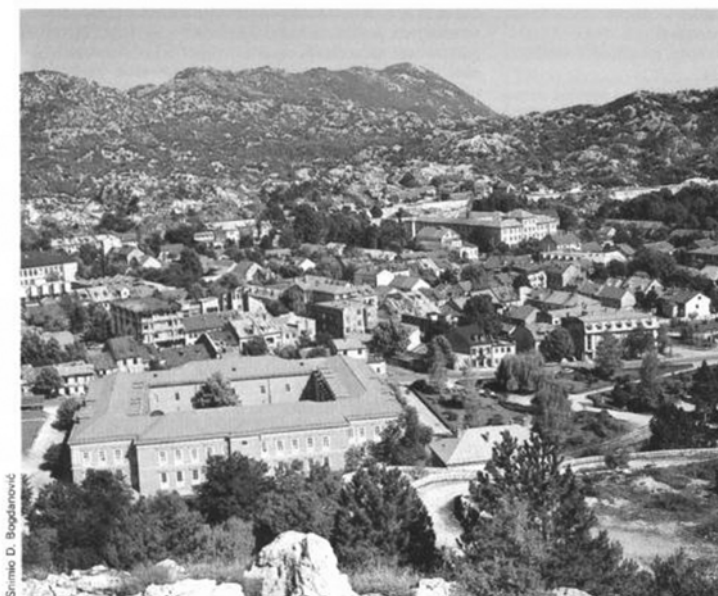
- New Belgrade authorities radicalized the issue of Kosovo at the very outset of their mandate, notably through their stance on recent clashes in K. Mitrovica. The Belgrade-encouraged division of the city into Serb and Albanian part, exacerbates situation in that part of Kosovo and makes more difficult position of local Serbs. By extension Belgrade's backing of the parallel Serb structures in Kosovo makes more difficult integration of Serbs in Kosovo society.

<sup>55</sup> *NIN*, 3 April 2003.

<sup>56</sup> The letter was signed by President of Kosovo, Ibrahim Rugova, President of Parliament, Nedžad Daci, Prime Minister Bajram Redzepi, President of Democratic Party of Kosovo, Hasim Taci, President of Council for the Future of Kosovo, Ramus Hardinaj, Commander of the Kosovo Protection Corps, Agim Ceku, President of the New Party of Kosovo, Bujar Bukosi and representatives of communities of Bosniaks, Turks, Askalis, Egyptians, and Romany.

<sup>57</sup> *Danas*, 2 July 2003.

<sup>58</sup> *Danas*, 4 July 2003.





# **Serbia and Montenegro: An Unavoidable Separation**

## **I. Introduction**

Year on the fragile Union of Serbia and Montenegro - its Constitutional Charter was adopted on 4. February 2003 - shows the same signs of weakness and atrophy noticeable from the outset of its coming into being. . The burden of latent and open crisis and conflicts which Serbia brought to union, since the signing of the Belgrade Agreement on 14 March 2002, despite the EU patronage and brockering of Xavier Solana, has in the meantime increased. December parliamentary elections in Serbia, from which the far-right emerged triumphant and formation of Kostunica-led party thanks to the support of the Socialist Party of Serbia-the party of the Hague indictee Slobodan Milosevic-, shall only increase the political, along with the existing economic disharmony between the two sates. They have different currencies, laws, and taxes, while the balance of payment between the two entities of the union has not been established, federal parliament is blocked, the union does not have a court, of law, a flag, coat-of-arms, national anthem. The Supreme Military Council does not convene. On the other hand such an union is internationally recognized, is a member of UN, Council of Europe, and of other international organisations. In the course of 2003 alone EU and the US made investments to the tune of 250 million EURO in Serbia and Montenegro.

By adoption of the Constitutional Charter, Yugoslavia has been formally relegated to history, despite fervent aspirations of Serb nationalists and unitarists to "discipline" Montenegro, along with their increasingly aggressive denial of Montenegrin state continuity and national identity. Moreoever, by dint of sophisticated political-clerical-military methods, there are attempts to place forcibly Montenegro into currently revived, lethal idea of a single leader, people and state. Claims are voiced that Serbia has "the natural and organic right" to embed Montenegro into such an idea.

A provisional creation is unlikely to survive even by 2005, the year earmarked for a referendum on independence of Montenegro. The key importance for the status of Montenegro in the union is the fact that under both the Belgrade Agreement and Constitutional Charter the level of attained reforms in that entity leading to further modernization, emancipation and Euro-Atlantic integration has been protected. In other words, the Constitutional Charter defines separate sovereignties in economy, judiciary, and internal security of state-members. Montenegro has maintained its currency, distinct customs and trade regimes, Montenegrin police controls the state borders, and the level of implementation of reforms and results in harmonisation of legislation with the EU regulations, were also maintained. In the listed areas Montenegro clearly keeps abreast of Serbia.

Montenegro has maintained ties and keeps launching diplomatic initiatives with the international community through numerous consulates of Western countries in Podgorica, notably the US Consulate, and its representative offices in several Western capitals. Thanks to its parliamentary initiatives (like the recent meeting in Cetinje rallying representatives of all regional countries), Montenegro is increasingly recognised as a factor of peace, stability and good co-operation between neighbours. Added to that the first words of the welcome address by the Montenegrin parliament spokesman, Ranko Krivokapic, at the Cetinje meeting, were "Forgive us Dubrovnik..." Those words, alike repeated apologies by Montenegrin statesmen for war suffering caused in the neighbouring countries, indicate that Montenegro toes a peaceful coexistence line in the region.

In contrast to Montenegro Serbia once again confronted the world by continuing its strong anti-Hague campaign on the eve of December elections and in the post-election period. Statement of the Prime Minister Designate Vojislav Kostunica that "co-operation with the ICTY is not a priority of my government," and "this country is not exporter of human commodities to the Hague Tribunal", and "my government shall not hand-over four generals of Serb army and police (Nebojsa Pavkovic, Sreten Lukic, Vlastimir Djordjevic and Vladimir Lazarevic)<sup>1</sup> best illustrates the stance of the upcoming government. Such positioning of the new authorities in Serbia caused a naturally anxious reaction in Podgorica. Clearly worried about the possibility of new Western pressures, Montenegrin officials cautioned Belgrade that they would independently resort to ratification of international treaties, in order to ensure loans of international institutions and protect Montenegro from the old-new suicidal policy of Serb nationalists and extremists.

In that context, the composition of the Serb MPs in the federal parliament, that is, predominance of MPs from the Radical Party, whose leader is the Hague indictee, Vojislav Seselj, and of MPs from Kostunica-led Democratic Party of Serbia propped by Milosevic's Socialists, indicates that the future trend

<sup>1</sup> *Danas*, 23. February 2003.

shall be the morphing of a loose union of two states into the into a transparently hard-line unitary-centralist model. Such a model, which lays bare the underlying, lethal Greater Serbia concept, shall accelerate the severance of already flimsy ties between the two states, as anticipated under the Belgrade Agreement and Constitutional Charter. Essentially at play is the completion of the process of disintegration of Yugoslavia., in a peaceful way, in view of the fact that guarantors of such scenario, the NATO forces are currently deployed in the region. Imposition of the Serb-masterminded centralist model to the union of the two states, that is a trend to revise the Belgrade Agreement and Constitutional Charter, shall cause a backlash, namely the strengthening and massivization of the pro-independence block in Montenegro.

## II. New Attempts at Destabilization of Montenegro

There are mounting clerical-nationalistic pressures on Montenegro. Every crisis in Serbia is reflected in or transposed to Montenegro to intentionally cause a quake-like aftershocks. Any move by the Montenegrin authorities, even a minor one like re-naming of streets, is used as evidence of anti-Serb and hostile policy. Population census effected in 2003 was instrumentalized by the pro-Serb opposition and the Serb Orthodox Church, to boost the strengthening of "the Serb being and roots in Montenegro." The church dignitary, Montenegrin –Coastal Mitropolit Amfilohije openly and aggressively attacks the Montenegrin state with all means at his disposal, by misusing the Cyrillic alphabet, counting Cyrillic official inscriptions, orchestrating the work of several NGOs –few of which are located in the coastal area- tasked with protecting the "Serbhood", and attempting to proclaim Andrijevic, a townlet in North Montenegro, a republic. The aforementioned is reminiscent of formation of autonomous areas "SAOs" in Croatia, on the eve of war launched by Belgrade against Zagreb. He managed to enlist the support and participation of part of the army in all the aforementioned activities. In those terms are also indicative statements of some military officials, notably of Colonel Momir Stojanovic, officer of the Military-Security Agency. His claim that Muslim extremists and terrorists have been infiltrated in Montenegro alarmed the Muslim population in the country. Such claims and statements also confirm that the Army of Serbia and Montenegro has still not been placed under democratic and parliamentary control.

The 2003 population census in Montenegro was a good occasion for a massive and zealous propaganda of pro-Serb and nationalistic forces, aided wholeheartedly by the Serb Orthodox Church, and unprecedented pressure on citizens of Montenegro. The above resulted in an increase of Serb population from 9 percent in 1991 to the current 30 percent, while in parallel the number of members of the Montenegrin nation decreased from 61 to 40 percent. Added to that claims that Njegos is the "wisest Serb head" and that Montenegro makes

part of the future Serb kingdom under the Karadjordje crown were increasingly voiced.

### a. The Role of the Serbian Orthodox Church

Serb Orthodox Church, through its most militant circles promoting fundamentalist, Taliban-like Orthodoxy, spearheaded by Mitropolit of Montenegro and Coastal Area, Amfilohije, has been aggressively piling pressure on the Montenegrin state and people. In his campaigns Amfilohije constantly denies the Montenegrin nation and by dint of a thesis of "jeopardized Serbhood" underscores that the non-use of Cyrillic alphabet in Montenegro is tantamount to denial of Serbhood.

Counting of Montenegrin and Serb-speaking people, and calling into question the linguistic practice of the former, are constant topics of the pro-Serb parties and the Serb Orthodox Church, in Montenegro. Proposal of Veselin Vukotic, President of the Institute for Strategic Studies and Forecasts, to introduce English, as the second official language in Montenegro, for "we need English more than the army"<sup>2</sup> was sharply criticized by the recently formed *Society for the Protection of the Serb Language and Cyrillic Alphabet in Montenegro*. The society floated the thesis that Serb language was spoken and written in since the time of Saint Sava, Miroslav Gospel, Oktoih, Saint Peter of Cetinje and Njegos. In monastery Podmaine near Budva, Mitropolit Amfilohije warned that in Cetinje, in Njegos street, there was not a single ad, or billboard written in Cyrillic. At the same meeting Slavenko Terzic stated that "Serb culture, on its Slav-Byzantine foundations, for centuries has selectively assimilated many influences from Mediterranean, Russia, but also from Orienta..."<sup>3</sup> Official Podgorica responded to the above provocations by saying that the issue of language would be solved by the new Constitution, hence it would be better if it were called Serb-Montenegrin.

Fan of NGOs for "protection of Serbhood" was enriched by a recently-founded *Association for the Culture and Tradition of Serbia and Montenegro* with its seats in Belgrade and Podgorica. It is allegedly tasked with "spreading spiritual tradition of Christianity... for the Serb Orthodox Church, the majority church both in Serbia and Montenegro, was a pillar around which a distinct national spirituality, tradition and culture of this part of the Balkans territory developed."<sup>4</sup> Network of pro-Serb organisations in Montenegro was expanded by the newly-emerged Serb Educational Society in Bar, whose linchpin is the old nationalistic thesis of Montenegro as the "Serb Sparta..likely to ree-embrace, despite all obstructions, its Serb roots."

<sup>2</sup> *Vecernje Novosti*, 25. June 2003.

<sup>3</sup> *Politika*, 25. August 2003.

<sup>4</sup> *Politika*, 31. June 2003.

Adhering firmly to its idea of a secular state, the Montenegrin authorities, announced in the mid- 2003. that under the new educational curriculum and syllabus religious education shall not be an optional subject-matter in schools. That decision caused stormy reactions of Serb nationalists. Unlike Serbia, Montenegro cherishes its anti-Fascist tradition. For example, government of Montenegro banned erection of monument to the Chetnik Duke Pavle Djurisic in the vicinity of Berane. The US Embassy was informed of that ban. It bears saying that Djurisic was awarded Hitler s Great Iron Cross. Djurisic s headquarters were located in the area of Gornje Zaostro near Berane, and that place was called Montenegrin Ravna gora.

Serb Academy of Arts and Sciences-SANU-was also involved in those synchronized activities. It concentrated its activities on "social and political thinking of Njegos". Academic Ljubomir Tadic claimed that "Montenegrin people, notably the young ones, are going through a difficult and deep crisis of identity". However, it is interesting to note that in reality the young ones in Montenegro make up the majority of independence advocates and supporters. The above fact has not deterred academic Tadic from claiming that "the young were brainwashed by enemies... and we should not doubt that Montenegrins are imbued with Njegos Serb being/essence." On the other hand academic Mihailo Markovic argues that "defence of national interests is a genuine moral principle... every people have the right to defend themselves if attacked... either from Turks or Germans, in the past, and in more recent times from the NATO aggressor."<sup>5</sup>

*Vasojevic Association of War Veterans and Volunteers 1912.-1918.g.* demands that Andrijevisa, a small municipality in North of Montenegro be granted the status of republic, and also ask for the expansion of territory thereof by annexation of unjustly seized towns of Pec and Djakovica<sup>6</sup>. That expansionist demand of old war veterans (if alive, they must be over 100 years old !) was wholeheartedly backed by volunteers from the last Montenegrin war, the conquest-minded and inglorious war against Croatia.

As regards some announcements of the pro-monarchy Serb block that Montenegro could be incorporated into a future Serb kingdom (in a similar fashion it had been "included in" the Kingdom of Serbs, Slovenians, and Croats in 1918.), Prince Nikola II Petrovic Njegos, though self-professedly without any political ambition, denied ever having recognized the dynastic right of Family Karadjordjevic to the throne." Such claims don t make any sense, under no conditions I or any other Petrovic Njegos, or any Montenegrin would recognize the right of Karadjordjevic dynasty to the Montenegrin. They have never been, nor they can even be heirs to that throne".

Attempt of Predrag Bulatovic, President of the largest Montenegrin opposition party, Socialist Popular Party, to transform a minor protest against

<sup>5</sup> *Politika*, 21. November 2003.

<sup>6</sup> *Politika*, 22. January 2004.

the change of name of Nemanjina street into Saint Peter of Cetinje street into a massive protest against the incumbent authorities, failed. Small number of protesters had Serb-Chetnik insignia and flags probably in order to get the message across that Prime Minister Milo Djukanovic and the ruling Democratic Party of Socialists (DPS) intended to "change the spiritual identity of Montenegro by expelling Nemanjici from the street names". In its official response Democratic Party of Socialists stated "we could not believe that Saint Peter of Cetinje, pacifier, peace-maker, founder of the Montenegrin statehood, historical figure whose grandeur and contributions paved the way for modernization of Montenegro could become a cause of new divisions in Montenegro."<sup>7</sup> At the same time, the city assembly of Podgorica named one street after Josip Broz Tito.

During celebrations of the 200 years of Karadjordje Uprising, Association of Vasojevici, whose honorary president is Milija Zecevic, proclaimed that Vasojevici were grateful to Duke Karadjordje for "severing chains of an age-old bondage, initiating realization of the idea of Kosovo vengeance, waking Serb people to that idea, and instilling Serb people with faith in its own power and might. Karadjordje had revived the Serb state as a mainstay around which the entire Serb people rallied..."<sup>8</sup>.

#### **b. Army Still Beyond Control**

Ongoing reform of the Army of Serbia and Montenegro is yet to yield tangible results. Mechanisms of democratic and parliamentary control are yet to be put in place, and the union's budget is predominantly military as its largest part is used for the army funding. Sporadic exacerbations of relations between Belgrade and Podgorica were generally followed by incidents provoked by soldiers in Montenegro. It bears reminding that President of former FRY Vojislav Kostunica prevented disbanding of a paramilitary formation operational in Montenegro at the very end of Milosevic's rule. That formation, the 7th battalion was tasked by Milosevic's political allies the Socialist Popular Party with ousting the then authorities. The ruling party, Democratic Party of Socialist considered the 7th battalion the party army of the SPP.

According to DPS over 50% of soldiers from that battalion had criminal record and thus posed "a constant threat to peace in Montenegro". In early June 2000, soldiers of the 7th battalion occupied downtown of Berane and threatened the police after arrests of their two soldiers on grounds of "having disturbed public peace and order in Andrijevisa".

Seventh battalion was formed under order of Chief of Staff in the spring 1999 and was under command of Colonel General Milorad Obradovic, the then commander of the II Army of the the Army of Yugoslavia. Obradovic denied

<sup>7</sup> *Vecernje Novosti*, 6. February 2004.

<sup>8</sup> *Politika*, 15. February 2004.

allegations that the battalion was formed to dislodge the legitimate authorities in Montenegro.. "if that had been its task, then we could have carried coup d'etat during the NATO bombardment"<sup>9</sup>. After eruption of the armed rebellion of Albanians in South Serbia, 7th battalion is deployed in Kursumlija and then in Surdulicu in 2001. At a later date it was disbanded and most of its soldiers seconded to other units.

Military Security Services (MSS) are yet to be placed under parliamentary control. Although they were overhauled and then renamed the Military Security Agency (MSA) as of first January 2004, it is odd that Colonel Momir Stojanovic, head of provincial MSS in Kosovo in 1993-1999 period, was named its head. His statement that the MSA infiltrated the top separatist circles in Kosovo and that terrorist organisations are active in South Serbia and in Muslim-populated villages in Montenegro caused quite a stir in the second member of the union. Moreover his words that "radical Islamist terrorist organisations were infiltrated in the region with the goal of creating a unique Islamic state in the Balkans", was assessed as extremely controversial and unfounded by Blagoje Grahovac, military adviser to Djukanovic. Similarly negative were responses by mayors of Plav, Rozaje i Gusinje. Defence Minister of the union of Serbia and Montenegro Boris Tadic assessed that the threat by terrorist organisations to the country's security was not dramatic, but rather a low level one, like in recent years.<sup>10</sup>

Imam of the Islamic Community in Montenegro Rifat Fejzic stated that "It is the first time I hear of existence of Islamic terrorism in Montenegro and of extreme intentions of members of Islamic faith... and Colonel Stojanovic should at least apologize for his allegations." Reactions in Kosovo were similar. KFOR and UNMIK maintained that they had no info on activities of the Serb secret police in Kosovo and denied the possibility of existence, let alone activities, of terrorists and Al-Kaida cells in the area. Colonel Horst Piper, Director of Information Services in Kosovo said that all countries had secret services, and "the attempt to pompously use to media to allege intelligence work on the ground is tantamount to - blatant propaganda".

Interestingly enough ten days on the site of a certain "National army of Montenegro" was posted on Internet. In the pertinent text it was claimed that in the preamble of the Constitutional Charter Albanians were reduced to the level of Romany and it was communicated that the area "covered" by the Charter is "naturally Albanian". It is also said that Albanians demand "national rallying", are against forcible change of borders, but are bent on "attaining their right to freely express their political will". It is also said that "if Albanian aspirations continue to be ignored, we shall be ready to embark upon guerrilla actions against vital, strategic facilities and interests of the Serb-Montenegrin pseudo-

<sup>9</sup> *Politika* 23. April 2003.

<sup>10</sup> *Danas*, 4. February 2004.

state."<sup>11</sup> Two days later the web site was scrapped, and official Albanian parties disclaimed knowledge of its origins. President of Democratic Alliance of Albanians in Montenegro Mehmed Bahri stated that he had knowledge of such an army and that the "site was obviously designed by someone unfamiliar with Albanian language, for the text was full of orthographic errors."

Two years ago, on the eve of the April parliamentary elections in Montenegro, there was much media buzz about the UKL and KLA graffiti and existence of three centres for training Albanian insurgents in Plav and Gusinje. But it was soon discovered that such scoops were sheer fabrications.

Disappearance of the aforementioned site was followed by discontinuing of the ethnic regionalization petition-collecting action in Montenegro, that is of the action for formation of three Albanian regions (Malesija, Gusinje i Ulcinj) in Montenegro launched by an NGO. All Albanian parties were contrary to such an action and like the ruling Democratic Party of Socialist deemed it of extremely militant nature for "regionalization along the national lines is an extreme demand posing treat to the integrity of territory of Montenegro and its civil, political foundations"<sup>12</sup>.

Some Belgrade media constantly deal with animosity which the army provokes in Montenegro. Journalist Miroslav Lazanjski, in the text titled "Guns undesirable in Cetinje", maintains that the military hardware is being moved from Montenegro to Serbia for the "joint army is no longer part of thoughts and plans of some political structures in Podgorici. But what about hearts of common people?" Lazanjski asserts that "some political circles in Montenegro are interested in seizing a military hospital in Meljine, the Navy's Institute in Tivat, military hotels in Bigovo and Valdanos, the Navy's vessels. Official Podgorica probably thinks that in line with the recent practice in former Yugoslav republics, it is entitled to appropriate everything that is in its territory, irrespective of its original owners, investors, innovators, developers..."<sup>13</sup> The author however failed to mention that the Army has already made a "deal" with the Serb Orthodox Church on sale of some facilities. In commenting this and similar articles, Deputy Defence Secretary of the Union Vukasin Maras was adamant that the Army was not pulling out its hardware and aircraft from Montenegro. He denied such claims and moreover asserted that "there were no extraordinary army activities in the territory of this republic."

### c. Population Census

During the 2003 population census pro-Serb parties backed by certain activities of the Serb Orthodox Church staged an aggressive and co-ordinated

<sup>11</sup> *NIN*, 15. January 2004.

<sup>12</sup> *Vecernje Novosti*, 11. January 2004.

<sup>13</sup> *Politika*, 23. November 2003.

campaign aimed at winning over citizens to declare themselves as Serbs. That campaign orchestrated by the Serb Popular Party and Popular Party included appeals to citizens to declare themselves as Serb-speaking Serbs, while the Socialist Popular Party, the largest opposition party, set up bodies to controlled state bodies in charge of census. Podgorica-based NGO, the Serb Corps, joined in the campaign. It distributed to readers paper *Dan* (financed by the Serb Orthodox Church, SOC) along with reprints of geography textbook published during the reign of King Nikola<sup>14</sup>.

The SOC-organised meeting in monastery Podmajine near Budva appealed in an aggressive way to citizens of Montenegro to declare themselves as Serbs. Dragan Kujovic, Vice President of Parliament of Montenegro, stated that among the participants there were representatives of tribal assemblies and several parties including the Socialist Popular Party. According to Kujovic during the whole campaign various party statements tantamount to open calls to citizens to declare themselves as Serbs were published. The following explanation accompanied those calls: "the one who declares himself as Montenegrin backs independent Montenegro"<sup>15</sup>. Kujovic is of opinion that the census results shall not have any impact on the final state status of Montenegro: "I am confident that after the referendum, if not at an earlier date, Montenegro shall become an independent state, simply because a convincing majority of citizens shall come to understand that for Montenegro it is much better to become an independent state".

Pro-independence block reacted calmly to the census results. At inauguration in Cetinje, in May 2003, President Filip Vujanovic underscored that Montenegro as a civil state could not allow counting on national or religious basis. Miodrag Vukovic, high official of Democratic Party of Socialists, stated that "counting of Serbs and Montenegrins as staged by Serb nationalists is totally mindless. Such an issue may be prevailed by the concept of the civil state, like it is done in France- whoever wants a citizenship, is French, while national belonging becomes an expression of cultural identity." Vukovic stressed: "The problem does not lie in the fact that there are majority people-Montenegrins, and minority people-Serbs", since "constitution of the civil state of Montenegro and civil concept of its state policy are guarantees that there shall be no counting along the national parameters/criteria." Goran Danilovic, Vice President of the Serb National Party, cautions that "the right to dualism of Montenegrins who are Serbs is being denied", and says "it is not possible that Serbs were assessed as minority on the basis of the 1991 census, and also on the basis of the new one, for we would get a completely different picture if we took data from the last 100 years".

Rade Bojovic, a political analyst assessed that the absurdity of contemporary Montenegro is its bondage to most primitive kinds of

<sup>14</sup> *Danas*, 5. November 2003.

<sup>15</sup> *Danas*, 31. January - 1 February 2004.

nationalism and went on to say "we are contaminated by something more akin to the Balkans version of chauvinism than to modern civil nationalism of European profile".

At a meeting "Serb people in Montenegro" held in monastery Podmaine near Budva the following opinions were floated: "dukljanization of Montenegro is equal to croatianization of Montenegro" and "if we declare ourselves as Montenegrins, we shall in the near future lose the right to self-understanding." Hence the former federal Minister of Religions, Sijakovic, concluded that "we must declare ourselves as Serbs."<sup>16</sup>

By bannering a headline "Only 40.4 % Montenegrins" the Belgrade printed media highlighted the decrease in the number of declared Montenegrins, and increase in the number of Serbs (30%). Other shares were also quoted –over 9% of Bosniaks, 7% of Albanians, and over 4% of Muslims. The data/census results are directly linked to (im) possibility of calling a referendum on independence of Montenegro, while Vojislav Kostunica argued that the result (increase in number of Serbs) was a guarantee of preservation of the state community of Serbia and Montenegro. Dragoljub Micunovic, President of parliament of the union of Serbia and Montenegro is of the same opinion.

In commenting the census Belgrade sociologist Goran Penev maintained that the increase in number of declared Serbs was due to mounting aspiration to independence of Montenegro. As regards Montenegrins Penev says that they are still most numerous in their domicile state, but that they are the only people out of all former Yugoslav peoples with under 50% share in total population.<sup>17</sup>

### III. On Status of Montenegro

Official Podgorica, alike the international community, was alarmed by the news that Kostunica became Prime Minister Designate of the new Serb minority government backed by Milosevic-led Socialists MPs. Kostunica statement that his cabinet shall not prioritize co-operation with the Hague Tribunal caused quite a stir among Montenegrin officials. Montenegrin authorities like the EU and US authorities were very critical of that statement. In contrast those Kostunica words were met by mildly negative and sporadic responses in the Serb political scene. For Montenegro co-operation with the Hague Tribunal is of primary importance it is wants to advance on its road to Euro-Atlantic integrations. Consequently, one must consider the future relations within the union, namely they are likely to get even frostier, in view of Montenegro's support for co-operation with the ICTY, and Serbia's future shunning of its commitments towards that international court.

<sup>16</sup> *Monitor*, 3. October 2003.

<sup>17</sup> *Politika*, 24. December 2003.

#### a. Neomilosevic Policy

In assessing that the neo-Milosevic retrograde policy of the new authorities in Serbia shall affect relations between the two states, members of the union, Montenegrin officials sent a clear message to Serbia that they were against a firmer union, or revision of the Belgrade Agreement, and that they were likely to find the way to protect Montenegro from the new unitary assaults and the trend to confront the international community.

High official of the ruling Democratic Party of Socialists Miodrag Vukovic voiced his reservations about intention of the new authorities in Serbia to boost normalization of relations with Montenegro. He was sceptical of such a denouncement due to earlier Kostunica statements about too many gains made Montenegro under the Constitutional Charter. Vukovic assessed that "it is a proven fact that we have a difficult co-operation with Kostunica" and "Kostunica is likely to toe a different line, that is, the one of strengthening of federation and forcibly bringing into line Montenegro". Hence "good relations between the state members are not likely". Vukovic added that he feared Kostunica for "he does one thing, and speaks about another ... portrays himself as a democrat, while he is in fact an inveterate nationalist."<sup>18</sup>

Prime Minister of Montenegro Milo Djukanovic stated that Montenegro "does not accept a firmer union", for that would inevitably lead to "an accelerated end thereof". He thinks that it is impossible to "unilaterally and forcibly revise the Belgrade agreement, and anyone who tries to make such an attempt shall be faced with our resistance and shall have to assume responsibility for the collapse of the union. This should be taken into account by Kostunica and all other prime movers in Serbia and in international community intending to impose to Montenegro a different level of union from the one we had originally agreed upon.". Djukanovic assessed that elections in Serbia impacted "re-distribution of power in the union's parliament", hence "problems may arise because of possible needs by the parliamentary majority in Serbia to change some solutions taken by the Council of Ministers"<sup>19</sup>.

Montenegrin President Filip Vujanovic stated that the new government of Serbia, "regardless of its profile" would not be able to influence political developments in Montenegro –guarantor thereof being the Belgrade Agreement.<sup>20</sup> President of Montenegrin Parliament Ranko Krivokapic stated that "Montenegro should be protected from intentions of the new Serb authorities to scrap co-operation with the Hague Tribunal". Krivokapic underscored that "due to such intent of Serb authorities, assistance by the World Bank and the IMF may be suspended in which case Montenegro should protect its interests". He stressed that one of the possible modes of protection

<sup>18</sup> *Danas*, 20. January 2004.

<sup>19</sup> *Danas*, 29. January 2004.

<sup>20</sup> *Danas*, 20. February 2004.

was transfer of prerogatives relating to ratification of international agreements from parliament of the union to the republican-Montenegrin parliament" and made it clear that the ruling coalition intends to make such a move<sup>21</sup>.

#### b. Dissolution

Union of the two states has the approved time-frame of three years, and most observers, in contrast to the die-hard unitarists, think that it may be suspended even before the year 2005. But in Serbia, and not only in Montenegro, there are also pro-independence parties. Namely Christian-Democratic Party and Group 17 are advocating independence of Serbia, or secession from the union. Predrag Markovic, a historian, thinks that the process of separation between Serbia and Montenegro has been emotionally completed, and that the union shall break up tacitly, in the similar way it had happened to the United Arab Republic. In his opinion it is Republika Srpska, and not Montenegro, which has very close ties with Serbia.

But the question is how to part the ways- although the Belgrade Agreement envisages mechanism of referendum-for the die-hard Serb nationalists disbelieve that separation cannot be effected by a peaceful way. Slavenko Terzic, Director of the Historical Institute of the Serb Academy of Arts and Science, is one of them. He is also of opinion that a peaceful separation is not possible, for Serbs are not Czechs. If Serbs were Czechs they could solve it in a peaceful way. According to Terzic many Serb leaders from Karadjordje to Batic espoused the idea of unification of the Serb world. But he adds that we are for the first time now facing separatist ideas by irresponsible individuals. Terzic denies the Montenegrin nation and maintains that separation would be tantamount to negation of the Serb national ideal, and going back to square one as regards the idea of Serb unification.

Another pronounced Serb nationalist, historian Milan St. Protic is more realistic and respectful of emancipating processes in Montenegro. He stressed that the victory of the block advocating a firmer union with Montenegro would cause a backlash, that is strengthen aspirations to independence in Montenegro. Serbia and Montenegro most likely shall not survive the time-frame envisaged by the Belgrade Agreement and Constitutional Charter. Protic says that authentic aspirations for cohabitation are non-existent in both Serbia and Montenegro. Hence Serbia should prime itself for the post-union time, and start building its institutions notably promulgate its Constitution.

Serbo Rastoder, professor of history at the Niksic Philosophical Faculty, thinks that an equitable Montenegro is objectively a burden for Serbia, while an unequal community a constant source of trauma in Montenegro. According to him 2005. shall be the year of denouncement and many relating developments shall depend on the foreign factors. Rastoder says that Montenegro is

<sup>21</sup> *Danas*, 25. February 2004.

geostrategically important for Serbia, for it provides access to sea. In his mind separation can be effected in two ways: "One is dissociation, somehow in line with the entire process of disintegration of Yugoslavia, which had been somehow stalled by the most recent bonding, the union of the two most most complex and rather close entities, while the second, a very realistic and visible model is strengthening of that community/union. The latter would essentially entail reduction in prerogatives of Montenegro." <sup>22</sup>.

### IV. International Community

West has mechanisms, notably financial ones, to respond to lack of readiness of the new Belgrade authorities to co-operate with the Hague Tribunal. On the other hand, Montenegro with its strong diplomatic activities forestalls some EU circles to bow to Kostunica's stance on strengthening of the union between Serbia and Montenegro, in fact conducive to the re-creation of the old federation. Such attempts were visible in Brussels even earlier, mostly because of lack of readiness to embark upon resolving the issue of a final status of Kosovo.

Branko Lukovac, the Union's former Minister for Economic Relations with Abroad, stated that Brussels insisted on formation of the joint, single market and also demanded "formation of new institutions with prerogatives over the whole territory of the union. Such demands are deeply political and manifest a desire for consolidation of the union." However Lukovac warned that things could be back to square one if the pressure on centralization of functions were piled. Namely, according to Lukovic: "One could pose the question if the framework were indeed favourable for association with EU, or it would be better if the two states set out to independently and directly negotiate their membership with Brussels"<sup>23</sup>.

Responses by the European Parliament have been lately diverse-Foreign Policy Committee has recently floated the stance that Serbia and Montenegro could separately accede European Union and that existence of the union is not a precondition for membership.<sup>24</sup>

Montenegrin Foreign Secretary Dragisa Burzan was convinced that Serbia and Montenegro's membership in Council of Europe would not be suspended because of recent EU criticism of the union, notably on the grounds of December victory of the far-right in Serbia. He added that a recent Council of Europe report on Montenegro was "very positive" and denied that Montenegro's implementation of reforms was deemed sluggish.

At a recent Brussels meeting the EU Foreign Secretaries sent a clear message to Kostunica that financial assistance to Serbia hinges on further

<sup>22</sup> Radio Free Europe, interview, 19. January 2004.

<sup>23</sup> *Monitor*, 3. July, 2003.

<sup>24</sup> Radio Free Europe, interview of Milan St. Protic, 19. January 2004.

implementation of reforms and co-operation with the Hague Tribunal. Council of EU Ministers voiced its concern over the post-election political developments in Serbia. In its communique ministers underscored the EU interest in continuation of economic reforms in Serbia, full compliance with the commitments towards the ICTY, continuation of combat against organised crimes and the process of co-operation with countries in the region. Genuine progress in those areas paves the way for the EU-backed integration of Serbia in Europe. Decision was taken to carefully monitor the future policy of and moves by the new Belgrade authorities. European Commissioner Chris Patten was consequently tasked with preparing evaluation report on the level of development in Serbia prior to the 25th March EU decision on granting a new Euro 270 million worth installment from the CARDS program for the fiscal 2004.

EU expects that the future relations between EU and Serbia, and EU and Serbia and Montenegro be clearly based on the reform guidelines, further political and economic democratization and resolve of Serbia and Montenegro to access European integrations. Those guidelines were set by the process of stabilization and association. Added to the necessary economic, structural reforms and political democratization, one of the prerequisites is Serbia's compliance with all international commitments, including full co-operation of the Belgrade authorities with the Hague Tribunal.

US is adamant that co-operation with the Hague is one of the key obligations of Serbia. It was stressed anew that extension of the US financial assistance depends on the hand-over of war crimes indictees to the Hague Tribunal by March the 30th. But the new Belgrade authorities are defiant. In the face of the aforementioned US warning they float the thesis that Serbia does not need \$ 115 million worth of assistance. The new Belgrade authorities seem to be totally oblivious to the fact that such a stance could have a snowball effect, that is jeopardize the granting of other loans, which must be greenlighted by the US, as the most influential player in all international financial institutions.

## V. Conclusions:

- EU should not allow violations of the Belgrade Agreement and of the Constitutional Charter of the Union of Serbia and Montenegro and should finally greenlight the basic democratic right, the right to self-determination if they choose so, which is likely to accelerate Montenegro's access to EU and its inclusion in broader Euro-Atlantic integrations.

- Independence of Montenegro would most certainly duty-bound international community to face up to the issue of the final status of Kosovo. Montenegro's departure would not impact implementation of Resolution 1244. Attention shall have to be paid to the final status of Kosovo, regardless of decisions of Serbia and Montenegro. Resolution may be reached only through dialogue between Pristina, Belgrade, and international community, and in

those terms Montenegro does not play any role in the current developments related to the Kosovo settlement. It also bears saying that the argument that the break-up of the union would only increase pressure of separatists in Republika Srpska, the Serb-controlled entity in Bosnia-Herzegovina, does not hold water since adherence to the Dayton Accord is one of the international commitments which Serbia has to comply with.

- Serbia and some EU bodies should stop insisting on re-building of prerogatives taken to a large extent by the two states, for that would be essentially tantamount to breach of the Belgrade Agreement and Constitutional Charter.

- EU should readily accept those future status-related solutions that Serbia and Montenegro could agree upon, on the basis of the Belgrade Agreement guaranteeing to Montenegro a referendum on independence.

- European Union should be also ready to accept a possible decision by Montenegro to earlier (before the 2005 deadline) effects its independence. That would be a natural end to the cycle of disintegration of the former Yugoslavia, for it would not be viable or profitable to keep the two last republics in any kind of common state or state union.





## **Serbia: Neighborly Relations**

### **- Croatia -**

Ever since 2000, Serbian and Montenegrin foreign policy has been aimed at overcoming the country's isolation and reintegrating it into the international community. The same policy was pursued throughout 2003. The Serbian government was focused on turning Serbia – once a regional factor of instability – into a factor of stability. The Premier Zoran Djindjic assassination not only destabilized the country, but also impaired its credibility worldwide. At the same time, the assassination called into question the future of reforms – a precondition to joining European integration processes. Thanks to the international community's assistance, Serbia was relatively stabilized, but politically discredited, and particularly so after the December parliamentary election.

The process of regional normalization was initiated immediately after October 5 and under considerable pressure from the international community. Progress vital for the entire region has been made: visa regimes, economic relations, free flow of people, agreements on social issues, etc. Over its three-year rule, the DOS has significantly improved neighborly relations, particularly those with Croatia. The Serbian political elite perceives Croatia as the most important partner in the region, taking it as their major rival for a key geostrategic role in the Balkans.

The inappropriately solved legacy of the recent past weights the most relations between the two countries. This primarily refers to the return of Serbian refugees to Croatia, the status of the Serbian minority in Croatia, the status of the Croatian minority in Serbia, the charge against Serbia for aggression Croatia has brought before the International Court of Justice in The Hague, the issues of war damages and borders, etc.

Process of normalization of relations with neighbours began in the immediate post-5 October period under the major pressure of international community. During its three-year mandate the 18-party coalition, DOS, made significant progress in normalisation of relations with neighbouring countries, notably with Croatia. The Serb political elite perceives Croatia as the most important regional partner, but also as a principal contender for the key strategic position in the Balkans.

The sticking point in relations between the two states is legacy of recent past, which has not been solved in an adequate way. Pending and thorny issues are repatriation of Serb refugees in Croatia, status of the Serb minority in Croatia, status of the Croat minority in Serbia, the Croat charges against Serbia for the aggression, war reparation and border change claims before the International Court of Justice in the Hague.

*Settlement of the issue of borders between Serbia and Montenegro and Croatia* is nearing a positive completion. In 2003 both the land and sea border with Serbia and Montenegro topped the Croat political agenda. Ivica Racan, Prime Minister of Croatia in 2003 maintained that "the issue of sea border should be solved" and "negotiations on Prevlaka and on those concerning the Danube border should be resumed". According to Racan, "settlement of that issue would boost normalisation of other aspects of relations, notably of the visa regime".<sup>1</sup> Protocol on an interim regime at Prevlaka, that is, the border control between Croatia and Serbia and Montenegro was signed in December 2002. The annex thereof envisaged the composition, authority, and procedures of the mixed police control units and deployment of the patrol boats. Mixed police patrol of the Dubrovnik-Neretva Police Department and of Centre for Security of Herceg Novi became operational in mid-April 2003 in keeping with the Protocol provisions.<sup>2</sup>

The offer of the Serb side that the issue of Danube border be solved by dint of exchange of territories in Croatia was rejected. Tonino Picula, Croat Foreign Secretary, stated that "exchange of territories was out of question... diplomats should continue negotiations. That border is problematic because the Serb side of Danube border is controlled by the Army of Serbia and Montenegro and not the Ministry of Interior of Serbia." Stjepan Mesic expected that "the police units would be deployed at that border, after the suspension of visa regimes by both countries ... I am therefore optimistic about the future of the Danube border."<sup>3</sup> Boris Tadic, Defence Secretary of Serbia and Montenegro, thereafter confirmed that "the Montenegrin police units shall soon control land borders in the Montenegrin part of the country, while the Army of Serbia and

<sup>1</sup> *Danas*, 4 and 5 January 2003, "Racan maintains that the sea border is yet to be established."

<sup>2</sup> *Politika*, 4 April 2003, "Border controlled by mixed patrols."

<sup>3</sup> *Balkan*, 9 June 2003, "I expect withdrawal of the SMN army from Danube."

Montenegro shall control together with the Montenegrin police units the sea border with neighbouring countries for a year."<sup>4</sup>

*The issue of facing up to the recent past* is the most delicate and complex issue in relations between the two countries. Belgrade stubbornly minimizes its responsibility for the 1991-1995 war, and invokes the Serb victims in the WW2. Croat authorities have repeatedly spoken about suffering of Serbs in the WW2. President Stjepan Mesic insisted on the re-appraisal of the Anti-Fascist Movement in Croatia, and in that context the Ustashi-led terror campaign against Serbs, Jews, Romany and Croats. During the 58<sup>th</sup> commemoration of victims of the Jasenovac concentration camp, President Mesic, expressed his deep regret over "innocent victims of those who had abused the idea of the Croat state, or rather used it as a pretext to commit atrocities." By extension Prime Minister Racan was hopeful that "our future choices should preclude the emergence of victims, and executioners, and silent observers."<sup>5</sup> But those gestures of Croat Prime Minister and President did not resonate well among the Serb media, which preferred to run a story on how the survivors of Jasenovac, of Serb and Romany origins, bent on laying a wreath on the camp site, were not allowed to cross the Croat border, ... as they were bereft of visas, and failed to inform the competent authorities of their intended arrival."<sup>6</sup>

During Marovic-Mesic meeting, both the Serb-Montenegrin and Croat President apologized on behalf of their countries for the recent atrocities. Marovic apologized for "all the evils committed by any citizen of Serbia and Montenegro against any citizen of Croatia," and Mesic, apologized to all citizens of Serbia and Montenegro for "any damage incurred to them by the misuse of position or unlawful actions by any citizen of Croatia."<sup>7</sup> Those apologies were met by hostility by the general public in both countries. According to one poll, nearly half of the Croat public opinion criticized Mesic's apology in Belgrade, 37.6 percent of the polled accepted it, while 12 percent thought that "Croats should not apologise to anyone." Nearly the same ratio was marked in Serbia: 39.5 percent of Serbs and Montenegrins accepted Marovic's apology, while 14.8 percent were sceptical about it in view of the pending issue of war reparation. Namely the official stance of Zagreb is that Croatia is the victim of aggression by Serbia and Montenegro and by extension, if the apology was sincere, then Serbia and Montenegro should assume its responsibility for the past war and accept the war reparation."<sup>8</sup>

In an interview Marovic expressed his readiness to "visit Ovcara and apologise to Croats for all the evils we have committed" and called on Croat

<sup>4</sup> *Blic*, 12 June 2003, "Tadic says that police units shall be deployed at borders, when some conditions are met."

<sup>5</sup> *Danas*, 12 May 2003, "According to Stjepan Mesic there is no rehabilitation for murderers."

<sup>6</sup> *Danas*, 12 May 2003, "SMN camp inmates returned from border."

<sup>7</sup> *Glas javnosti*, 15 September 2003, "Strictly intentional visits".

<sup>8</sup> *Politika*, 16 September 2003, "Apology and war reparation".

refugees and all those who in the face of war were compelled to leave Serbia and Montenegro "to return." He also said: "I hope that Croatia shall withdraw its genocide charges against Serbia and Montenegro in the Hague... for all people should not be punished or proclaimed genocidal because of crimes committed by some individuals or officials." According to Marovic "withdrawal of such Croat and Bosnia-Herzegovina charges would be tantamount to paving the way for a better future... recent past should be dealt with by the Hague Tribunal or possibly by national courts... as it is related to individual responsibility."<sup>9</sup>

Serb media were not very happy about the said apologies, while the patriotic block was expressly against them. On the other hand the international community welcomed those gestures. Foreign Affairs Committee of the US Senate passed a resolution lauding apologies of both presidents and inviting other regional statesmen to encourage and work on reconciliation between their peoples. Resolution 237 "welcomes the initiative and personal courage of both Presidents" and "rates highly such efforts as they lead to an accelerated and comprehensive reconciliation in South East Europe."<sup>10</sup> Foreign media monitoring the regional situation assessed positively the process of rapprochement. For example the London-based *Economist* noted: "politicians in Vukovar maintain that Serbs and Croats in that city avoid each other, while many locals give testimonies of renewed friendships and fraternization, and even several, mixed marriages." The magazine also highlighted the following fact: "every day five passenger buses arrive from Belgrade. Visas have been temporarily suspended, while the trading between the two sides is on the rise."<sup>11</sup>

The sticking and very polemical issue is *the genocide charge filed by Croatia and Bosnia-Herzegovina against the FRY*. That case in the Hague International Court of Justice is pending. Croatia filed that charge in July 1999. In a response to deliberations of the Serbian media, notably -shall Croatia withdraw that charge, - Dr. Ivan Simonovic, Croat Deputy Foreign Secretary, underscored that "Croat government did not discuss the withdrawal of the charge against the FRY... Croatia wants the International Court of Justice to establish relevant facts and assess responsibility of the FRY. That is the moral, political and legal gist of the charge." In Simonovic's opinion "it would be better if the issue were solved by an adequate Serbia and Montenegro statement than by the International Court of Justice's decision." As regards the damage compensation Simonovic thinks that "Croatia would be satisfied with the establishment of a certain commission, for work of such commissions, judging by comparative

<sup>9</sup> *Politika*, 20 September 2003, "New apologies."

<sup>10</sup> *Borba*, 29 November 2003, "Senate committee welcomes apologies by Mesic and Marovic."

<sup>11</sup> *Politika*, 6 December 2003, "Serbs and Croats fraternize in Vukovar"

experience, is long-standing, and their accomplishment is only partial, that is, most of them meet only partially demands of victims."<sup>12</sup>

At the same time the Croat Association of Detention Camps Inmates called on its members to file compensatory damage claims, for the Association proper plans to file charges against the FRY and the Yugoslav People's Army for the sustained physical and psychological damage and harassment. As early as in May 2003 the Association filed charges against hundreds non-identified persons for war crimes committed in Serb detention camps in 1991-1995 period and announced imminent lodging of its war compensation lawsuit against the FRY and the YPA before the international judicial bodies. The Association elaborated its damage compensation criteria, Euro 400,000 for every death, at least 100,000 Euro for inmates imprisoned over 72 hours in those camps, etc. To date 883 claims of that nature were processed, while at least 200 are pending.<sup>13</sup>

*Issue of compensatory damage* caused much uproar in both countries. President Mesic stated that according to the first evaluation Croatia would claim from the FRY about 30,000 billion DM in compensatory damage, for, in his opinion, "Croatia was the victim of aggression and Yugoslavia, that is, Serbia must be held accountable for the past developments. We must speak about the mode of payment of compensatory damage, and timetable thereof, and basically that issue is the subject of inter-state agreements. It is clear that we were victims. If Serb volunteers from all parts of that country together with the Yugoslav Army attacked Croat cities, and killed Croat citizens, Serbia cannot claim it was ignorant of the then goings-on."<sup>14</sup>

However Prime Minister Zoran Djindjic stated that reparation is a more complex topic and that it should not be addressed in such a way. According to Djindjic "Croatia should pay to Serbia, as much as Euro 150 billion, for expulsion of nearly 200,000 innocent people from Western and Eastern Slavonia and a barbarian dispossessing of many honest Serbs of their houses on the Adriatic Coast."<sup>15</sup> Mesic retorted in this way "if it is proved that Croatia destroyed a single house in Serbia, then we can talk about reparation." But he went on to stress "Croatia has not expelled anyone, and all houses destroyed in war, shall be repaired. Croatia has already started compensating citizens for the damage they incurred during the war."<sup>16</sup>

As regards *repatriation of refugees* Croatia in principle has taken a positive stand, notably in the face of international pressure and the fact that admission of Croatia to the EU integration hinges heavily on settlement of that issue. On the other hand Serbia and Montenegro in principle urges settlement of that issue, but in reality uses that issue to slow down the said admission. But one can say that since Ozren Tosic took the helm of the Commissariat for Refugees,

<sup>12</sup> *Blic*, 14 January 2003, "Zagreb shall not withdraw its charge."

<sup>13</sup> *Glas javnosti*, 17 January 2003, "When shall people bless all those events?"

<sup>14</sup> *Danas*, 25 January 2003, "Euro 15 billion from the SFRY".

<sup>15</sup> *Politika*, 30 January 2003, "Croatia expected to pay reparation to Serbia."

<sup>16</sup> *Politika*, 30 February 2003, "Mesic rejects Djindjic's assessments."

Serbia has for the first time tackled seriously the issue of repatriation and restitution of property.

The 2003 Human Rights Watch Annual Report on the Status of Human Rights in the World argues that Croatia continues to shilly-shally in regard to the issue of repatriation, and also that it is visibly backing down on its co-operation with the Hague Tribunal. It is highlighted that the Croat authorities increasingly resort to war crimes trials of Serbs in national courts of justice, and some of them, notably the Lora Case, have been turned into a sheer farce. HRW concludes that 7 years after the signing of the Dayton Accord majority of 350,000 refugees are yet to return to Croatia, the biggest obstacle to a full-scale repatriation process, being shortage of jobs due to discrimination, and lack of will of the Croat authorities to effect restitution. The issue of tenancy rights is still unresolved, primarily due to the opinion of the Croat authorities that Serbs lost them, when they had fled Croatia.<sup>17</sup>

In Croatia proper the official policy on Serb refugees was criticized. For example, a renowned Croat lawyer Ante Nobile assessed that "Tudjmanism survived Tudjman". According to him the government failed to clearly condemn Tudjman's policy and war crimes, and to at least partially compensate for the damage incurred by the former authorities and thus encourage repatriation of a major number of Serb refugees... "the government instead compels parliament to pass a law preventing compensatory damage to mostly Serb refugees, and to some disobedient Croats."<sup>18</sup> Under the constant pressure of international community the Croat authorities repeatedly pledged to solve by the year-end the issue of repatriation of refugees and restitution of their property. In the meantime Prime Minister Racan acknowledged that "very slow resolution of that issue is one of the key reasons for the discontent of international community... and our accession to the EU is conditional on settlement of that issue, as dictated by official Brussels since 1997."<sup>19</sup>

In that regard Mesic was well ahead of the government, and took some initiatives. He suggested a three-way meeting of the highest officials of Croatia, Serbia and Bosnia-Herzegovina to discuss "removal of numerous barriers to repatriation" ... "for repatriation of a large number of refugees is in the interest of Croatia... this being the only way of demonstrating the maturity of our democracy."<sup>20</sup>

One of the hurdles to repatriation are numerous *arrest warrants* issued by Croatia through Interpol. A total of 1764 Serbs and members of the Yugoslav People's Army were thus indicted for war crimes. *Veritas* headed by Savo Strbac, maintains that in the course of 2001 59 people were arrested and 20 imprisoned on the basis of those indictments. Among the arrestees there were

<sup>17</sup> *Danas*, 16 January 2003, "Minorities in jeopardy in Serbia."

<sup>18</sup> *Blic*, 30 January 2003, "Prime Minister continues Tudjman's policy."

<sup>19</sup> *Politika*, 21 April 2003, "Racan says that repatriation shall be effected by the end of year."

<sup>20</sup> *Balkan*, 15 September 2003, "Mesic favours Serb-Croat repatriation talks".

returnees, those in transit and even Serbs who have never left Croatia. In 2003 27 Serbs were arrested, 13 of them are still in jail, while the judicial proceedings have been instituted against 4,530 persons charged with war crimes. Only 35 Croats were indicted, all other indictments concern Serbs or YPA members. Of the above total 1,746 were charged, 727 convicted, 89 released, and 2, 933 cases are being processed. Since March 2001 Croatia, through Interpol, issued 395 arrest warrants, but in the meantime has withdrawn 55.<sup>21</sup> Goran Svilanovic, Foreign Secretary of Serbia and Montenegro, stated that repatriation of Serbs to Croatia is burdened by constant arrests of returnees, and suggested that Zagreb "sifts through" indictments against Serbs and double-checks if there are basis for arrests.<sup>22</sup>

Many refugees from Croatia, whose property was destroyed by terrorist actions (torching and mining) in conflict-free areas-about 20,000 houses-urge the Croat authorities to effect compensatory damage payments. But the new Croat bills do not envisage compensation for property destroyed in such a way, unless there were fatalities, or serious bodily injuries. The foregoing concerns only judicial proceedings in progress. However the majority of claimants are waiting for re-enactment of suspended Article 180 of the Act on Obligatory Relations, or were not able-being in exile- to file claims.<sup>23</sup> Ante Nobile, lawyer, assesses the new Bill on Compensation for Victims of Terrorists Activities as unjust and in keeping with the Croat Democratic Community Party discriminatory policy against refugees.<sup>24</sup>

In the years of re-installment of the Croat authorities in Danube border areas, young men of Serb descent were covered by the moratorium on military service. But since the expiry thereof many young men opted for civilian military service, most frequently in the municipal hospital in Vukovar. As of late many of them have opted for a normal military service.<sup>25</sup> Added to that a large number of young refugees in Serbia opt for serving either civilian or normal military service in Croatia, due to their brevity.

Croat government recently began resolving *tenancy rights* of Serb refugees, namely it adopted a decision relating to accommodation of Serb refugees stripped of their tenancy rights "for unjustifiably abandoning their flats in 1991". According to the decision those flats shall not be restituted or their loss financially compensated (unlike in Bosnia-Herzegovina), but refugees with previous tenancy rights, who decide to return to Croatia, shall be allowed to rent, but not purchase state-owned flats. They shall have the possibility to purchase a new flat under the new state program envisaging more favourable crediting/HP conditions and cheaper real estate prices. Applications for hire-

<sup>21</sup> *Glas javnosti*, 17 January 2003, "When shall people bless all this?"

<sup>22</sup> *Balkan*, 6 August 2003, "Zagreb should not arrest returnees."

<sup>23</sup> *Blic*, 18 January 2003, "No reparation in sight."

<sup>24</sup> *Blic*, 21 January 2003, "New discrimination of minorities in Croatia."

<sup>25</sup> *Blic*, 29 August 2003, "Serbs like to do their military service in Croatia."

purchase or rent of such flats under promulgated conditions, should be submitted at the latest by 31 December 2004.<sup>26</sup>

*Commissariat for Refugees of Serbia* expressed disappointment with the above decision of the Croat authorities for "it put into an unequal position refugees with respect to other citizens of Serbia." According to the Commissariat "refugees have attained their tenancy rights in their places of residence and at their addresses through their hard work... the said decision does not guarantee their return to their temporarily abandoned homes. Refugees still don't know what the state of Croatia can offer them, let alone in their places of residence, towns."<sup>27</sup>

International community, notably OSCE with its mandate for monitoring repatriation process, welcomed the aforementioned decision of the Croat authorities and called on Serbs to avail themselves of the opportunity offered by the Croat government to return to Croatia and to hire-purchase or rent their flats. OSCE was hopeful that the program would be transparent, efficient and comprehensive, that is, would cover both refugees and those Serbs who had remained in Croatia during armed conflicts in Croatia.<sup>28</sup>

*Economic relations* are gaining importance despite many unresolved issues. However, Ivica Todoric, president of "Agrokom" underlined that "Croatia is interested in major investments in regional market, notably in Serbia and Bosnia-Herzegovina, but wants to avoid mistakes made by Slovenia-which made some reckless and triumphant investment. He added that Croatia shall consider all options and plan its moves carefully in order to avoid confrontations."<sup>29</sup>

Economic Forum held in Cavtat amply manifested interests in promotion of economic co-operation. Svetozar Marovic proposed special mechanisms for a more accelerated integration of South East Europe countries in EU, notably establishment of a joint economic zone, suspension of visas, and elaboration of mechanisms for economic recovery. Stipe Mesic urged regional co-operation on multi-cultural basis, for there were no alternatives to regional co-operation and the reform process. He announced that Croatia would do its utmost to help other regional countries to latch on EU integration. Macedonian President Boris Trajkovski and Mesic were of opinion that the free-trade zone and creation of the customs union would constitute a good basis for a major economic co-operation at the regional level.<sup>30</sup>

*Property was restituted to some Croat companies.* For example Rade Koncar got back its business premises and shops in Serbia. INA is the third Croat company trying to get back its property from Beopetrol. The latter in 2003 posted a tender for privatisation of 70 per cent of its total assets worth 3.5

<sup>26</sup> *Politika*, 13 June 2003, "Returnees shall be allowed to hire-purchase and rent flats."

<sup>27</sup> *Politika*, 13 June 2003, "Invitation extorted by the international community."

<sup>28</sup> *Politika*, 14 June 2003, "Both support and criticism voiced."

<sup>29</sup> *Blic*, 24 January 2003, "Return to the Serb market."

<sup>30</sup> *Danas*, 5 November 2003, "Regional economic co-operation takes an upswing."

million Euro. INA tried to stop that privatisation process all the while maintaining that "we shall not renounce our property." In a response, Serb media orchestrated a campaign for restitution of Serb companies property in Croatia, maintaining that "the property of Serb companies in Croatia is three times more valuable than the property in Serbia that the Croats lay claim to."<sup>31</sup>

*Issue of Serb minority* was hotly debated in Croatia. Milorad Pupovac took to task Croat government for the poor implementation of the Constitutional law, that is, for its failure to "hold by-elections in those municipalities, towns and districts, in which the national set up of assemblymen differs from the one registered by the 2001 census, mostly at the expense of Serbs." He also criticised laws practically abolishing war damage compensation and exempting from criminal responsibility all Croat soldiers who had committed war crimes and terrorist actions.<sup>32</sup> The above stance of the Croat authorities was also criticised by OSCE, which stated in its media monitoring report that "the Croat TV does not devote enough coverage to the issue of refugees and minority rights."<sup>33</sup>

However in 2003 the Serb minority in Croatia regulated its minority status, by getting three seats in the Croat parliament, Sabor. That parliament voted hands down for technical amendments to the Electoral Law proposed by the Committee for Constitution, rules of procedure, and political system. Under one amendment the Serb minority was empowered to elect three MPs.<sup>34</sup> Croat government named five members of the Council for National Minorities, including all 5 minority MPs. As of next national elections the Council shall have 8 members. Under the new Act on Minorities Rights at the level of municipalities, towns and districts, councils of national minorities shall be formed as a new model of minority self-rule. Those councils shall have an advisory role in the areas in which they are elected, and shall propose measures for improvement of status of minorities, and candidates for professional functions in the state and local administration, etc.<sup>35</sup> In 2003 a series of bilateral meetings of expert groups were held. Those groups, tasked with preparation of bilateral inter-state agreements on protection of national minorities, discussed status of minorities in the Republic of Croatia and in the state community of Serbia and Montenegro.<sup>36</sup>

*Problem of succession*, notably of the SFRY assets frozen for over a decade in foreign banks, is yet to be resolved. In early 2003 the OFAC-the US Office for Control of Foreign Assets- decision on de-freezing of part of the SFRY assets took force. Four heirs of the former Yugoslavia, excluding Serbia and Montenegro, in separate letters pleaded the unblocking of \$ 40 million. That

<sup>31</sup> *Nedeljni Telegraph*, 7 May 2003, "Croats go to the European court to seize our Beopetrol."

<sup>32</sup> *Blic*, 29 January 2003, "Pupovac neglects minorities."

<sup>33</sup> *Politika*, 17 April 2003, "OSCE criticizes Croat TV."

<sup>34</sup> *Glas javnosti*, 3 April 2003, "Serbs get three fixed seats in Croat parliament."

<sup>35</sup> *Politika*, 4 April 2003, "Council for national minorities named."

<sup>36</sup> *Politika*, 18 April 2003, "Negotiations on status of minorities."

decision was reached by representatives of all five countries-heirs, at the Zagreb meeting of Committee for Redistribution of Financial Property and Obligations of the SFRY. Authorized representative of Croatia at the meeting disclosed that de-blocking of \$ 62 million, notably assets of Serb and Montenegrin banks and legal persons, was not disputable. Under the said decision of the US administration, three categories of deposits of the former National Bank of Yugoslavia, worth \$ 254 remained blocked. Croatia like in the past declined to ratify the framework agreement on succession until the fate of assets of mixed/joint banks was clarified.<sup>37</sup>

Agreement on Succession-signed on 20 June 2001-regulates the issue of restitution of property to former owners, if they are able to prove in a documented way that they were owners of that property on 31 December 1990. Croatia says it is not willing to ratify the framework agreement because of "disappearance" of \$ 600 million foreign currency reserves from the account of the National Bank of Yugoslavia." As long as the Croat Parliament refuses to ratify that agreement, other heirs, or member-countries of former Yugoslavia cannot get back their property in Croatia. Under the 1992 Decree Croatia appropriated itself of that property. It has in fact effected a classic expropriation. Subsequently, through its Fund for Privatisation Croatia sold over 200 -formerly Yugoslav companies-owned- hotels in attractive Adriatic locations and several hundred flats and business premises in Croat towns.<sup>38</sup>

Serbia and Montenegro accused Croatia of blocking implementation of the Agreement on Succession by its unwillingness to ratify it. Serbia and Montenegro maintains that the largest part of financial assets of former Yugoslavia was divided, but that Croatia continue to stall division of real estate used as consular-diplomatic offices and archives. Russians accepted the agreement on division of clearing assets. The US de-blocked assets of the former Yugoslavia and distributed them to all heirs. Croatia was disgruntled with that move, for its stance was that distribution of assets should be preceded by enforcement of the Succession Agreement.<sup>39</sup>

In 2003 Croatia and Serbia and Montenegro signed the *Agreement on Social Insurance*. Under that agreements retirees who have realised their pension rights in Croatia, and have worked also in Yugoslavia, are entitled to pensions. The other controversial issues, notably the health and pension rights in both countries, were finally fine-tuned.<sup>40</sup>

*The Sabre Action* which took place after assassination of Prime Minister Djindjic led to similar, joint police actions in neighbouring countries. Thus an exchange of records of and data on all organised crime and war crime suspects was agreed. The Serb side also duty-bound itself to do its utmost to return to

<sup>37</sup> *Blic*, 15 February 2003, "They demand their part of inheritance"

<sup>38</sup> *Blic*, 26 October 2003, "Croatia returns seized flats and business premises."

<sup>39</sup> *Danas*, 9 July 2003, "Croatia blocks succession."

<sup>40</sup> *Blic*, 21 February 2003, "Pension dispute ends."

Croatia land/deed and birth and death register books, notably those originating from the areas of Glina and Dvor on Una, which had been taken away during the Serb exodus.<sup>41</sup>

Assassination of Prime Minister Djindjic shocked all Serbia's neighbours, including Croatia. They all expressed their solidarity with the post-assassination Serbia's stabilization efforts. The Croat top-ranking delegation was present at Djindjic's funeral. Another good-will gesture was the suspension of the visa regime for a year.<sup>42</sup> The room was left for a total suspension of visas for citizens of Serbia and Montenegro in a foreseeable future. Picula announced also suspension of visas not related to commercial aspects. However he stressed that relations between Croatia and Serbia were still burdened by non-disclosure of truth about missing and imprisoned persons.<sup>43</sup>

Positive policy of the Croat authorities towards Serbs resonated well among population at large. Over 80 percent of Croats polled by the Zagreb-based *Vecernji List* favoured a mixed marriage of their next of kin, having a Serb as a neighbour, or a co-worker. The poll conducted among ordinary citizens indicated that the national tolerance in Croatia was on the rise. According to another poll of the same paper, in early 2003, 43 percent of polled Croats were against cohabitation with Serbs.<sup>44</sup>

*European Union* for a long time advocated a stand that countries of former Yugoslavia should jointly accede the EU. Croatia flew in the face of such stance, and insisted upon individual accession. In the meantime it modified its stand, due to a slowed-down process of reforms in Serbia and Montenegro. Now Croatia openly flouts de facto individual tack to accession. Croat politicians and public opinion vocally and unanimously reject any idea of the Balkans federation, like the one suggested by the Greek Foreign Secretary, Jorgas Papandreu. According to the Croat officials that Papandreu's suggestion was probably just a water testing move, preceding the adoption of the collective accession tack. Zdravko Tomac, a Croat MP, declared that Croatia should not fear a collective tack to the EU, for the Agreement on Stabilisation and Association guarantees an individual tack.<sup>45</sup>

*Relations with the US and NATO* are a point of competition between Serbia and Montenegro and Croatia, the one which could enable one of them to occupy a key strategic position in the Balkans, notably through Partnership for Peace. Thus opening of the US military base in the territory of Serbia and Montenegro is a constant fodder of media speculations, but also of local politicians. Croat side is interested in the veracity of rumours about an alleged US interest in setting up a military base in Serbia and Montenegro in exchange for a rapid inclusion of that country into Partnership for Peace and NATO.

<sup>41</sup> *Politika*, 3 June 2003, "Exchange of lists of suspects agreed."

<sup>42</sup> *Politika*, 14 June 2003, "Co-operation takes an upswing."

<sup>43</sup> *Danas*, 10 November 2003, "Another six months without visas."

<sup>44</sup> *Vecernje Novosti*, 7 July 2003, "Serbs once again desirable neighbours."

<sup>45</sup> *Blic*, 9 January 2003, "Croatia does not want the Balkans pact."

Those rumours were denied by the Serb Defence Secretary, Boris Tadic. In fact he maintained that out of all regional countries Serbia and Montenegro have the least chance to join Partnership for Peace in the near future. He said: "In all honesty I am jealous of a privileged status of Croatia in that regard... until recently we were nearly equal contenders. But though Croatia has not fully met a key precondition, a consistent co-operation with the Hague Tribunal, it joined Partnership for Peace... while we are still at its doorstep."<sup>46</sup>

Association of War Veterans in Serbia received a letter from 23 Serb war prisoners in Lepoglava, Croatia. Namely they ask the competent Serb institutions to grant them citizenship which, in their words, would then create a basis for their transfer to Serbia, under the program of exchange of prisoners.<sup>47</sup>

After submitting its application for accession to the EU, Croatia found itself under an increased scrutiny with respect to its treatment of minorities. EU reiterates that the Act on National Minorities must be consistently implemented... " it is in Zagreb s interest to improve its co-operation with the Hague Tribunal and implement consistently its Act on Minorities." EU also cautions against a continued discrimination of Serbs in Croatia.<sup>48</sup>

Representatives of Croats from Vojvodina were the first-time candidates in the November parliamentary elections in Croatia. In the 11<sup>th</sup> constituency, designated for Croats in diaspora, two of them ran on the Croat Peasant Party ticket, and one on the Croat Democratic Community Party ticket. All Vojvodina Croats with Croat citizenship had the right to vote for their candidates, that is, were given an opportunity to elect their representative in the Croat parliament.<sup>49</sup>

Electoral victory of the Croat Democratic Community Party raised the issue of the new government s future treatment of repatriation and co-operation with the ICTY. But Ivo Sanader, was quick to give assurances of the makeover of his party, by reminding public at large that even before the elections he had invited Serb expellees to return to Croatia, and had guaranteed restitution of their property.<sup>50</sup> The fact that Sanader managed to form a government thanks to an agreement with Croat Serbs, was demonised in Serbia. Three Serb MPs in Croat parliament-Milorad Pupovac, Vojislav Stanimirovic, and Ratko Gajica from the Independent Democratic Serb Party signed an agreement with the CDP laying down guidelines of the future co-operation on the basis of which they would support formation of the new government. The document, inter alia, reads: "the new government in its programs and its policy shall take care of rights and interests of the Serb national community, democratization and development of the Republic of Croatia, its accelerated integration in EU, and co-operation with neighbouring

<sup>46</sup> *Politika*, 14 August 2003, "Road to collective security."

<sup>47</sup> *Politika*, 2 October 2003, "They seek citizenship of SMN", D.S.

<sup>48</sup> *Politika*, 6 November 2003, "Stop discrimination against Serbs."

<sup>49</sup> *Danas*, 17 November 2003, "First-time parliamentary candidates from Vojvodina."

<sup>50</sup> *Politika*, 2 December 2003, "Sanader urges return of Serbs to Croatia."

countries." Those provisions ensure and regulate: human dignity and equality of all citizens of the FRY, return of refugees, enforcement of the Constitutional Act on rights of national minorities, restitution of property to members of the Serb community, development of areas of special state interest, reform of the judiciary, accession of the Republic of Croatia to the EU and co-operation with neighbouring countries.<sup>51</sup>

International community carefully monitored the first steps of the new Croat government, notably its fulfilment of obligations towards repatriation of refugees, adoption and enforcement of minorities and human rights-related legal provisions. The OSCE mission in Croatia in the post-election period repeatedly encouraged the return of Serbs, and voiced its expectations in that regard. OSCE underscored that the new government had to guarantee removal of all administrative hurdles blocking a normal process of repatriation and restitution of property.<sup>52</sup>

<sup>51</sup> *Politika*, 20 December 2003, "Conditional support for government."

<sup>52</sup> *Borba*, 10 July 2003, "Croatia is the most successful."



## - Bosnia-Herzegovina -

As regards neighbouring countries, Serbia still has the most problematic relations with Bosnia-Herzegovina in view of its continuing illusion about unification of all Serb countries. Added to that major efforts are made both by Serbia and Republika Srpska to round a Serb ethnic territory in both economic and spiritual terms. Those efforts are largely encouraged by the Serb Orthodox Church. Economic ties are to a large extent of criminal character, in fact one may say that Serbia and RS have created a unique criminalized space, as it became amply manifest during the "Sabre" action launched after assassination of Prime Minister Zoran Djindjic.

However, the relations between the two countries were mostly impacted by a constant pressure of international community, which made Serbia stay the Dayton Accord course. In those terms activities of High Representative Paddy Ashdown were focused on further unification of the two entities, notably with respect to the creation of a single B-H army. Added to that international community is ready to revise the Dayton Accord in order to provide for a swifter and more efficient functioning of unified Bosnia-Herzegovina. To that end EU has already launched an initiative to be helmed by Doris Pack. That initiative is highly resisted by RS which insists on the original interpretation of the Dayton Accord. After the December 2003 parliamentary elections in Serbia it may be expected that the new Serb authorities would strongly back RS in its opposition to any international attempts to fine-tune the Dayton Accord provisions to the new reality of Bosnia, that is to truly create a unified Bosnia and Herzegovina.

Unwillingness of the Serb side to acknowledge crimes committed against Bosniaks is the largest source of tension between the two countries and the two states. Belgrade is also frustrated by the Bosniak charges of genocide and aggression. In fact at issue is interpretation of the conflict, which the Serb side tries to depict as a civil war. Thanks to international community pressure small steps towards normalization of relations have been made, notably the apology of President of Serbia and Montenegro Svetozar Marovic to citizens of Bosnia-Herzegovina.

B-H aggression and genocide charges against the FRY, that is against Serbia and Montenegro before the International Court of Justice in the Hague, is one the biggest hurdles in the process of normalization of relations between the two countries. Added to that Republika Srpska, through available mechanisms, tries to deny charges at the level of federal B-H bodies. Thus Serb MPs from Republika Srpska both in parliament and federal B-H bodies voted against the financing of those charges and availed themselves of any opportunity to deny them. Mirko Sarovic, President of B-H Presidency thinks

that "the charges are brought to prominence every now to anew cause a stir among an already divided B-H public opinion". He underscored that "the charges were filed during the war, without consent of Serb people, which is precisely the main cause of their denial, notably by Serbs in B-H." He added: "Serbs from Republika Srpska mostly deny the charges that B-H was attacked also by domestic paramilitary forces... and that Republika Srpska came into existence on the basis of aggression and genocide and hence has no right to exist."<sup>1</sup>

Bosniak charges caused various reactions and speculations both in Serbia and Bosnia-Herzegovina. Media were rife with speculation that Belgrade wants to cinch a deal with Sarajevo, and in that process, according to some versions, to use RS as a bargaining chip. Sakib Softic, B-H representative before the International Court of Justice in the Hague confirmed that he himself received such signals from Belgrade. However, he maintains that "B-H is not interested in any deal... we just want this court to pass its just judgement, for at play is a 200-year old policy which aims at rooting out Bosniaks from the Balkans."<sup>2</sup>

Member of B-H Presidency Borislav Paravac stated that "B-H charges before the International Court of Justice in the Hague are illegitimate and a burden for relations between the two countries and relations between B-H entities... , they should be withdrawn for EU shall not accept either B-H or Serbia and Montenegro if they drag along unresolved problems." Predrag Simic, expert for international relations, thinks that those charges are vestiges of the past and a burden both for Serbia and Montenegro and the Federation of Bosnia and Herzegovine, hence "politicians in B-H should realize that they could become hostages to those charges too ... and the best solution would be a settlement of that issue between Belgrade and Sarajevo." According to Simic: "the situation is absurd for we also have Serbia and Montenegro charges against NATO, which could block our accession to *Partnership for Peace*, ... but Boris Tadic the Defence Secretary repeatedly stressed that the charges would not be withdrawn until withdrawal of charges against Serbia and Montenegro before the International Court of Justice."<sup>3</sup>

Parliament of Republika Srpska asked the B-H Presidency and Parliament to finally decide whether it would withdraw or ratify genocide charges against Serbia and in the meantime "to stop all activities related to that dispute." That demand took the shape of a declaration, passed at the initiative of all Serb parliamentary parties clubs, at an emergency session of RS Parliament. Passing of declaration was justified in the following manner: "those charges are an obstacle to rapprochement and reconciliation between peoples in B-H and building of a common state."<sup>4</sup>

<sup>1</sup> *Vecernje Novosti*, 15 January 2003, headline "Lawsuit is the matter of Bosniaks, and not of the state of Bosnia-Herzegovina".

<sup>2</sup> *Politika*, 21 May 2003, headline "Republika Srpska is not for sale".

<sup>3</sup> *Balkan*, 7 July 2003, headline "The Hague Tribunal –a stumbling block for this state".

<sup>4</sup> *Borba*, 02 October 2003, headline "A hurdle to reconciliation in Bosnia-Herzegovina".

President of Serbia and Montenegro, Svetozar Marovic apologized to citizens of Bosnia and Herzegovina for all war crimes and ills they have experienced and called on the two peoples to heal those wounds jointly and through a joint, brave decision manifest their readiness for forgiveness. Marovic's apology came at the press conference held in Sarajevo, after the third session of Intergovernmental Council for Co-operation between B-H and Serbia and Montenegro. " In my own name and on behalf of those whom I represent I want to say that these are times in which apologies are not merely courteous words, but rather words which denote genuine intentions. I want to avail myself of this opportunity to apologize for any evil or misfortune incurred to anyone in Bosnia-Herzegovina by anyone from Serbia and Montenegro. I also want to say that peoples should not be burdened with ills and crimes committed by individuals, nor held responsible for them. ". At that session it was also stated that relations between the two countries were on the mend, that is, fast improving, and that unresolved issues were being successfully tackled. Several bilateral agreements were signed and stock taken of open issues, which in the interest of both countries should be tackled in the near future. The Council concluded that economic co-operation has not reached the desired and objectively feasible level, and hence setting up of a Business Council dealing exclusively only with economic issues was suggested. Foreign Secretaries Mladen Ivanic and Goran Svilanovic signed two intergovernmental agreements: on the new border crossing regime and scientific-technical co-operation. As of 1 January 2004 citizens of the two countries shall have the right to cross borders only with their IDs.<sup>5</sup>

President of Republika Srpska, Dragan Cavic thinks that Marovic's apology to citizens of Bosnia-Herzegovina is an internal matter of Serbia and Montenegro and denotes the union's stance on conflicts in B-H, but, added that "it would have been good if a similar gesture had been made by the other side too... to order to have the right apology we would have to have three Willy Brants making it at the same time. " He went on to note: "apology of the other side would be a good signal... for it would demonstrate that the country is moving on ".<sup>6</sup>

Anniversary of the Srebrenica massacre, like every year, attracted the international attention. Srebrenica has become a genuine symbol of contemporary genocide, but also of responsibility of international community for its non-action. However, the Serb side, apart from few lonely voices, is still not ready to face up to the responsibility for the Srebrenica massacre. The foregoing is best illustrated by its stance on arrest of Mladic and Karadzic.

Relations between the two entities, but also between Serbia-Montenegro and B-H are burdened by continuing discovery of new mass graves. For example in Zvornik exhumation of remains of mass grave victims was

<sup>5</sup> *Politika*, 14 November 2003, headline "Hand of reconciliation".

<sup>6</sup> *Vecernje novosti*, 15 November 2003, headline "Three Willy Brants are needed".

completed. A total of 628 Bosniak victims remains were found in that mass grave, that is, 480 bodies and 148 bodily parts. Exhumation began on 28 July. 11 documents "indicating that the victims were Bosniaks from Zvornik and nearby localities, killed in 1992" were also found. In view of certain quantities of planks and wire fence, it may be assumed that "victims were brought here from primary mass graves."<sup>7</sup>

Members of federal, B-H police forces foiled an attempt of representatives of Association of Camp Inmates of Republika Srpska to place a plaque commemorating the last war Serb victims in the courtyard of former garrison "Viktor Bubanj." A six-bus column with 350 former inmates without any incident returned to Srpsko Sarajevo, where a mass for the victims was held in a local church. Vice President of Association of Former Inmates of Republika Srpska, Slavko Jovicic was disappointed with the federal authorities ban. He stated "this is just an indication that the Bosniak side recognizes only its victims ... this move was tantamount to rejection of our hand of reconciliation. We, inmates from Republika Srpska have never denied that some individuals from our Serb people have committed crimes against Bosniaks. That is why our delegation shall go today to Potocare to attend inauguration of the Srebrenica Victims Memorial Centre. Only we, the victims of the war, can understand the suffering of others, but we are also the only ones who can effect reconciliation. Unfortunately Sarajevo authorities have tunred a deaf ear and failed to recognize our suffering."<sup>8</sup>

Early 2003 was marked by the "Orao Affair " (illegal arms trafficking) which recieved extensive media coverage both at home and abroad, and was the key topic of the International Crisis Group Report. Much prominence given to that scandal may be explained by preparations for the Iraqi war. But although the scandal was quickly swept under the rug, the report findings impacted some developments in RS. Namely, some top RS officials were dismissed after High Representative 's pressure on the RS leadership to be rid of the implicated persons. By extension, some officials were dismissed in Serbia too. Those dismissals caused a stir and ensuing resentment in Republika Srpska, while the SDS spokesman stated that "dismissal of top officials called into question the very survival and functioning of RS institutions, though we have submitted to international community, in line with its request, even additional reports on the "Orao Affair".<sup>9</sup>

"Orao Affairs" was accompanied by another scandal. Namely it was alleged that the Intelligence Department of the RS Army listened to phone calls of international organizations, federal institutions and joint B-H institutions. Spokesman of Office of High Representative stated that "it is hard to believe that the political leadership of RS was not aware of or directly involved into

<sup>7</sup> *Danas*, 4-5, October 2003, headlines "Remains of 628 victims found".

<sup>8</sup> *Vecernje Novosti*, 20 September 2003, headline "Hand of reconciliation rejected".

<sup>9</sup> *Politika*, 1 April 2003. "We hope that Peddy Ashdown shall not err" D. Kecman.

illegal trading of the Aircraft Institute "Orao" with Iraq and spying of international community by the 410th Intelligence Centre of the RS Army."<sup>10</sup>

President of B-H Presidency Mirko Sarovic resigned his post, on "moral grounds" after consultations with the High Representative in B-H, Paddy Ashdown and consultations with RS officials. "From the two bad variants I have chosen the lesser one. In this story called "Orao" arguments could not surface and that made me resign". That resignation was welcomed by Paddy Ashdown. <sup>11</sup> Mladen Ivanic thus qualified Sarovic's resignation "it is a logical move after pressures piled on him, which did not leave him any room for alternative."<sup>12</sup>.

High Representative Paddy Ashdown suspended the Supreme Defence Council of RS for "its failure to prevent violations of the UN and the Dayton Accord provisions in the case of the "Orao Affair", and because of tapping carried out by the RS Army." Ashdown ordered that the words "state", "independence" and "sovereignty" be struck out of the RS Constitution. He made public "new amendments to the Act on Army for too many people in RS think that RS is a state and not an entity. Had RS truly accepted its position as part of B-H, none of this would have happened."<sup>13</sup> RS representatives were shocked by Ashdown's move, for "that striking out of terms independence and sovereignty exceeded all his interventions to date. We consider it a direct attack on the RS Constitution and on Republika Srpska as a whole."<sup>14</sup>

"Orao Affair" opened a host of issues, notably those related to a single B-H army, that it ties between the RS Army and Belgrade, and joint trading with Iraq through *Jugoimport SDPR*. Thus Zlatko Lagumdžija termed Ashdown's moves as "insufficient" and amendments as "mere cosmetics", for, as he has put it "it was known much earlier that at state level intelligence and counterintelligence services must be controlled by parliament, that is, by civilian bodies".<sup>15</sup>

Dragan Cavic, RS President, stated that the "Orao Affair" and the intelligence spying scandal had nothing to do with situation within the RS Army and balance of power between RS political institutions. He said that: "It is high time that the officers corps of RS decide whether they shall link their fate to that entity, or to Serbia and Montenegro, since Yugoslav People's Army no longer exists, its Belgrade command is non-existent, and all political and institutional authorities are in Banjaluka, which is now the right forwarding

<sup>10</sup> *Danas*, 1 April 2003, headline "Tomorrow decision on dismissal of Sarovic and Ivanic shall be taken".

<sup>11</sup> *Danas*, 3 April 2003, "Sarovic Resigns" R.D.

<sup>12</sup> *Danas*, 3 April 2003 "Ivanic: Resignation under pressure".

<sup>13</sup> *Glas javnosti*, 3 April 2003 "From RS Constitutions words "stated" and "sovereignty" struck out.

<sup>14</sup> *Vecernje Novosti*, 8 April 2003, headline "There will be no Dayton 2".

<sup>15</sup> *Danas*, 4 April 2003, headline "Lagumdžija: Story about violations of the Dayton Accord is an old story".

address for any claim, but also for any report.". He went on to note: "within the RS army a latent conflict between professional servicemen is brewing, due to differences in status and positions. Some high-ranking officers were accountable to the Yugoslav Army command irrespective of repercussions for the RS Army, largely controlled by SFOR since the end of the war. " Cavic stressed that the time was up for some high RS Army officers to understand that their fate was RS, and added: "those who journey to Serbia and Montenegro over the week-ends and on working days command RS Army units must take a final decision on their allegiance. He also noted: "Head of Chiefs of Staff of RS Army, directly responsible for the "Orao Affair", sits in his Belgrade home, he is retired, and hence not accountable. The same holds true of Head of the 410th Centre of Intelligence Services of RS Army, who despite his involvement in the spying scandal he is scot-free in Belgrade. Mirko Sarovic paid the price for them and many others, because he was their supreme commander".<sup>16</sup> MPs of RS Parliament backed Cavic's initiative for a large overhaul of RS armed forces, after presentation of the final report on the "Orao Affair" clearly indicating the Aircraft Institute's breach of UN Security Council ban on arms exports to Iraq. <sup>17</sup> According to a military analyst, Ostoja Barasanin, the "Orao Affair" led to suspension of the Supreme Defence Council and the beginning of the end of RS Army. After disclosure of the "spying affair", in which the 410th Intelligence Centre of RS was accused of spying the Federation of B-H and neighbouring countries, and involvement in assassination of Prime Minister Dr. Zoran Djindjic, and accusations of Florence Hartmand, the ICTY spokesman, that "RS Army intelligence services make part of a network of helpers of Radovan Karadzic," Barasin announced the suspension of Intelligence Services of RS Army.<sup>18</sup>

After an extensive investigation into the "Orao Affair" and disclosure of its findings, RS President Dragan Cavic announced in mid-April 2003, his decision to dismantle the 410th Intelligence Services of RS Army, and ordered "a swift punishment of those responsible for the spying scandal."

Survival of B-H as a whole is possible only because of the presence of international forces. But those forces were gradually downsized in 2003, while part of UN prerogatives was transferred to EU. In early 2003 with the establishment of the police mission of EU (EUPM) 7-year long presence of the UN-controlled international police (IPTF) ended. EUPM has less manpower - a total of 900 policemen - than the UN. According to the current assessment EU shall end its mandate in 2005, when the entire security of B-H shall be transferred to domestic police forces. <sup>19</sup> At the same time, the Sarajevo Airport,

<sup>16</sup> *Blic*, 4 April 2003 "They command in RS, and live in Belgrade".

<sup>17</sup> *Danas*, 5 and 6 April 2003, headline "Parliament of RS backs the reform of the RS Army".

<sup>18</sup> *Glas javnosti*, 7 April 2003, headline "Army of RS ruled from Sarajevo."

<sup>19</sup> *Politika*, 3 January 2003, headline, "European police in Bosnia-Herzegovina."

after 10-year long UN and NATO administration, as of 1 January 2003 was placed under control of the Bosniak civilian authorities.

Arrest of Radovan Karadzic was the key topic in B-H relations, and in contacts between Republika Srpska and international community. That topic was also frequently linked to Serbia, that is, to the backing that the prime Hague indictee enjoys in Belgrade, by dint of activities of the Committee for the Truth about Radovan Karadzic. International community is aware that the arrest of Karadzic depends on stemming the flow of funds earmarked for his security. Without such financial backing his arrest would be almost certain. Hence Paddy Ashdown repeatedly stressed that some kind of sanctions against RS should be taken into consideration in view of the entity's failure to do its primary duty, that is, to arrest Radovan Karadzic. Ashdown made it clear that he did not consider the UN-style sanctions, "but some other actions". He also underscored that "in parallel with the commando-led action of arrest we must stem the flow of financial backing for Karadzic." He added: "A year or two ago Karadzic could have blocked some processes in B-H... but now I think that the conviction is growing among many, if not all, influential people, even among the pragmatic RS authorities, that the progress must be made, whether the man in the mountains likes it or not. They are aware that the progress may be achieved only through implementation of reforms and improvement of living standards."<sup>20</sup> Ashdown unofficially maintains that "Serbia and Republika Srpska shall pay dearly for non-co-operation with the Hague Tribunal." He also alleges that Mirko Sarovic and businessmen Momcilo Mandic "have secret meetings with General Mladic", of which there is evidence collected by secret services, and "those meetings are contrary to what representatives of RS officially say."<sup>21</sup>

RS Vice President Adil Osmanovic stated that the highest officials of the RS Army and of the Ministry of Interior of Republika Srpska are covering up movements of Radovan Karadzic, while the economic lobby in Banjaluka takes care of the financial side of his movements and security. Osmanovic thus explains the phenomenon: "RS Ministry of Interior never launched an action aimed at finding and arresting Karadzic and other war crimes suspects."<sup>22</sup>

European Commission and the Office of High Representative maintain that part of customs revenue of RS is used for financing the hiding of Radovana Kardzica. In view of the foregoing OHR announced sanctions against all RS individuals who make up a support network of Radovan Karadzic.<sup>23</sup>

Former US Secretary of State and one of the masterminds of the Dayton Accord Richard Holbrooke during his visit to B-H stated that SDS should be banned because "it is a "Nazi party." "I shall never change my opinion of SDS, I

<sup>20</sup> *Blic*, 15 January 2003, headline "Sanctions for RS".

<sup>21</sup> *Nedeljni Telegraf*, 11 February 2003, "Sarovic and Mandic meet with General Mladic".

<sup>22</sup> *Politika*, 11 May 2003, headline "They don't protect Karadzic".

<sup>23</sup> *Danas*, 17 January 2003, headline "No evidence of customs funding of Karadzic".

consider them Nazis who should be rooted out." According to Holbrooke "Karadzic is still at large thanks to the assistance he receives from the people from that criminal gang, SDS."<sup>24</sup>

The Hague Tribunal is getting almost every day new evidence of crimes committed against Bosniaks by Serb forces in Bosnia. Secretary of the State Commission for War Crimes Evidence Collection Mirsad Tokaca stated that there was evidence that special forces of the Interior Ministry of Serbia, better known as the "Red Berets" committed the gravest and most heinous crimes in B-H. Tokaca maintains that members of that unit took part in mass killings and persecution of civilian population in Podrinja, North Bosnia, in the vicinity of Sarajevo, and were most active in Velika Kladusa, where they spearheaded the army of the Autonomous Province of West Bosnia, founded by Fikret Abdic. Pre-war intelligence officer of Counter-Intelligence Services of the Yugoslav Peoples Army and wartime head of the Military Security of the B-H Army Fikret Muslimovic maintains that "Red Berets were operating in Bosnia on direct orders from Belgrade."<sup>25</sup>

In view of the fact that the region has economically stagnated, and that no progress could be achieved without intra-regional co-operation, international community insists on creation of a free-trade zone. That zone would be attractive for Western partners, would increase the market, and thus enhance the prospects of international investments. In those terms B-H Ambassador to Belgrade Zeljko Komsic stated that the "Free Trade Agreement" signed by B-H and the FRY, is only part of a regional plan for creation of a free trade zone in South East Europe. That Agreement works and its effects would be fully manifest once a free trade zone is set in South East Europe." He also stressed that in 2003 both countries had the following priorities "signing and implementation of agreement on property-legal relations and agreement on repatriation of refugees. The latter would enable restitution of business premises and immovable property owned by Bosnian citizens."<sup>26</sup>

Serbia has tried in various ways to unify economic space with RS. In those terms, according to RS and Serb officials, the Protocol on Co-operation between the Two Inland Revenue Departments, signed by RS and Serbia, constitutes the first in a series of steps towards prevention of organized crime, illegal arms, drugs and human trafficking, money laundering, and other kind of smuggling activities across river Drina. <sup>27</sup> However the OHR stated that the protocol was not enforceable without the BH authorities consent.<sup>28</sup>

International agencies in charge of repatriation of refugees have confirmed an encouraging progress in implementation of property-related laws

<sup>24</sup> *Balkan*, 5 October 2003, headline "SDS should be banned as a Nazi party" .

<sup>25</sup> *Danas*, 26.-28 April 2003, headline "Red Berets commit most atrocious crimes in Bosnia".

<sup>26</sup> *Blic*, 27 January 2003, "Belgrade should not act as RS lawyer".

<sup>27</sup> *Politika*, 9 February 2003, "Criminal activities on Drina river should be stopped".

<sup>28</sup> *Politika*, 12 February 2003, headline "Protocol Stopped".

in B-H, but also insufficient engagement of authorities in bigger towns. According to statistical data, implementation of property laws in late 2003 reached 69%. In its communique OHR stated that "in BH federation and in Brcko district 74% of claims were settled, while in RS 62% claims were positively resolved." It is also disclosed that some municipalities settled all restitution claims, while others, mostly in big towns were lagging behind in that task.<sup>29</sup>

As regards the repatriation process, UNHCR stated that in the first six months of 2003 a total of 28,907 refugees returned to Bosnia. Since November 1995, that is, the signing of the Dayton Accord, a total of 959,595 refugees returned to their homes, that is, 701,409 returned to BH Federation, 237,512 to RS and 20,674 to Brcko District.<sup>30</sup> US have approved an additional \$ 7.1 million assistance for repatriation of refugees. Agreement on US donation for Implementation of the Program of Reintegration and Stabilization of Local Communities was signed on 6 July 2000, and since then was expanded three times by dint of amendments.<sup>31</sup>

Eight years after the war a Commission for Refugees and Displaced Persons was set up. Its task is to accelerate in a rational way resolution of refugees-related problems, in view of lack of insight into a real number of refugees, returnees, or their wishes to return or stay in new milieus. Minister for Human Rights and Refugees in the BH Council of Ministers, Mirsad Kebo says that no-one, even international organizations-which caused many problems by duplicating duties of entity and cantonal authorities, has the exact figures. Paddy Ashdown has recently in Geneva asked international community to continue its care of refugees in former Yugoslavia. Ozren Tomic, the Serb and Montenegrin Commissioner for Refugees maintains that in the country there are 104,000 refugees from B-H with unresolved status. Both sides expressed their interest to solve that issue, and the one of 5,000-6,000 refugees (mostly Kosovar Romany) in BH. The Sarajevo agreement reached by the Serb and Montenegrin Commissioner for Refugees and a minister from the BH Council of Ministers is a big step forward. But what is still needed is a genuine co-operation with the official Zagreb, because Croatia still "hosts" 230,000 refugees, many of whom want to return and have their property returned to them. RS on the other hand is still burdened with the problem of Serb refugees from Croatia. According to Mirsad Kebo, there are 24,000 of them, while the Croat officials try to minimize that problem by maintaining that only 2,600 persons are in question.<sup>32</sup>

According to Mladen Ivanic, Foreign Secretary of BH, relations with Serbia and Montenegro require another round of talks with Serb Foreign

Secretary Svilanovic. He says that so far some problems have been resolved through agreements on dual citizenship, social insurance, free trade, airline and road transport. But the border, property-legal, visa regime, railway transport, scientific-technical issues still remain to be resolved.<sup>33</sup>

Every Belgrade's effort to forge closer economic links with RS, is met by suspicion by Federation BH. Thus the visit of the Serb Finance Minister Bozidar Djelic was also criticized and speculated upon. He, however, stated: "the goal of my visit to Banjaluka is identical to the one I have voiced in Sarajevo - development of economic co-operation between the two countries, or with two entities, and also with the whole region. Right now we want to develop co-operation between our customs services to make smugglers and traffickers "lose their ground." Djelic explained that "taxes are important, they are difficult to collect, but that is precisely why the institutions in charge of tax levying be accepted by tax-payers as the institutions to which their money officially goes." Having in mind that each entity is in charge of its fiscal system, Djelic stated that "we are interested in some democratic amendments and changes, in line with the B-H-related provisions of the Dayton Accord."<sup>34</sup>

The scandal related to sale of electric power to a London-based company (EFT), owned by Vuk Hamovic, received much media coverage both in BH and Serbia. Deputy HR in Bosnia, Donald Hayes, stated "mismanagement, conflict of interests, plunder, and negligence in Power Generation System of RS cost its citizens about 166 million DM every year." According to Hayes, "revision indicated that PGS of Republika Srpska sold surplus of electric power to a London company, and moreover through bad arrangements managed to self-incur heavy losses during that transaction." Hayes maintained that the company EFT in 2002 sold that surplus to Montenegro for \$ 11 million, thus making a net profit of 40%... "while the agreement duty-binds the PGS of Republika Srpska to continue this bad arrangement with ETF for another 30 to 50 years."<sup>35</sup>

During his visit to Sarajevo, Minister Svilanovic paid tribute to the "first victim" of BH war, Suada Dilberovic, who was killed on the Sarajevo Vrbanka bridge on 5 April 1992. Sarajevo media wrote: "this is one of the most beautiful gestures in the process of inter-ethnic confidence building and reconciliation."<sup>36</sup>

Belgrade's attempt to link the issue of status of Kosovo with the RS status is rejected by international circles. In those terms Mladen Ivanic, BH Foreign Secretary, stresses: "Kosovo, is obviously a very sensitive issue. Whenever someone from BH, or notably from Republika Srpska touches on that issue, international officials view us with scepticism and criticism. But Kosovo cannot remain an isolated problem, for it has a major impact on the

<sup>29</sup> *Politika*, 12 February 2003, headline "Encouraging progress".

<sup>30</sup> *Danas*, 6 August 2003, headline "Additional 28,907 refugees return to B-H".

<sup>31</sup> *Politika*, 8 August 2003, headline "\$ 7 million for repatriation of refugees".

<sup>32</sup> *Politika*, 31 August 2003, headline "Birds of feather fly together".

<sup>33</sup> *Politika*, 19 February 2003, headline "Priorities: neighbors and region".

<sup>34</sup> *Politika*, 2 February 2003, headline "On finances and economy".

<sup>35</sup> *Blic*, 26 February 2003, headline "116 million disappear".

<sup>36</sup> *Glas javnosti*, 27 February 2003, headline "Why only a tribute to Suada?"

whole region. But the final resolution is not that imminent. If we want a stable region, than similar problems must be treated in similar ways, which in the past, had not been often an established practice. I would like to remind you that the key regional problem is status of minority peoples and state sovereignties. In case of Croatia precedence was obviously given to state sovereignty and international community took a rather lax view on the then denouncement. In Bosnia-Herzegovina a compromise was reached: sovereignty of state was underscored, but peoples got their institutions, two entities, and also cantons in BH Federation. On the basis of such a vast experience the resolution for Kosovo problem should be sought. I hope that the process of fragmentation of the Balkans is finished and that there is no need for creation of new states. The foregoing is of major importance for us in Bosnia-Herzegovina, for it would preclude the opening of additional issues.<sup>37</sup>

Statement of Zoran Zivkovic, Prime Minister of Serbia, that "secession of Kosovo would create a dangerous precedent, rendering vulnerable borders of the whole Balkans, and not only of RS and B-H", caused quite a stir. BH Foreign Ministry communicated that "such a statement is contrary to the policy of good-neighbourly relations and co-operation which we try to promote in all areas, on the basis of equality and to the mutual benefit", and "this Ministry strongly protests against linkage between status of Kosovo and status of BH, for the latter is an internationally recognized country."<sup>38</sup>

Sarajevo media speculated that RS intelligence services were not involved in organization of assassination of the Serb Prime Minister, but they knew what was about to transpire in Serbia... "in view of the fact that Djindjic's assassination was planned as a foreplay for a coup in which with assistance of criminal and paramilitary formations the leading DOS officials would be eliminated and "the patriotic forces" headed by Vojislav Kostunica would be brought to power." It was also alleged that "three months before Djindjic's assassination, SDS frontmen Mirko Sarovic, Dragan Cavic and Dragan Kalinic via confidential couriers exchanged secret letters with Kostunica." *Slobodna Bosna* argued that "regime change in Serbia would suit RS political leadership, for they think that with Kostunica's support they would have an easier time with international community, could protect the Hague indictees, and most importantly could thwart further investigations related to war crimes and post-war crimes in RS".<sup>39</sup>

Success of the "Sabre action" resonated in the whole region, notably in RS, whose mafia is directly connected with the Serb one. Thus an initiative to set up an unified BH intelligence agency to fight the organized crime was launched. Ashdown said that "our neighbours, notably the Belgrade authorities

<sup>37</sup> *NIN*, 10 April 2003, headline "I reject any disciplining".

<sup>38</sup> *Danas*, 20 May 2003, headline "Serb Prime Minister denies statements on division of Bosnia".

<sup>39</sup> *NIN*, 10 April 2003, headline "What do journalists know?"

are waiting to see BH reactions. They expect us to actively co-operate with them in this area. And they should get it, notably from those who directly benefit from friendship with them." He added that "Bosnia-Herzegovina should respond by embarking upon a combat against organized crime. In that sense a political will to change something must exist. If you want to know why, go to the grave of Zoran Djindjic. You in RS must be specially responsible in the face of the threat of organized crime. This country should not become a hiding place or refuge for criminals."<sup>40</sup>

During the "Sabre action", Protocols aiming at better co-operation with Interior Ministries of Serbia and Montenegro were signed. Police Minister of RS heralded the action "Passport", for the internal affairs department of the RS Interior Ministry found out cases of misuse in the passport issue department. This resulted in dismissal of a police commander in Bratunac, on grounds of "illegal issue of a BH passport to an Albanian citizen." Interior Minister also stated that his ministry in co-operation with the Interior Ministry of Serbia, police of BH Federation and the state border services took a host of measures to prevent illegal entry into RS of some persons first arrested and then released during the Sabre action... that is to "prevent them from seeking refuge in Republika Srpska".<sup>41</sup>

Discrimination of citizens of BH federation on border passes, is still widespread, in the face of all pressures on Serbia to implement an equal-treatment procedure. After his visit to Belgrade, President of BH Council of Ministers, Adnan Terzic stated "under the current practice citizens of BH Federation must pay higher toll tariffs, higher prices in hotels, because they are treated as foreigners, and must register with the police during their stay in Serbia."<sup>42</sup>

US have repeatedly stressed their commitment to the unified Bosnia-Herzegovina. In those terms the US Embassy in BH publicised President Bush's Decree for Western Balkans, to the effect that "property of 150 persons and organizations hampering implementation of the Dayton Accord, UN Resolution 1244 on Kosovo, the 2001 Ohrid Agreement for Macedonia, and the work of the ICTY, is frozen. Added to that those persons are banned from entering the US, that is, are not to be issued the US entry visas." The State Department communicate also reads "those placed on this list are extremists trying to destabilize the Balkans."<sup>43</sup>

Papa's visit to Banjaluka was not well received by Belgrade, notably the Serb Orthodox Church. On the eve of the visit many black posters with years 1942 and 2003 written in white colour were affixed in Banjaluka. In Petricevac

<sup>40</sup> *Blic*, 4 May 2003, headline "Beograd as a beacon".

<sup>41</sup> *Politika*, 6 May 2003, headline "Co-operation with Serb and Montenegrin police".

<sup>42</sup> *Danas*, 12 May 2003, headline "Djukanovic offers BH a possibility to utilise port of Bar".

<sup>43</sup> *Danas*, 31 May -1 June 2003, headline "Bush freezes property of 150 persons and organizations".

there were many red graffiti. Posters were affixed in the downtown area, as a sign of protest against the mass to be held by Pope in Petricevac and a subsequent beatification of a Catholic layman Ivan Merc, born in Banjaluka in late 19th century. Serb media tried to provide explanation for the said poster-affixing action : "in villages Drakulici, Sargovac and Motike Ustashi spearheaded by friar Tomislav Filipovic, on 7 February 1942 cruelly killed 2,297 Serbs, of whom 550 were children. The massacre was committed in front of the Petricevac monastery."<sup>44</sup>

John Paul the Second visited for the first time Republika Srpska. At the mass he said: "from this long-suffering city I pray that our Almighty Lord be merciful towards crimes committed against fellow-men, their dignity and freedom, even by some sons of the Catholic Church. ... Only in the light of a true reconciliation memory of so many innocent victims and their suffering shall not be useless and shall encourage us to build new relations permeated with brotherhood and understanding. " Serb Orthodox Church representatives did not attend the mass, but Banjaluka Episcopo Jefrem (Milutinovic) was in delegation of the inter-religious council of BH which met with Pope in the Banjaluka bishopric office.<sup>45</sup>

However, M. Bulajic, President of the Fund for Research of Genocide claimed that the Pope offered no apology. In an open letter he warned against a host of misinformation related to the Pope's visit. Bulajic went on to note "fra Filipovic, that is fra Satan, later a commander of Jasenovac concentration camp, was not the only perpetrator of this heinous crime, as Ustashi and German documents amply indicate. Friar Filipovic not only spearheaded the butchers but also took part in the shambles... in a primary school he himself slaughtered a pupil Radojka Glamocanin before other pupils and a teacher. In this case not only "some sons of the Catholic Church were involved", as the Pope maintains, but Ustashi led by friars from monastery Petricevac carried out the massacre of Orthodox Serbs and children in Drakulic, Sargovci and Motike."<sup>46</sup>

As regards the role of friar Filipovic in the crime, which is described in Viktor Novak' s book "Magnum Crimen", the papal envoy argues that "prior to the massacre the friar was excommunicated and de-frocked by Vatican... thus in the said events he took part as a layman and not a representative of the Catholic Church."<sup>47</sup>

Issue of property of former YPY officers is still being resolved. Municipal housing commissions in Federation BH have started issuing decision on restitution of flats to former officers of the Yugoslav Peoples' Army, after entry into force of amendments to the Basic Housing Act in that entity. Sarajevo media however assess that the abandoned flats shall not be returned to those

<sup>44</sup> *Glas javnosti*, 21 June 2003, headline "Banjaluka full of black posters"

<sup>45</sup> *Danas*, 23. June 2003, headline "Understanding-building"

<sup>37</sup>*Glas javnosti*, 24 June 2003, headline "Dr Bulajic: Many untruths "

<sup>47</sup> *Politika*, 25 June 2003, headline "Restraint in the face of the past"

YPA officers who after 19 May 1992 remained in military or civilian service of armed forces outside the BH territory. Exempted are only earlier tenancy right owners, who were granted the refugee status in newly-emerged countries, before implementation of the Dayton Accord, that is before 14 December 1995. Military flats shall not be returned to those who got new flats, that is obtained new tenancy rights, as beneficiaries of the military-housing budget of the YPA, or of the newly-created funds of armed forces of the newly-emerged countries.<sup>48</sup>

Servicemen from Republika Srpska laying claim to several hundred flats in BH Federation, announced that they would seek justice before the International Court of Justice in Strasbourg. Ministry of Defence of BH Federation denied those statements made in Banjaluka, and argued that of about 7,000 military flats abandoned during the war, 80% or 5,500 were restituted or their restitution was pending. The Ministry's official stated that "the article denied by Spiric and RS military retirees, regulates non-restitution of flats to those YPA officers who during the war joined the armes of other states, to non- BH citizens, or to officers who have already got another flat from the same military fund." He undercored that "in BH there is no discrimination, for citizens of RS, officers RS Army and pre-war military retirees are entitled to restitution of their flats. Flats may be restituted to everybody, and they can buy that flat after 10 years of utilisation, barring the YPA officers, for they are not considered refugees. The same provision is in force in the former FRY, so I don't see why Spiric or others protect citizens of other states by maintaining that officers of the former YPA are trying to abuse the military-housing fund." He added "Purchase of military flats in Bihac, which belonged to the Fifth Army Area, did not start before the war. In recent years we wee forwarded many contracts on purchase of flats by former military officers. Then we discovered that 50 of them were forged." The official insisted that "the legal provisions treat equally all servicemen from both entities." On the other hand RS military retirees hope that "the Constitutional Court shall pass a just decision on the constitutionality of the controversial Act."<sup>49</sup>

After a 12-year long pause, pensions earned in BH (in both entities) shall be soon regularly paid out to their beneficiaries in Serbia and Montenegro, and vice versa. Agreement on Social Insurance, in whose implementation are interested 20,000 people on both sided, was ratified by both parliaments, and after exchange of ratification instruments, it will be fully implemented.

Borders between BH and SM are yet to be established. Thus the Serb and Montenegrin Commission for Borders' proposal to "effect exchange of state territories" was flatly refused by the Bosnian counter-part. In its letter the Serb and Montenegrin Commission for Borders also attached maps with the marked,

<sup>48</sup> *Danas*, 5-7 July 2003, headline "Restitution of military flats in BH".

<sup>49</sup> *Balkan*, 31 August 2003, headline "Officers from RS lay claim to 900 flats in BH Federation".

40 square kilometres territory claimed by the Union, but without any hint as to the territory it was ready to give to BH in return. Presidency of BH Commission for Borders unanimously agreed that any kind of exchange of territory was out of question, until a legal framework was created. Mugdin Cukle, President of the BH Commission stated that "in this case the legal framework is constituted by signing and ratification of a bilateral border agreement." The Serb and Montenegrin Commission proposed correction of border at the power-plant Zvornik and Bajina Basta, and the swap of territories along the railway line at the place Strpci, and in Medjurecje, in municipalities Priboj and Rudo<sup>50</sup>.

International community shows an increasing awareness that the Dayton Accord is a hurdle to a genuine integration of Bosnia and that it should be amended. Serbia and RS persistently oppose such ideas. Paddy Ashdown stated that "the Dayton Accord shall be amended, for it stopped the war, but is not considered an agreement conducive to creation of a modern state. Contrary to some demands, international community shall not amend the Dayton Accord in a military base or in an European office. Writing of the BH Constitutions belongs to peoples of this country. Some Federation officials think that international community shall land here like an angel to resolve unresolved matters. Constitution shall be amended in line with the new needs, and in agreement with representatives of all peoples. And when my friends from RS say that they are keen on the Dayton Accord implementation, they are only referring to the RS entity-related provisions, and not to those relating to the state. Dayton is like a two-way street. It created entities (Federation and RS), but also the state of BH, That is way it must be perceived and implemented in its entirety."<sup>51</sup>

The chorus of US voices backing that idea that "Bosnia-Herzegovina needs a new Constitution, as the Dayton Accord represents a hurdle to the development of the country" is becoming very loud. Robert Hincer, Washington-based President of the Dayton Peace Accord, thinks that the "Dayton Accord turned Bosnia into a political caricature and created such a political system which absolutely prevents control without a continual presence of international aid and assistance." He suggests that "the new Constitution should "transform Bosnia into something that the Dayton Accord could never do- a normal state".<sup>52</sup>

EU MP Doris Pack stated that the number of backers of an amended Dayton Accord in European Parliament is on a steady rise. "I for one back that idea. I think we should talk about that, for if BH does not exist as a state, both Europe and international community shall lose..." She stressed that "currently

<sup>50</sup> *Danas*, 7 August 2003, headline "Serb and Montenegrin Commission for Borders suggests exchange of territories to Bosnia-Herzegovina".

<sup>51</sup> *Politika*, 28 August 2003, headline "Dayton is a two-way street" Paddy Ashdown interview.

<sup>52</sup> *Balkan*, 1 September 2003, headline, "Dayton is outdated, Bosnia needs a new constitution".

entities are too strong with respect to a weak state structure... hence we should put in place structures other than those defined under the Dayton Peace Accord."<sup>53</sup>

Predrag Simic, former adviser to former FRY President Vojislav Kostunica, thinks that "at this moment of time we don't need amendments to the Dayton Accord." Official Belgrade has not so far commented EU MPs initiative aiming at "re-appraisal" and "amendments" to the 1995 Peace Accord signed in Dayton. Simic says: "I fear that a better functioning of a state, even of BH cannot be regulated by an act of international community, and without will of citizens of that state."<sup>54</sup>

Serb Orthodox Church in Republika Srpska, in a true sense of the word, is the most dominant institution, and from the beginning of the recent war was involved in all political developments. That fact has to a large extent determined the character of RS and the SOC remains the most influential institution in that entity. At the same time stories are circulating that the Church devoted itself to business, notably in Trebinje, that it has bought half of Trebinje, several companies, even a brewery and that it intends to open a winery, that church dignitaries are omnipotent, that they drive luxury cars, own many flats and houses and that some of them are steeped in crime, and have blatantly misused their positions.

Blaza Stevovic, Director of Alternative Club and scene "Zoran Radmilovic" maintains that the church dignitaries in Trebinje are engaged in a veritable power-grab, and are trying hard to gain the upper hand in all spheres of life, from economy to sports. The SOC has leased many premises in the town, employed many people in Power-plants on Trebisnjica and in Power-generating industry of RS. He also maintains that many business premises and shops have been appropriated by the SOC, for many of key businesses it runs are in fact owned by the old Trebinje Muslim families, notably Rasulbegovic. Stevovic was of opinion that the "Church has permeated so much all pores of social life, that I, as an Orthodox Serb, sometimes think that in this town theocracy is in power. That dangerous trend may ultimately revolt population at large." A national edifice in downtown Trebinje, currently hotel "Platani", and former property of the Muslim family Rasulbegovic exemplifies that power-grab campaign by the SOC. That edifice was nationalized in 1948, but was later used as a hotel by Hotel and Tourist Company Leotar. The property was given to the Serb Orthodox Church, and consequently the Eparchy of Zahumlje, Herzegovina and Coastal Area rented that beautiful edifice to Veljko Danojlic, for a period of twenty years. Church dignitary Grigorije then announced his lawsuit against slanderers.<sup>55</sup>

<sup>53</sup> *Beta*, 26 December 2003, headline "Initiative of European MPs for revision of the Dayton Accord".

<sup>54</sup> *Danas*, 26 December 2003, headline "Belkic: Dialogue without taboo topics".

<sup>55</sup> *Vecernje Novosti*, 31 August 2003, headline "Handbag, tie, and candle".



Delegation of Belgrade athletes, cultural workers and showbiz personalities, headed by Mayor Radmila Hrustanovic, visited Sarajevo on the 25th and 26th September. This was a visit of reciprocity, for a similar Sarajevo delegation visited Belgrade a year earlier. The proceeds from the "Night of Belgrade-Sarajevo Friendship" were destined for demining of Trebevic, a favourite picnic haunt of denizens of Sarajevo, still off limits due to many mines.<sup>56</sup>

In early December 2003, thanks to adoption of the Act on B-H Defence, armies of Federation and RS were placed under a joint command. The Act established a single defence system in the country, while BH Presidency became the supreme commander of armed forces. Acts related to organization, financing, call-up, training, equipping, deployment of BH armed forces shall be passed by BH Parliament. Under that Act armed forces of BH and RS shall be unified.<sup>57</sup> RS officials responded angrily to that Act. For example Dragan Cavic said that "existence of Bosnia and Herezgovina and RS are interlinked... if RS ceases to be an institutionalized entity then Bosnia-Herzegovina shall also cease to exist."<sup>58</sup>

Bosniaks are under-represented in RS bodies despite insistence on the proportionality principle in line with the 1991 census. According to Vice President of RS Adil Osmanovic, the thesis that Bosniaks in RS are equal to Serbs in RS is ill-intentioned and irresponsible. He went on to note that "Presidents of Constitutional and Supreme Court are Croats, the republican Prosecutor is of other ethnicity, while Serbs are presidents of all five district courts in RS." He assesses that "among Bosniaks there must be competent, responsible and principled individuals, eligible for the highest positions in the judiciary".<sup>59</sup>

In early December 2003 the Council of Ministers of Serbia and Montenegro proposed a Bill on Ratification of Agreement signed by that Council and the one of BH on repatriation of refugees, and ratification of the Protocol signed on 6 October 2003. The Bill was to be forwarded to the Union's Parliament for discussion and adoption. All the foregoing creates normative prerequisites for intensification of co-operation with BH in the process of repatriation of refugees, integration thereof and a faster settlement of their numerous problems.<sup>60</sup>

<sup>56</sup> *Politika*, 24 September 2003, headline "Belgrade in Sarajevo".

<sup>57</sup> *Danas*, 2 December 2003, headline "Adoption of defence law".

<sup>58</sup> *Glas javnosti*, 10 November 2003, headline "Without RS, B-H shall cease to exist".

<sup>59</sup> *Danas*, 15 December 2003, headline "Bosniaks are not equal to Serbs".

<sup>60</sup> *Politika*, 16 December 2003, headline "Commitments fulfilled".

## Human Rights Deffenders

In parallel with the March upsurge in violence in Kosovo and Serbia, the Belgrade media staged a new campaign against NGOs dealing with protection of human and minorities rights, and with shedding light on war crimes and developments leading to those atrocities. The smear campaign targeted mostly the Humanitarian Law Fund, the Lawyers Committee for Protection of Human Rights and the Helsinki Committee for Human Rights in Serbia. The wording and tone of campaign is reminiscent of the campaign orchestrated against non-Serbs and the regime's opponents in the pre-war period and wartime in former Yugoslavia. The afore-mentioned NGOs were portrayed by the media as unpatriotic and devoid of any compassion for the Serb victims in Kosovo. Those media messages resulted in threats to female activists of NGOs.<sup>1</sup> Those messages had a clear impact on citizens for the "vox populi" was heard in programs in which citizens by phone aired their pertinent commentaries.<sup>2</sup> Those programs clarly reflected the influence of such a media policy on the shaping of public opinion. Most radical was the text penned by Bogdan Tirnanic for the elite and influential weekly *Nin* catering to elite readers. That article is a throwback to the campaign conducted on the eve of assassination of Slavko Curuvija when a journalist called on a physical showdown with the unlike-minded, and the one staged before assassination of Prime Minister .

General homogenization on the Kosovo issue has been reached anew, which in turn closes the room for analysis contributing to the crisis-resolution.

<sup>1</sup> During recent Kosovo developments, demonstrators spearheaded by Sima Spasic, the leader of the Association of Displaced Persons from Kosovo tried to raid the premises of the Fund for Humanitarian Law. On the entrance to the Helsinki Committee premises were affixed "patriotic posters" with the following messages "Serbia to Serbs", "A Serb for a Serb", "Kosovo is Serb, and it shall remain so", "Serbia rise! KFOR shall not help us".

<sup>2</sup> In the program "Impression of the Week" on TV B92 (21 March ) a viewer first asked the guests about their opinion of NGOs which for the recent developments in Kosovo first blamed the government of Serbia and police and only then KFOR and UNMIK. The reply came from Vladimir Bozovic, Head of Legal Department of Co-ordinating Centre for Kosovo and Metohija. Namely he confirmed without any reservations that allegation, and accused the NGOs.

Over the past three years anti-nationalistic NGOs and groups which for a decade kept opposing the Serb nationalism as a dominant cultural and political model, were sidelined in a clampdown on different opinions. The regime created new organizations and groups which were imposed to international community as principal interpreters of developments and processes in Serbia.

University professor Svetozar Stojanovic, close to the incumbent authorities in Belgrade, and associate of Dobrica Cosic, the key ideologue of "the Greater Serbia project" from the pages of daily *Politika* got across the message that "the time is up for creating a research institution tasked with systematic monitoring, examination and evaluation of competence and objectivity of those who speak in public and for the public, and informing the general public of its findings."<sup>3</sup> He went on to note that "some domestic descriptions and assessments of our situation have long been rife with narcissistic aggressiveness and at the same time with provincial servility towards the leading Western powers and their dictates. By bitterly complaining to all and sundry about an alleged domination of extremism in Serbia, those authors manifest a major lack of balance, so that one should consider them genuine meta-extremists too." Stojanovic then asked the influential circles in the West: "For how long will you continue to rely on the self-projected assessments and predictions of a small minority of *anational* (sic!) and at the same time well-off Serb". All the foregoing was confirmed by Prime Minister of Serbia Vojislav Kostunica in the program "It is not in Serb character to keep quiet" aired on BK TV on 28 March 2004. He said that some NGOs are to be blamed for the bad image of Serbia.

The last wave of the media-bashing of NGOs engaged in protection of human rights, notably of the Humanitarian Law Fund, the Lawyers Committee for Protection of Human Rights, and the Helsinki Committee for Human Rights in Serbia was launched by the large-circulation daily *Vecernje novosti* during the March violence in Kosovo. On 21 March 2004 the daily ran the text titled "Stop to Serb extremists". Anti-NGO campaign was continued in tabloid *Inter-nacional* and rounded off by a column penned by Bogdan Tirnanic in *Nin*.

The article ran by *Vecernje novosti* deals with reactions of NGOs to developments in Kosovo, that is responses by the Humanitarian Law Fund, Lawyers Committee for Protection of Human Rights, Helsinki Committee for Human Rights in Serbia, "Women in Black" and the Centre for Cultural Decontamination. The article starts with a commentary: "NGOs which for the past ten years have cared about human rights, protested in the media and in the streets even against a minor incident or controversial statement involving a member of national minority. But their voice was not heard with respect to the recent pogrom of Serbs in Kosmet." Not a single "Vecernje novosti" journalist or any other journalist for that matter phoned to the Helsinki Committee to ask for a statement on recent developments in Kosovo, but "Vecernje novosti" instead ran the following claim: "even five days on no pertinent communique was

<sup>3</sup> "Politika", 20 January 2004.

posted on the HC web site." By the way on that very site, on the 19 th march was presented a publication 'Strengthening of a democratically efficient administration in multi-ethnic milieus', like the seminar and the name-sake project."

When a journalist asked President of Yukom, Biljana Kovacevic Vuco "whether organization issue a communique related to Kosovodevelopments", she replied: "We did, but not a single medium carried that statement". She noted: "As if we backed that violence in Kosovo" and then concluded: "We condemn that violence." From the communique issued by the Humanitarian Law Fund the following paragraph was singled out: "the police and government of Serbia, and then UNMIK and KFOR, are responsible for the situation in Kosovo." Also quoted was the statement of Borka Pavicevic, Director of Centre for Cultural Decontamination "an end must be put to destruction of sacral, cultural institutions in Kosmet and Serbia-wide."

Director of the Belgrade Centre for Human Rights Vojin Dimitrijevic said "I am disgusted with the pogrom of Serbs in several places in Kosovo and Metohija, and condemn that violence". He stressed that "*all Serb NGOs must have a commitment to condemn the pogrom of Serbs in Kosmet and demand accountability of individuals*". All this is reminiscent of the NATO intervention period when the unity of all political parties, NGOs and media was in place.

Tabloid *Inter-Nacional* on the front-pages of its 22nd March issue ran a text headlined "Campaigners for human rights are more concerned with torching of mosques, than with genocide over Serbs in Kosmet" illustrated with photographs of Director of the Humanitarian Law Fund, Natasa Kandic, President of the Lawyers Committee, Biljana Kovacevic Vuco and President of the Helsinki Committee, Sonja Biserko. Headline and sub-heading as well as the entire lay-out were doctored. President of Helsinki Committee Sonja Biserko allegedly told a journalist that she was in a meeting, having a working lunch, and could not set herself apart to reply to any question, but "if you call me tomorrow I 'd be glad to tell you whatever you want to know.". Under photograph of Sonja Biserko on the front-page, the caption however reads: "I am having lunch, call tomorrow". Journalist of "National" later that day once again called president of NGO and having presented himself under a false name as a journalist of another print medium asked her whether minorities could feel safer after destruction of mosques.

The paper's persecution continued in the next issue, the one of the 23rd of March, Namely "Nacional" ran a statement of the Belgrade lawyer Svetozar Vujacic, under a sub-heading, "NGO female activists under threat of a three-year prison term" and headline "Vuco, Kandic and Biserko spread misinformation and hatred". Vujacic said: "Commentaries on the mosque-torching of those three self-proclaimed activists for human rights is a high school example of the criminal offence of spreading misinformation with the goal of disturbing the general public. That offence entails a punishment of a three-year prison term, and I expect a response by the Public Prosecutor. ". In

that context Vujacic alleged that Sonja Biserko stated the following: "setting ablaze the mosques is not related to Albanians...it is a manifestation of a long-standing animosity." He "reminded" that the three presidents "avoided to give their commentaries on the Kosovo developments."

On the 24th March *Inter - Nacional* ran a text headlined "Sonja Biserko (under)rates Kostunica", in connection with Norman Sigar's book "Vojislav Kostunica and the Future of Serbia" for which President of Helsinki Committee wrote the foreword. Author of the text Zoran Petrovic Pirocanac commented that "the publication of the book is perfectly timed", "for it coincides with wrapping up of the 'business' of independence of Kosmet and acceleration of secession of Vojvodina from Serbia. He also noted: "Symbolic featuring of Ms. Biserko in the foreword of Sigar's book, is a high alert signal to our authorities."

Media campaign against Biljana Kovacevic Vuco, Natasa Kandic and Sonja Biserko, was rounded, but not finished by a column penned by Bogdan Tirnanic, in the 25th March issue of the influential weekly *Nin*. Under headline "If you visit women, take a whiplash" Biljana Kovacevic Vuco was villified for sending to the Hague Tribunal a letter in which she claimed that "the new authorities shall not do anything...but only continue the policy of the hard-line nationalism initiated by a certain S. Milosevic". Columnist Tirnanic concludes: "Ms. is thus a snitch. She deserves other attributes. But some attributes should be left to court of law. " Tirnanic further notes that "the like-minded Natasa Kandic "renowned for doctoring (for the benefit of innocent 'Albanian victims') is a busybody", to whom "some TV stations after the trial of Sasa Cvjetan, convicted of the war crime and 'ethnic -cleansing'<sup>4</sup> gave a chance to declare herself as 'a representative of damaged families'".

In his "presentation of " Sonja Biserko, the author says that she is a "representative of Helsinki and closer environment, she was once - at least I think so - an adviser to Budimir Loncar,<sup>5</sup> today on the run, one of breakers of the 'great' Yugoslavia. He goes on to note "she still has a plenty of business, there is still so-called Greater Serbia.". "To complete that job, Ms. Biserko is ready to do anything", writes Tirnanic.

In his own words, he was prompted to write this text against the "incriminated ladies" because of Kosovo, that is, because of the ladies' failure to say something to daily *Inter-Nacional*. Tirnanic states "there is no truce with such women", "combat for human rights is their-trade", "and their work on collapse of Serbia-is a business speculation". The author concludes: "... people don't sleep, they keep a vigil over themselves ...And finally am I for the equality of sexes, for the respect of women. No, I don't have any respect of such hags! *I don't have the Hamletian dilemma when it comes to them': 'whether tis nobler in the mind to suffer the slings and arrows of outrageous fortune, or to take arms against a sea of troubles, and by opposing end them'. No more.*".

<sup>4</sup> Inverted commas were placed by journalist Bogdan Tirnanic.

<sup>5</sup> The last Foreign Secretary of the SFRY.

Helsinki Committee points out that such a media campaign and hate speech targeting NGOs has been in place for a while. That campaign was radicalized and transposed to the pages of influential and serious press during the March developments in Kosovo. In view of sporadic radicalization of that campaign in the past three years, notably in early 2003 and pending on political developments in the country, there is a risk that the trend may be continued, thus gravely affecting not only NGOs and their activists but the society as a whole, for it is anew pushed towards one exclusive, line of thinking.

**ANNEX**

# Serbia in the Vicious Circle of Nationalism

## Introduction

This study of the Helsinki Committee for Human Rights in Serbia is an effort to bring to light new forms of nationalism in the post-October Serbia and thus show that Serbia has not managed yet to find an alternative to its nationalism.

The third failed presidential election in Serbia elucidated the political scene that has been rather blurred up to then. The outcome of the election finally negated the thesis about Serbia's democratic potential and tradition – a thesis that, due to the Serbian elite's skillful maneuvers – blocked a deeper insight into the society's state of mind. The Serbian elite's endeavor over the past twenty years to create a new cultural model – marked by the totalitarian thought – still figures as the biggest obstacle to democratization. Nationalism did disappear in the post-October 5 Serbia but just appeared in a new form. However, it is easily detectable whenever the issue of facing the past or the one of thorough reforms are on the table.

The past has been rationalized – a rationalization ranging from negation of crimes and the Greater Serbia project to blaming the communist for everything. Military defeat and the past developments that never resulted in a bottom line, persistence in the Greater Serbia program, identity crisis and overall frustration revived traditional conservativeness. Characteristics of the Serbian conservativeness are as follows: an absolute lack of economic thought, reluctance to make economic progress, absence of political pluralism; democracy perceived as anarchy; and xenophobia. Given that a value system as such is contrary to the contemporary attainments of European societies, any new government will be faced with a dilemma: to opt for Europe or to opt against it.

As a heterogeneous coalition (composed of anti-war and radically nationalistic parties alike) the DOS had just one common denominator: to oust Milosevic. This explains its later stumbling when it came to fundamental political decisions and Serbia's reformist course. Over the past three years,

Serbia's political scene was flooded with scandals and affairs that not only weakened political parties, but also, in a way, turned the very idea of parliamentary system senseless. And yet, strategically planned and promoted by Premier Zoran Djindjic, a reformist wing emerged from the coalition. Strongly supported by the international community, this wing turned rather efficient, managing even to push forward Serbia's relations with its neighbors – a fact that greatly influenced the region's dynamism. Unfortunately, the Djindjic assassination not only blocked or slowed down the entire reformist endeavor, but also dealt a deathblow to such an alternative trend. Also, clinging to ethnic and centralistic principle jeopardizes the Serbia nationalists are looking forward to. Negating Serbia as a composite state provokes its further fragmentation.

Unwillingness to face the past impeded the establishment of the so much needed moral backbone of the society. Commercialization and vulgarization of The Hague Tribunal made it possible for the "defeated forces" to consolidate their power and make a political comeback. The fact that Milosevic and Seselj figure on two candidates' lists for the early parliamentary election scheduled for December 23, 2003, perfectly fits into such perception of the recent past.

Unrealistic assessment of international developments and the situation in the region, wrong perception of neighbors and wrong self-perception persist though the overall discourse has taken another form. True, the Greater Serbia project was routed but Milosevic's logic won: multiethnic and multicultural fiber of the Balkans has been torn asunder, and it will take decades for it to recover. That logic emerged victorious because of, among other things, delayed reaction of the international community, its failure to grasp the process that led to disintegration of ex-Yugoslavia and the fact that the very existence of Republika Srpska still weighs down the completion of the same process. For, by establishing Republika Srpska, the international community has practically sanctioned the war crimes and genocide that are now in the dock before The Hague Tribunal.

### Political Continuity/Discontinuity

The Premier Djindjic assassination was a shock that spontaneously, rather than by some scheme, led to a nationwide consolidation – a consolidation in terms of the reforms he had initiated. However, immediately after the state of emergency was lifted, the true effects of this tragic murder begun to come to light. Fundamental reforms stalled, the cooperation with The Hague Tribunal – and thus, indirectly, facing the recent past – is once again questioned, the same as the policy pursued by the government that – in spite of all its objective limitations, frequent meandering and counterproductive moves, in Serbia with no other valid options proved itself as the only alternative for Europeization.

The Premier Djindjic assassination could have been a watershed in public perception of the policy of crime and thus of recent history in their true light. Unfortunately, judging by the counts of the indictment submitted against direct executioners of the crime this will be another missed opportunity.

Zoran Djindjic's tragic death (the same as that of Ivan Stambolic) is the paradigm of the post-October Serbia's continuity with Milosevic's regime – a continuity built up on crime. The murder not only bared the actual state of affairs burdened with Milosevic's vast and dangerous legacy, but also the fact that DOS – a fragile coalition as it was from the very start – had poor chance to come to grips with this legacy. No blood was spilled on October 5 only because there was an all-inclusive consensus to have Milosevic ousted. Serbian nationalists' interpretation of October 5, whereby Serbia "dreading further sanctions and political pressure decided to replace its position of 'a European pariah' with the one of an European protectorate," almost perfectly fits into the very core of October 5 developments.

The Premier Zoran Djindjic assassination of March 12, 2003, was an assault on the government's overall reformist policy, and on its reform-oriented wing in particular. The assassination testified that Serbia is a hostage to organized crime and bared its fragile stability and internal security. The Premier was gunned down at the point when he was getting prepared for a showdown with organized crime and mafia that have obstructed the cooperation with The Hague Tribunal and the reform process ever since the DOS coalition came to power. As a watershed in politics-organized crime hookup, the Djindjic assassination called for reinterpretation of the events of October 5, 2000.

The DOS missed the unique opportunity of October 5 for a radical breakup with Milosevic's legacy. Differentiation within the DOS in this matter practically bought time and opened vistas to consolidation of Milosevic's financial and economic mafia that had a significant, if not crucial pull on developments. The Serbian society was impregnated with crime. The hookup between organized crime and the Socialist Party of Serbia's (SPS) *nomeklatura* was more than obvious, the same as their many joint ventures. The national question turned to crime resulted in crimes in the neighborhood and, in Serbia proper, in crime-imbued police, customs administration and other institutions. The state control system created a favorable setting for organized crime's smooth operations, which led to the crime-the police-the prosecution-courts hookup.

The months-long media campaign against the Premier proves it was all about a scheme involving parts of the former regime, but parts of the DOS as well. Denial of war crimes is a common denominator of a "natural coalition" as such. It's about a tendency to maintain *status quo* at all costs. Along with getting consolidated, the "patriotic bloc" launched a campaign to reinterpret the last decade, but the entire 20<sup>th</sup> century as well. So communists and Slobodan Milosevic are blamed for everything that happened over the past decade. In

parallel, the Tchetnik movement is promoted and presented to the public as exclusively anti-fascist. This is the pattern that sets benchmarks for Serbia's future: for, "over the 20<sup>th</sup> century, Serbs went astray twice – firstly when they opted for the Yugoslav idea, and then when they chose communism." The "patriotic bloc" sees "integration into Europe" as utopia and equals it with the Yugoslav idea and communism.

The attempt to rationalize the defeat is what basically marks today's nationalism in Serbia. On the one hand, the illusion that the actual territorial solution is not definite is publicly stirred, while, on the other, the responsibility for the fact that the national question had been turned into a crime is shunned. While the Left, as usual, claims it has nothing to do with nationalism, the Right meticulously adds new forms to it and labels it as democratic. Now when the role of the Serbian Academy of Arts and Sciences in the promotion of the Greater Serbia project is increasingly bared before the Hague Tribunal, academicians are preoccupied with minimizing the *Memorandum's* impact on shaping Milosevic's policy. Today's nationalism mostly sources from some influential circles within the Belgrade University, particularly from the Faculty of Law, the Faculty of Political Sciences, and the Faculty of Philosophy. These circles do not deny that crimes took place, but their strategy is focused on reinterpreting, i.e. minimizing the responsibility of the Serbian side. This is how not only the recent past is remodeled, but also young people's perceptions shaped.

Some nationalistic circles that considerably influence the overall social atmosphere are deeply in thought about the issue of "what is it Serbs should do in 10 years to come?" They appeal to Serbs to manifest their national solidarity, since "the idea of the St. Vitus Day and celestial Serbia has been demonized and vulgarly assaulted," and call them to maneuver "for the sake of survival," while bearing in mind long-term goals. While waiting for "the US to lose interest in the maintenance of the new Balkan order," "Russia's comeback as a big power," and "West Europe to lose its present missionary appetite for creating hybrid nations," Serbs should get ready, they say, to review their historical defeats. Until all this happens, "Serbian spiritual and moral renewal" should be seen as preconditions to the nation's biological recovery and cultural survival.

Such messages clearly indicate the following strategy: Serbia should not allow to have its future options restricted by joining the Partnership for Peace or NATO; it should not formally accept the status of a state with limited sovereignty; it should not eliminate its armed forces; it should not permit that a constitution, which suits the incumbent authorities dwindle its future constitutional and political frame; and, the status for Kosovo should be tackled only once the Serbian state turns stable. Further, the course of radical economic reforms (based on Washington consensus) should be renounced, the same as "the naïve belief by market-oriented fundamentalists" that stabilization, liberalization, and privatization would "automatically solve all problems."

All this is about the cowardice of the political elite and its incompetence to offer Serbia a vision of a modern society, based on the values of contemporary civilization. Therefore, to serve the needs of petty politics, nationalism is just being redesigned and thus it unavoidably assumes its notorious populist forms. Only recognition of defeat and a start-up of a serious public debate may fuel Serbia's potential for change. The option for an independent Serbia – though not for an independent and offended Serbia, as perceived by the G17 Plus – is the only way to catch the train of reality, i.e. to accept the defeat.

Serbian neo-romanticism of the late 20<sup>th</sup> century obviously neither counted on future nor met the imperatives of modern times. The revival of Kosovo and Jasenovac myths just added to the distorted perception of the past. Simultaneously, this meant that nothing would be done in terms of challenges facing Yugoslavia and its various nations. Slobodan Milosevic's devastating policy of nationalism and populism further wasted the potential and energy implied in any necessary change. Exhausted Serbia is today weighted by its own nationalism: the anachronous nationalistic project failed to assemble all Serbs in a single state. Moreover, Serbia's borders are still undefined.

### Sources of Nationalism in the Post-October Serbia

The Serbian nationalism of the late 20<sup>th</sup> century has a scant ideational core made up of stereotypes on the "chosen people," "holy land," "bloody and primal foe," and the mission, i.e. a leader. Apart from rational political elements, this scant notional core also includes those the nature of which is ideological, religious, mystic and pathological. These elements are mutually linked in a blurred, instable and dynamic, i.e. polyvalent. The prevalent "liberal" or "democratic" nationalism in today's Serbia is neither a civic nor a reform option, but the mask of a national trauma or humiliated nationalism.

The bottom line here is whether Serbian nationalism with such scant core is able to overcome all social, confessional and regional limitations, given that it itself emerges from the same limitations. Thus Mihailo Markovic, fully in line with this humiliated nationalism, says over an interview, "We have planned everything well, except for the irrational international factor!" However, by contrast from Hitlerism, Serbian nationalism, just like other nationalisms in these parts, has not been defeated. Apparently, all have won and all have been defeated, which just further blurs the situation. That is why, as seen from such nationalist angle, the trial in The Hague is perceived as re-tailoring of history. Like Jünger wrote, "The progenitor of this nationalism was war, but it was born of the conscience of the communities of blood; it wishes that blood comes to power." Today's Serbia is in an ambivalent situation (a statement that probably applies to the entire region) – it is neither utterly defeated nor victorious. Today's transfer (transitional) nationalism has reached a substation somewhere between crime and vague contours of a post-national society, between organic

and constructive nationalism, which has it that state creates the nation, rather than the other way round. That is why the prevalent Serbian liberalism is in effect nationalism, without a nation and without a state.<sup>1</sup>

## Nationalism and Post-Nationalism

Serbian nationalism should be viewed from two of its levels. It is a concept, an ideology with a historical foundation. It shall go on existing at that level for quite a long time, since ideologies are not easy to change. Then, Serbian nationalism is also a political project, i.e. applied ideology. As such, it was at work over the last two decades of the 20th century. That's an accomplished task. A sum of phenomena characterizing the present moment would be more appropriately described as post-nationalism. Without this specification, the causes and consequences are difficult to differentiate. This differentiation is, moreover, made more difficult by a number of reasons.

First, the project of Greater Serbia drew a consensus unparalleled in modern Serbian history. The rounding off of the Serbian state territory within ethnic borders enlisted the entire Serbian national corps in the whole of the former Yugoslavia. The wars proved that the project was irrational and the Serbian question complicated, all of which is reflected in the current position of the Serbian people.

Second, the above-mentioned national project is indivisible from the social one. Before the wars, an alliance of state socialism and nationalism was created through the anti-bureaucratic revolution. That was yet another in a series of cyclically repeated refusals of economic, political and social reforms. This refusal was paid not only with a fifteen-year delay in transition, but also with new difficulties in conceiving a reform strategy.

Third, after October 5, a balance of politics pursued in the previous period has not been drawn. Moreover it could not have been drawn due to the above-mentioned consensus. That accounts for the different interpretation of the change of October 5. The forces of continuity saw the way to preserve a political project in the removal of the key person of the regime, while the reformist forces were practically conducive to discontinuity. It turned out that the Europeization of Serbia was fatal for the nationalist project. It had to be reduced to its archaic substance, the reactionaries. It lost its aggressive power and entered a rotting stage. The assassination of a pragmatic reformer was one last attempt at its revitalization. But the new consensus, which is only possible to reach on the reforms and joining the European Union, has not been reached. Serbia is increasingly propelled towards the reforms by the international community and decreasingly so by its own energy. The banalization of political life prevents the perception of real dilemmas facing the Serbian society.

<sup>1</sup> Based on the Nenad Dakovic's discussion at the round table titled "Nationalism Changes Its Clothes," July 15, 2003, Belgrade.

Fourth, the approach to the Hague tribunal is Serbia's test concerning its recent past, i.e. the nationalist project. The Hague is dismantling this project and writing the history of wars for the unification of the Serbian nation. The reformist forces themselves did not perceive the issue of sanctions for the committed crimes in any other way than as a bargaining chip. Disregarding the moral dimension of crime is, as Nenad Dimitrijevic rightly concludes, a delusion of the reformers. More than that: it arises doubts as to their real resolve to split with the project that had crime as its constituent part.

Fifth, ignoring the change in the neighborhood is a reflection of the old consensus, i.e. refusal to acknowledge a new reality that deprives the nationalist project of its power.

Thus, the new initiatives from Croatia are met with suspicions. Serbian nationalism has for decades instrumentalized the genocide against the Serbs in Croatia in World War II through the fact that no Croatian official has ever offered an apology. And now the speech President Mesic gave in Jasenovac goes almost ignored by the Serbian media. Except for *The Helsinki Charter*, the integral version of the speech is nowhere to be found. The visa regime has been changed and the Serbs invited to return to Croatia: the invitation was preceded by a series of laws (on property, reconstruction of houses, etc). In response to all this come the claims such as "This is not sincere," or "It's only the doing of the international community." If in previous times books (Kocovic, Zerjavic, Goldstajn) were of no avail, and now neither are the long awaited apologies, one cannot but wonder what it is that we really want.<sup>2</sup>

## The Role of the Serbian Orthodox Church: Generating Nationalism

Once Slobodan Milosevic was ousted and the new regime - overtly indicating that its legitimacy derives from anti-communism - came to power, all the barriers were removed to the already ongoing process of the Serbian Orthodox Church's comeback in public life. That was the startup of a speedy removal of the principle of secularism at all levels of the state and society.

In the post-October period, overtly supported by top officials of the new regime, particularly by the then federal president, Vojislav Kostunica, the Serbian Orthodox Church began to growingly force itself as a supreme moral and ideological arbiter in matters ranging from education of children to the overall culture and civilizational values of the society as a whole. The ideas that are thus advocated are marked by archaism, collectivism, xenophobia and anti-Western bias. The manner in which these ideas are promoted is marked by high degree of intolerance and even aggressiveness.

<sup>2</sup> An excerpt from Latinka Perovic's keynote address at the round table "Nationalism Changes Its Clothes," July 15, 2003, Belgrade.



An extreme intolerance to everything belonging to the Western culture is what the Serbian Orthodox Church messages its believers. The Church thus follows in the footsteps of its newly revived idol, Bishop Nikolaj Velimirovic, whose interpretation of the modern history of Serbia boiled down to a complot the purpose of which was to "turn the liberated Serbian paupers into the paupers of the rotten West."

The Church's encroachment upon the public sphere is justified by its concern for people's spiritual health, and the need to have all areas inhabited by Serbs spiritually, culturally and politically marked as Serbian. So, as of lately, churches the shape of which has nothing to do with the prevalent architectural style are being constructed throughout Vojvodina. Eager to expand its influence, the Serbian Orthodox Church not only disregarded the specificity of the Serbian Eastern Orthodoxy in Vojvodina, but also challenged the state by putting forth that the Mt. Fruska Gora should be proclaimed a holy place. The Church was obviously not bothered by the fact that the state had already proclaimed the Mt. Fruska Gora a national park, or that there was no canon on the grounds of which it could be proclaimed a holy place.

Ongoing developments point to clericalization of the society and the Church's intention to play a guiding role in it. This is probably best illustrated by the scandal related to anniversary of the infamous "Novi Sad raid" (in the WW II). Should President of the Vojvodina Assembly Nenad Canak address the memorial service, said the Church, it would organize a commemoration of its own. Further, addressing the second assembly of the Svetozar Miletic Serbian National Movement, Bishop of Backa Irinej (Bulovic) said, "The very idea of our nation's congregational unity, and its national and cultural identity is in jeopardy," adding "It (the nation) is now more threatened from the inside than from the outside, and is threatened by people of burned conscience... by Serbs who deny their own national identity and are, as a rule, atheists... In brief, was the Church intent to do something to stop these people's doings, exorcism would be the only solution."<sup>3</sup>

As it perceives itself as a strong factor of integration, the Serbian Orthodox Church opposes the idea of Vojvodina's autonomy.<sup>4</sup> The assembly of the Svetozar Miletic Movement referred to in the paragraph above also requested an early election for the Vojvodina legislature. The request was based on the claim that the Vojvodina legislature and Vojvodina Serbs were not even in minimal accord.<sup>5</sup>

The Church's reaction to ever more frequent sacrileges of Catholic graveyards, particularly in Novi Sad, is also most illustrative. The Secretary of the Backa Eparchy said this act of vandalism (in Novi Sad) should be ascribed

<sup>3</sup> *Nasa Rec* No. 6, p. 2, February 15, 2003.

<sup>4</sup> Namely, the advocates of Vojvodina's autonomy are criticized for wanting to establish a separate church.

<sup>5</sup> See "Human Rights in the Shadow of Nationalism," 2002 annual report of the Helsinki Committee for Human Rights in Serbia, p. 85, Belgrade.

to "excessive liberalization" of the town hosting the Exit Music Festival for three years in a row. The Secretary equaled the sacrilege of the Catholic graveyard with this music festival by saying, "We are all aware that it is, in a way, a hotbed of narcotism and vices of all sorts."<sup>6</sup> Actually, the Exit is the biggest music festival in the Balkans assembling performers from all over the world and visitors from the entire ex-Yugoslavia. It is obvious that what most bothers the Church is the festival's liberal spirit and its openness to "the Other." Instead of pointing a finger at the Exit and liberalism, the Church representatives should better blame nationalism for the sacrilege of the Catholic graveyard - i.e. the nationalistic policy they used to back wholeheartedly.<sup>7</sup> For, this is the same policy that never restrained from turning Serbian "graves and bones" into the instruments of political mobilization and nationalistic homogenization.

The Serbian Orthodox Church strongly opposes The Hague Tribunal and actively participated in its disqualification by labeling the Tribunal as a political and quasi-judicial institution.<sup>8</sup> Insistence on the Tribunal's ethnic bias proved to be sufficient to assemble a variety of factors - mundane, ecclesiastical, political, military and civil. The initial denial of the Tribunal and war crimes was later on replaced by reluctant cooperation with it and the ongoing relativization of crimes. Disclosure of mass graves in Serbia boiled down to a generalized showdown with the former regime and blaming communists, rather than resulted in the readiness to face the past. However, the strongest resistance to the cooperation with The Hague Tribunal is manifest when it comes to extradition of officers of the former Yugoslav People's Army. This is probably best illustrated by latest indictments against four army and police generals.<sup>9</sup>

The Church never condemned or criticized the fact that the regeneration of nationalism is growingly manifested through crime. Frequent releases issued by the Church's Press Service weekly repeated a cliché boiling down to a phrase, "With increasing frequency, more or less the same centers have been mounting campaigns against the Church."<sup>10</sup> The centers referred to are the NGOs and public figures that critically observe the developments in and about

<sup>6</sup> *Gradjanski List*, October 2003.

<sup>7</sup> "Wherever Serbian blood is split, and wherever Serbian bones are buried, this must be Serbian territory," said Bishop Nikandor. See "War Cross of the Serbian Church: Facing Democracy" by Mirko Djordjevic, Helsinki Committee for Human Rights in Serbia, Belgrade 2002, p. 79.

<sup>8</sup> According to Metropolitan Amfilohije, The Hague Tribunal is a mouthpiece of those that bombarded Yugoslavia and are eager to thus "justify their evil and crime before God and history."

<sup>9</sup> The rally to support Police General Sreten Lukic was organized by the police, and backed by Premier Zivkovic himself. According to what Minister of the Interior Dusan Mihajlovic said over the interview with the issue of October 10, 2003, of the *Novosti* daily, Serbia would be lost if the four generals were extradited to The Hague, since "it would be deprived of both the police and army." Minister Mihajlovic said, "I will certainly not be the one to extradite General Lukic."

<sup>10</sup> *Danas*, July 7, 2003.

the Church. However, there are no campaigns whatsoever, leastwise those grounded on militant atheism. From the early 1980s, the state and a substantial portion of the society have manifested a remarkably favorable disposition towards the church. Not only believers, but also layman – and especially the state – build a temple in Vracar downtown area of Belgrade. The above-mentioned Press Service is in bad need of such "campaigns" even when it is clear that the highest church officials (Synod) are rather inapt to cope with a considerable part of the public opinion. Tensions are thus fabricated. This is done not only from within the Church but also from without it, particularly by increasingly influential "para-church formations." For them, Karadzic and Mladic are cult figures of a kind. The two "shall never be arrested," according to Bishop of Sabac and Valjevo Lavrentije, "as they are sheltered by the people." Dubious warriors are thus turned into heroes and harboring them proclaimed a virtue.

Only recently – in May 2003 – *Studenica Declaration* of the Serbian Orthodox Youth Summit came out of press, along with another document, which merits attention in every respect. This document, titled *A Letter to Haralampi on St. George's Day*, is signed by two bishops. The latter is, naturally addressed at Haralampi – Dositej's corresponded with – but also to the governments of "all Serbian territories." Dositej is accused as a founding father of a Western "godless school," while all those who follow in his footsteps "look for the sun where it sets down." The letter lists all those who brought evil on Serbian nation such as the "followers of Vuk, Markovic and Skerlic, communist ideologists and modernists." Cultural tradition with identity determinants has thus been reduced to a paragon and all who fail to comply with this monistic pattern are called "Euro snivelers." This term is what the most reverend bishop A. Jevtic will be remembered by. And such primitive pattern is currently operational. What it offers is "sound nationalism, evangelistic and organic," which is also referred to as "St. Sava's evangelistic nationalism." No one has ever derived nationalism from synoptic, or even apocryphical gospels. This is for the first time that a thing like that may be heard. All this is done deliberately – to reinforce an ideological pattern, which is essentially anti-cultural.

Another example is still more unusual and comes from Kosovo and the recent celebration of St. Vid's Day. Never before throughout its history has the Church stood against education, enlightenment or culture. It used to oppose the remnants of pagan consciousness that revives aggressive nationalism. It bravely resisted the inclusion of the pagan Vid's Day into the Church calendar. However, this church holiday was included, but only after the battle of Kumanovo 1913, since it did not stand for a "command holiday." The holiday has nothing to do with the Roman Catholic Church's celebration of St. Vitus Day – or with Eastern Orthodoxy, as the pagan god, Vid, is "unknown to the Eastern Orthodox tradition," according to the new *Encyclopedia of Eastern Orthodoxy*. This did not prevent reverend Jevtic to say in an interview that it

was a Christian holiday since "here perished the holy martyr Vid, for whom this day is celebrated."<sup>11</sup>

This need to follow a model of anti-Christian and pagan nationalism is felt around the church and afar from it. Legend and superstition are combined with inferior conservative politics. Thus a kind of a "St. Sava's Orthodoxy" is being created though it has nothing to do with St. Sava. So it happens that Vojislav Kostunica, until recently the head of state, said in his message to the nation supports a "middle way."<sup>12</sup> That is an idea of Bishop Nikolai Velimirovic, our "pathfinder," according to Kostunica, whose proposal to introduce a *Day of Struggle against Culture* was opposed by the Church. This is precisely what is advocated now by of part of the church hierarchy, but also by the laymen-ideologists who call themselves "patriotic forces." This hookup between parts of the church hierarchy and para-church and para-state structures encourages the most aggressive nationalism. Nationalism is deliberately produced to push us into self-isolation from the world, from Christians who are just different from us. The misunderstanding between these forces and the substantial part of the public is presented as a dangerous tension that weights the public life of a country, which has not yet healed the wounds of four lost wars.<sup>13</sup>

## Nationalism in the Army

Nationalistic activities of national institutions such as the Serbian Orthodox Church and the Army – that act almost as a unique organization – permanently generates nationalism in today's Serbia. The Church has practically overtaken the Army's role in Republika Srpska, Montenegro and Kosovo. Given that the dispute on the autochthony of the Macedonian Orthodox Church is still under way, the Church's strongly influences developments in Macedonia. And, if one bears in mind that Serbian Eastern Orthodoxy equates the Church with a nation, its dispute with the Macedonian Church is actually a refusal to recognize the Macedonian nation. The two institutions, therefore, are crucial when it comes to the maintenance of the delusion that Serbian ethnic territories will smoothly unite with the motherland, Serbia, once the change in international circumstances takes place.

Though expressed in hushed tones today, nationalism is still the dominant ideology in the army of Serbia and Montenegro. The collective consciousness of the officers corps can be depicted as a state of unreadiness and dismay. This is the outcome of some changes that were made lately in the process of the army transformation.

<sup>11</sup> *Vecernje Novosti*, June 29, 2003.

<sup>12</sup> *Politika*, January 5, 2002.

<sup>13</sup> Three last paragraphs of this section are based on Mirko Djordjevic's keynote address at the round table "Nationalism Changes Its Clothes," July 15, 2003.

This primarily refers to the decision of the Supreme Defense Council, which had the General Staff integrated into the Defense Ministry; to the decision to have the military defense services also put under the command of the Defense Minister and to have them uphold procedures of democratic control. Furthermore, the Minister of Defense disbanded a "phantom commission" that has been formed under the General Staff apparently to cooperate with The Hague Tribunal. As it seems, the commission was gathering and dispatching documents and other material for the defense of Slobodan Milosevic. Finally, the third member of the infamous "Vukovar troika" was arrested – colonel and the 'hero' of the patriotic forces, Veselin Slivancanin. The Minister of Defense took some more decisions, which put an end to a practice used by both the army and other governmental agencies – the practice of pretense cooperation with the Tribunal.

These changes in the Army's organizational scheme still have to be put into practice – a task that will be far from an easy one. Either camouflaged or overt, nationalism will be building a number of barriers to hinder the Supreme Command and Defense Ministry's moves that precondition the Army's integration into Euro-Atlantic institutions.

The anyway bulky and poorly organized army, burdened with heavy "war mortgage" and other problems, now finds itself at historical crossroads. It has to opt between two roads: one leading to the Partnership for Peace, i.e. to radical transformation and collective security, and the other to traditionalism, whereby it will preserve its present, individual model of defense and security, based on the well-known principle of relying on its own means.

Considering that the incumbent Defense Minister and the Chief of General Staff advocate the former, modern option and draw good choices on those lines, officers corps – by the inertia of military obedience and devotion – has silenced down. One has the impression, therefore, that the majority of officers back Minister Tadic and General Krga. Still, there are a lot of signs that testify on the contrary. In the best case, the Partnership for Peace and collective security programs are accepted as a diktat due to need.

The "patriotic bloc" overtly opposes Minister Tadic's course of action calling it fatal for both the army and the country. Extremist circles message along the following lines, "We will join the Partnership for Peace only under the terms we set. First, NATO should pay war reparations. Second, our army should return to Kosovo. Third, the country and its army should be given a privileged position and status, given that the union of Serbia and Montenegro is the strongest military force in the Balkans and thus entitled to military leadership, and given that the army of Serbia and Montenegro took the cake in combating 'Albanian terrorism.' The latter grants it the privileged status in the anti-terrorist alliance."

This argumentation is presented through broadcast media as well. The hard-lineist advocate of this theory, and also its creator, is the retired, but

nonetheless hyperactive General Radovan Radovanovic – the mastermind of almost all battles Serbia has lost.

Furthermore, the "Second Battle of Kosovo" (this is how Radinovic titled one of his books from the "Kosovo series") is a paradigm or, so to speak, a myth, that has been often artificially and vulgarly added onto the Kosovo myth from more than 600 years ago.

Thus, for example, the former head of department for morale, now a retired general, Milen Simic, claims that the current request to have the Army radically transformed undervalues its "human factor," especially its commanders. So he says, "It's a paradox to bring the quality of human potential in question, when the army has successfully resisted the most powerful military force in the world... Such potential can hardly be found in any country in the world."<sup>14</sup>

In addition, the former professor at army academies, retired Col. Vidmir Veljkovic, wrote for the issue of February 20 of the *Vojska (Army)* magazine the following paragraph: "Many of our local critics fail to see our *ethno-psychological* milieu – Serbs are special people that have behaved extremely defiantly, self-confidently, often provocatively, defending their home (which has been built 'on the crossroads'), against great powers. Serbs, even though a small nation population-wise, and great when it comes to bravery and military skill, were forced to defend themselves at the end of the second millennium, once again, alone, with no help from others, against a far mightier NATO. Actually, Serbs are the only people that haven't, as it was evident at the time of the aggression, killed with hate but laughter; the only people that took Pasic's slogan 'Don't worry, it won't be good anyway' as a historic inevitability. After all, in that war, figuratively speaking, a 'Lilliputian' Serbia was attacked by '19 Gullivers.' The army, with its high morals, knowledge and skill defended its dignity, honor and the pride of its people."

Referring to national identity, Professor Nenad Dimitrijevic notes it is based on tradition and there are two poles to it.<sup>15</sup> One pole comprises glory, uniqueness and invincibility of the "chosen people," while the other includes the myth about equally "glorious" defeats, historical continuity of suffering and "other's" hatred for "us" – here the former apparently results in a variety of anti-Serbian conspiracies, and, ultimately, in "our" endless victims.

Inspired by this second pole, *Vojska* weekly, in its issue of June 26, 2003, carried an article under the title of "Verticals of Serbian History." The feature, dedicated to St. Vitus Day, quotes, "... Many people believe that far too many Serbs perished in vain in senseless wars against by far superior enemies. Those people always give an upper hand to megalomania over diplomatic efforts. Still, there's just as many of those who believe that national honor, dignity,

<sup>14</sup> *Vojska* (the Army magazine), March 13, 2003.

<sup>15</sup> *Republika* monthly, June 2003

sovereignty of the state, and, above all, freedom, are priceless and that any sacrifice to attain these ideals is small and inappropriate to their value."

With the arrival of Vojislav Kostunica to the position of the supreme commander, the Army, in the search for its own identity, found a safe haven in the warring tradition of Serbian Eastern Orthodoxy. This perfectly suited the flourish of various forms of nationalistic ideas.

Slobodan Milosevic was acceptable to the officer corps as a "supreme commander" at both rational and emotional levels. Firstly, because he was truly capable of playing a commander even though he never put on an army uniform. Secondly, officers were thankful to him because in the "Second Battle of Kosovo" he gave them a chance to prove themselves professionally and at least somewhat remove the heavy losers' burden they have carried throughout all those wars "Serbia never took part in."

Kostunica applied the same model of commanding the Army - the model of its deep politicization and, in a way, misuse. This was partially evident in the infamous army scandals, notably in the "Pavkovic affair." And yet the biggest difference between the two 'supreme commanders' is that Kostunica, unlike Milosevic, opened the "army gates" to the Serbian Orthodox Church and thus opened the floodgates to nationalism's overt and undercover growth.

Just after the October change, the Department of Morale urgently organized a round table under the title "Solving the Army Question in the Yugoslav Army." The main idea was formulated this way: "As after the October 5 change even fiercer attack at the spiritual being of the Serbian people could be expected with certainty... it is necessary to build strong dams against spiritual colonization resulting from activities by various religious sects, cults and occultisms of all sorts and thus save our spiritual and national identity..."

Actually, this was what the then head of the Department of Morale, General Simic, said at the round table - as if just Serbian Eastern Orthodox believers lived in Serbia and as if they were the only ones in the army service. So, General Simic's opening speech was discriminatory in terms of people of other religions and atheists, as well as detrimental to their fundamental human rights.

The cooperation between the Army and the Church is probably best illustrated in the former's publishing activity. It was only natural the Premier Djindjic assassination drew the attention of the army press. However, all the Army's mouthpiece, *Vojska*, carried about it fit into one page, one-third of which dealt with Metropolitan Amfilohije Radovic and his obscure speech at the memorial service in the St. Sava Temple.

The publishing house "Vojska" (Army) issued in 2002 the book titled "Eastern Orthodoxy and War" by Colonel Borislav Grozdic, which the weekly *Vojska* also carried it in a series of articles. One of the book's reviewers Dr. Miodrag Petrovic of the History Department of the Serbian Academy of Arts and Sciences advised the readership on how the book should be read. So, he

said, "Eastern Orthodoxy is deeply rooted into the national consciousness of Serbian people and their identity cannot exist without it. The book ought to be read in the spirit of devotion to Serbian patriotism that is inspired by the love for God and Man. According to Eastern Orthodoxy, one should love his enemies too, but only if they are not evil to our brethren ..."<sup>16</sup> "Humanism" as such implies a concern for "our brethren" only, while the others should be of no concern to us.

Then, in 2003, the Army publishing house issued another book by the same author, titled "Battling for Faith and Motherland." From the title, one can sense the basic content and tone of the work. In 2002, the Army Publishing Center, in tandem with the Novi Sad "Pravoslavna Rec" (The Word of Eastern Orthodoxy) publishing house, issued a major edition under the title "Monasteries of Serbia." Despite the fact that this work is considered most significant not only to the culture of the Serbian national corps, but also as a valuable addition to overall culture, one cannot but wonder why the Army figured as a co-publisher at the time when its budget could have hardly cover the expenses of food for privates.

In the last three years, army officers participated in almost all important manifestations that were organized by the Serbian Orthodox Church (transfer of the remains of Duke Lazar, from Ravanica to Lazarica; top army members also went on a 'pilgrimage' to Hilandar; the celebration of Savindan is also 72<sup>nd</sup> Special Brigade's day, etc.).<sup>17</sup>

### Constitutional Issue as a Source of Nationalism

The ever more burning issue of a new constitution discloses immaturity of the Serbian elite. Once declared, the new constitution will certainly radicalize mutually opposed political stands and may bring about further tension, even a conflict. Bearing in mind Serbia's complexity (e.g. Vojvodina), a conflict as such might be internationalized. In spite of that, Serbia's attitude to the constitutional issue is about the same as it was at the time of Yugoslavia's dissolution and then in the Federal Republic of Yugoslavia. The Serbian political elite keeps insisting on re-centralization and dramatically lags behind the real life and history. In the summer of 2000, Milosevic attempted to re-centralize the federation of Serbia and Montenegro, which only resulted in further disintegration. The then opposition - nowadays in power - welcomed Milosevic's constitution regardless of its illegitimacy.

The same model of behavior is visible in Serbia proper. Projects of regionalization that are being drawn turn a blind eye to reality, try to change by the means of a constitution, and attempt to once again re-centralize Serbia - to

<sup>16</sup> *Vojska*, February 14, 2002.

<sup>17</sup> This section is based on Stipe Sikavica's contribution to the round table discussion of July 15, 2003.

abolish Vojvodina's autonomy, in particular. Such attempts are veiled by allegedly contemporary regionalistic solutions. Liberal nationalism that associates the once formula "one man, one vote" is once again on the table. The same as a "modern federation" was on the agenda at the time of ex-Yugoslavia's dissolution, a "modern" regionalization is put forth today. Most paradoxical of all are the projects that, while dealing with regionalization, envisage an utterly unnatural and inexplicable division of Serbia into autonomous regions the status of which would be equal to Vojvodina's and even with Kosovo's. A belief that regionalization of Serbia may amortize separatist trends in Kosovo or hard-line autonomist trends in Vojvodina sounds incredible. Solutions such as special statuses or turning Serbia into a federation are being bypassed through a false symmetry.

One should note here that Serbia's delusion about the possibility to annul historical reality through constitutions is being nourished, and systematically so, by the international community. The international community stands in the way of having the process of ex-Yugoslavia's dissolution put to bed, which is nothing but violence against a fact of life. The manner in which the international community deals with the state issue in the territory of ex-Yugoslavia just prolongs the region's agony and wastes the energy of all factors included – this probably mostly refers to Serbia that is anyway incapable of coming face to face with itself. And, moreover, this manner fuels Serbia's delusion about ethnic borders – a delusion that it not characteristic of Serbia only.

Nationalists – the Svetozar Miletic Serbian Populist Movement in particular – argue that the actual composition of the provincial parliament "is illegitimate" as it "overtly acts against the interest of the Serbian state." This non-governmental organization fears that the new constitution would turn Serbia into a state governed by national minorities, and that introduction of a bicameral legislature, i.e. the Chamber of National Minorities, would face Serbian parliamentarians with a blind alley, given that their counterparts coming from minority communities would be in the position to vote them down at will. Dragan Nedeljkovic of the Svetozar Miletic movement takes that a solution as such would impose the same situation that resulted from the 1974 Constitution. In other words, as Nedeljkovic puts it, Serbia would be controlled by all, while unable to keep itself under control, let alone the others. Autonomy, argues the movement, made sense at the time of Austro-Hungarian Empire, but not today. Therefore, autonomy for Vojvodina is a communist delusion, while its advocates are communists in disguise pursuing a policy that is lethal for the Serbian people. Further, members of minority communities are entitled to all democratic rights, given that Serbs are not intent to threaten anyone, particularly not in Vojvodina. According to the movement, Serbs are tolerant and often to their own detriment. However, Serbia's claim on Vojvodina is best illustrated by the argument saying that Vojvodina's remembrance naturally

flows into the Serbian one, as the Serbian collective consciousness has always been the strongest in Vojvodina.

The circle of Serbian nationalists assembled in the Prizma magazine (e.g. Slobodan Samardzic) denies the Vojvodina legislature the right to discuss a future status for Vojvodina. Their criticism particularly focuses the possibility of Vojvodina having a tax policy of its own. They deny any historical justification whatsoever for any kind of a loose autonomy, for, as they put it, Vojvodina has no specific cultural heritage that is independent from Serbia.

However, Vojvodina is far from being a homogeneous community as nationalists perceive it. In spite of all ethnic engineering, Vojvodina remained a multiethnic community – for, the last census showed that Serbs amount to only 65 percent of the province's population. This fact only calls for serious consideration of Vojvodina's autonomy. Vojvodina's political parties are polarized in terms of its autonomy, while Vojvodina's electorate has entered the so-called expectation stage. The number of undecided votes grows. Hard-line advocates of Vojvodina's autonomy pinpoint the province's specificity and try to prevent further degradation of its towns to some "petty regions." While opposing assimilation of minority communities, they call for the principle of "positive discrimination," which implies minorities' mandatory participation in local self-government. Professor Stanko Pihler takes that local self-government and territorial autonomy are based on the same principle – the principle of citizenship, rather than on collectivistic perception of the state that, as a rule, implies "unity," togetherness and centralism, as well as undemocratic political climate overwhelmed with totalitarian tension. On the other hand, nationalists fear that a full autonomy of Vojvodina will be nothing but its separation from Serbia. According to Prof. Cetkovic, Vojvodina's political elite and a part of its intelligentsia pursue a shortsighted policy that, under the pretext of regionalism, attempts to impose "narcissistic," political separatism and provincialism.

### **Manipulation of Social Discontent, Populism and Nationalism**

What unifies today's Balkans is grinding poverty, particularly in its South (Bosnia, Serbia, Macedonia, Montenegro and Kosovo in the first place). Along with non-existent democratic tradition and democratic accountability, this poverty is the stumbling block in the way of true democratization. It boils down democracy to a meaningless form. Growingly unified Europe is permanently running ahead of the Balkans – the Balkans can simply not attain its standards that are growing higher and higher. Apparently, the Balkans lacks the enlightenment that would make it possible for it to accept European standards. The requests such as free market and the rule of law the Balkan societies are faced with nothing but further radicalize them, as they are

incompetent for genuine modernization. Therefore, fundamental transformation of these societies asks for, as Bzezinsky puts it, "historical patience."

However, even in such poverty-stricken Balkans the process of transition cannot be generalized. The wars waged over the past decade of the 20<sup>th</sup> century made Serbia the epicenter of crisis – for, as it resists changes, Serbia holds hostage the entire region. Serbia's warring policy and its refusal to face the past unavoidably resulted in its radicalization. Radicalization then results in going back to the past. Attainments such as secularism are questioned, while the church and the army are getting the upper hand.

It was the international community that helped nourish the illusion about Serbia's equal place in the region and in its relations with Europe. Serbia will hardly be able to set a reasonable course for itself, unless it comes to grips with the experience of the first and second Yugoslavia, as well as with the developments over the past decade. For, unless radical reforms take place – which is hardly probably – Serbs will once again try to compensate themselves by going for the territories they have allegedly lost. In an interview publicized these days, Academician Veselin Djuretic said, "Is it really possible that Albanians and Croats believe that Serbs would ever, just like that, give up what belongs to them?"

Serbia has always been in latent conflict with Europe. As it seems, this conflict is now stronger than ever before. In addition, in an attempt to further work its way up, Serbian elite relies on a possible conflict between Europe and the United States, and on Serbia's indisputable geostrategic significance. Serbia's inability to come face to face with itself results in both apathy and rationalization. So, some circles, particularly those within the Serbian Academy of Arts and Sciences, are nowadays claiming that Yugoslavia should not have been destroyed at all. Academician Djuretic, referred to in the paragraph above, takes that "the Yugoslav option is the only way out for all ex-Yugoslav nations."

What Europe has to do to really help Serbia at this point is to determine the real state of affairs and give up the wishful thinking image of Serbia on the grounds of which it builds its strategy. True, the European Union and the United States have brought peace to the Balkans. But that is not enough to really bring the Balkans closer to Europe.

## Politicization of Trade Unions

Trade unions have always been politicized. This is why today the trade unions, particularly those connected with the former regime, demand ever more frequently the government's resignation. The fact the trade unions are so much engaged in politics manifests that other political factors are either incapacitated or too weak to come to grips with social problems.

Serbia's politics is "syndicated." Various political parties attempt to "profit" from social discontent. The G17 Plus that used to be a liberal-

democratic organization has been riding the waves of fierce populism ever since it turned into a political party. And this dangerously opens the door to demagoguery of all sorts.<sup>18</sup>

Against the backdrop of general social discontent, socio-economic problems boil down to distribution of poverty. What matters in a situation as such is which of all trade unions is better organized than the rest. According to economist Miroslav Prokopijevic, everyone is fully aware of what it is that should be done, but "as voters are apathetic, no political party able to carry out such needed reform has emerged so far." "This is not about the lack of know-how," says Prokopijevic, "but about the lack of necessary will that marks the electorate and political parties alike. As both the former and the latter are aware of it, manipulation is mutual and endless."<sup>19</sup>

The problem of poverty – perceived as a political resource – is that it is there though the most painful stage of transition is still ahead. Serbia's transition has still not showed its bleakest effects. Aware of it, political parties are now swarming in the left of center domain, hoping to make some profit from this segment of ideological specter.

The DOS coalition was incapable of breaking with Milosevic's era, let alone those of Tito or Pasic. Egalitarianism plus mother-state is the problem facing all primitive societies. It is turned out, even the once Serbian opposition was incapacitated for a radical reform, which is evident in all domains.

As time goes by, trade union leaderships engaged in politics will turn losers, while those fighting for workers' rights will be winning the game. However, commanding trade unions to keep away from politics will not pacify them. For, trade unions' popularity is on the upward curve when they oppose the government, given that the state is still the main employer.<sup>20</sup>

The poorest strata gradually turn most vulnerable to the influence from political parties and religious organizations. They are easily manipulated, as they have no strong value system to rely on, and are apt to having their daily interests met only. The sense of ethnicity is noticeably growing. For instance, Serbs that have fled from Kosovo getting together to "glorify Serbia" everywhere – they take they are better and more loyal citizens of any town they inhabit than the rest, and see themselves as the best "representatives of Serbian nation." The Roma also separate themselves from others in line with their ethnic origin. For the masses, national identity becomes a way to satisfy their daily needs, as no other, better or more appropriate way is available to them. They are easily manipulated for any purpose with a national trait in it. For instance,

<sup>18</sup> Sociologist Stjepan Gredelj, the Helsinki Committee's public debate titled "Manipulation of Social Discontent, Populism and Nationalism," Kragujevac, October 30, 2003.

<sup>19</sup> *Ibid.*

<sup>20</sup> Journalist Dimitrije Boarov, the Helsinki Committee's public debate titled "Manipulation of Social Discontent, Populism and Nationalism," Kragujevac, October 30, 2003.

they used to massively enroll themselves as volunteer fighters in 1999. And most of them volunteered under the pressure from some political parties. Many of them died or came out of the war as invalids. Their families nowadays live on welfare or the assistance provided by humanitarian or non-governmental organizations. On the other hand, political parties and religious organizations take poor care of their handicapped members.

Many people capable of work are now jobless and can hardly find themselves new jobs in near future. Some join political parties hoping to thus improve their employment vistas, while others go on strikes hoping to thus draw public attention to their problems. Ever more frequent hunger strikes, suicide threats or leaving babies behind in social care centers also reflect this manifold manipulation. All those people were manipulated – and now they manipulate others by presenting themselves as victims of the system, social crisis and transition. They call themselves "a collateral damage" of their own fate – which they probably are.<sup>21</sup>

### **Kosovo: Permanent Generator of Serbian Nationalism**

For the Serbian national and state policy Kosovo, i.e. the Kosovo myth, has always been more of the means than the end. In the service of much stronger territorial aspirations, Kosovo is actually a constant of the modern Serbian state's national policy. What figures as the core of this policy, from the beginnings, is unification of all territories considered Serbian, either by virtue of historical or ethnic right. Throughout history this policy has been labeled as "the revenge for Kosovo" or, like today, "the return of Kosovo." As a rule, the policy of "the revenge for Kosovo" implied wars over territories, and not exclusively over the territory of Kosovo. In 20<sup>th</sup> century, when the Greater Serbia project was launched after the Karadjordjevic family was enthroned in 1903, Kosovo became not only the symbol, but also the driving force of the territorial expansion, the historical area wherein the Serbian state started with, but not concluded its expansionist aspirations. Father Milan Djuric, outstanding Radical of the time, roared in the Serbian parliament on the eve of the WW I, *"For centuries has the Serbian people slaved and fought... just to revenge Kosovo and set free its disintegrated ethnicity... It was this Kosovo pledge that pulled our ancestors up in the beginning of the past century... We should not sit on our hands while the heart of the Serbian nation is being torn off... Bosnia, the ancient Serbian kingdom, and Herzegovina, the dukedom of St. Sava."*

After several wars and inspired by the myth of Kosovo and the slogan "revenge for Kosovo," Serbia attained the Yugoslav state in 1918. In the newly

<sup>21</sup> Pedagogue Borika Petkovic, the Helsinki Committee's public debate titled "Manipulation of Social Discontent, Populism and Nationalism," Kragujevac, October 30, 2003.

created state the slogan lost its primary function, but was not forgotten. It was shelved in collective consciousness just to be revived every time Yugoslavia faced a crisis. At the end of the 20<sup>th</sup> century, when Serbia once again placed on the agenda the necessity of redefining national interests, "revenge for Kosovo" was resumed as a national-political formula supposed to legalize the project of territorial expansion. Like on previous occasions, this formula was utilized regardless of whether territorial aspirations were grounded on some historical or ethnic rights, and regardless of whether it was the Balkan's south or west they were aimed at.

It was the infamous 8<sup>th</sup> Session of the League of Communists of Serbia and its clamor for Kosovo's reintegration into Serbia's constitutional competence that triggered the latest, large-scale recomposition of the ex-Yugoslav territory. As it turned out, the issue of Kosovo's constitutional arrangement was an excuse, rather than the major objective of placing the Yugoslav constitution on the table. The state of emergency, following the amendment to the Serbian constitution in 1989, was imposed by federal administration of the then Yugoslavia and resulted in physical violence against Kosovo Albanians. Apparently, Serbia was not only eager to centralize anew its own territory, but the whole of ex-Yugoslavia as well. And obviously, the Eight Session was hardly just an insignificant event in the Yugoslav history or a mere inter-party showdown. Actually, that was a U-turn in the official Serbia's Yugoslav policy. The policy of agreement was renounced and replaced by the policy aimed at Serbia's domination over Yugoslavia at all costs, genocide included. So the slogan "revenge for Kosovo" once again became a war cry.

Ideologists of a centralized Yugoslavia – publicly omnipresent at the time – kept on expounding that a confederal Yugoslavia by itself implied a war for territorial reshuffle from Hungary to the Adriatic Sea, a war that could cost the region over one million human lives. This dreadful threat of Serbian intellectuals soon turned into Yugoslav reality. The "revenge for Kosovo" ended up as a revenge on Yugoslavia.

Kosovo's role of the means, rather than the end of the Serbian national program is revived today regardless of suffering and hardship it initiated in the territory of ex-Yugoslavia.

Namely, in early 2003 – two years after the overthrow of the Milosevic regime – Serbia reopened the question of state borders in the Balkans. And, as throughout the past two centuries, Serbia used Kosovo: should Kosovo continue to insist on independence, threatened Serbian officials, Serbia would demand a "new Dayton," i.e. rearrangement of regional borders. A year ago, Vice-premier Covic was quite explicit about the official stand by saying, "If they (Albanians) stand for independence, we (Serbs) will stand for the division of Kosovo." He thus, for the umpteenth time, reiterated the idea about division of Kosovo, the Serbian nationalists from Dobrica Cosic's circles have been promoting ever since mid-1960s. So, to the request for an independent Kosovo Serbia responded by a list of its own territorial aspirations, topped as usual by

Bosnia-Herzegovina. Actually, Serbia attempts to trade in territories: to exchange a part of Kosovo for Republika Srpska. However, apart from dividing Kosovo and Bosnia, such policy of territorial compensations questions state borders throughout the region. Serbian nationalists and makers of the national program can nowadays hardly veil that they have never given up the historical tendency to treat Macedonia – or, a part of it at least – as a Serbian territory. With Montenegro – "another Serbian state" or "the Serbian Sparta" – as an add-on, it is more than obvious that Serbia has not put the issue of Balkan borders to bed and has been counting on another cycle of border drawing along ethnic lines. Apparently, today's strategy, the same as the one before October 5, derives from general denial of the so-called AVNOJ borders, i.e. intra-republic borders laid down in the 1974 Constitution. This is the only viable explanation of the contrivance whereby Republika Srpska is equated with Kosovo.<sup>22</sup>

In Serbia's recent past, manipulation of Kosovo begun in 1970s when the amendments to bring about the 1974 Constitution were under discussion. Dobrica Cosic was the first to come public with the statement about Serbia losing Kosovo forever. However, opening of the Kosovo problem in 1980s and its instrumentalization primarily served the purpose of opening the Serbian issue within Yugoslavia. The Kosovo problem is probably the most difficult of all because, on the one hand, it implies irrationality and emotions, and, on the other, there is a collective consciousness that Kosovo is lost. As the issue has been on the table for over a century, and solutions to it have always been utterly wrong – based on intolerance and some imaginary, collective rights that were, logically, exercised exclusively through brute force – Serbia was incapable of tracking down an exit strategy.<sup>23</sup>

Speaking about the manipulation of Kosovo some 110 years ago, a Serb from Prizren wrote, "We want to lock horns with the entire world, though it's only natural that in conflicts as such the entire world would by far more easily beat us than we could beat them all. And then we behave like children – we kick against the pricks and cry at the top our lungs calling the entire world 'hostile' to us, claiming this world would not let us live, let alone develop and grow stronger. No one is such a fool to take our fist for an orange or lemon... So, behaving like a mad bull, we've turned an issue of a nation's humane existence into an European problem, and did it all to our own detriment... That was the first bitter pill of our modern and infamous 'statesmanly wisdom' and provincial patriotism... One who genuinely wishes to help the Serbian people should give up all those flamy phrases, for threatening and challenging the entire world is nothing but act of suicide... We must finally realize that we cannot convert Europe and that Europe's decisions are the decisions made by some village assembly that would easily be annulled with hue and cry... And,

<sup>22</sup> Historian Olga Popovic-Obradovic, the Helsinki Committee's public debate titled "Kosovo: Standards and Status," Belgrade, November 12, 2003.

<sup>23</sup> Sociologist Olivera Milosavljevic, *Ibid.*

we must realize that we should give up our claims based on force, but claim our rights, while respecting the rights of others at the same time... We've become used to swelling with fury and being at odds. And this could have produced nothing but turmoil actually originating from the smoky pubs throughout Belgrade and other towns. With everyone politically drunk, it was that poor people who had to pay the cost and up to this very day pray, 'Dear God, please save me from my alleged friend so that I can save myself from my enemies!' That people over there cannot be taken responsible for the political mess created by the bigmouths from Belgrade pubs and taverns. The bigmouths' doings are their own responsibility.<sup>24</sup>

### Serbian Nationalism in the Context of Regional Security

Balkan nationalisms still hinder the establishment of stable security arrangements in the region, but in Europe as well. This refers to the Kosovo issue, too. Obviously, it will take years of patient endeavor to pacify radicalism in the region, primarily through the process of joining the European Union. Membership of the European Union is the strongest motive for most Balkan states to plunge into reforms. In Serbia, there is still a large-scale resistance to such tendency. Were it not for the pressure from the international community, Serbia would have been in a chaos that – either through organized crime or terrorism – would easily spread to the territories of the EU member-states. Bearing such scenarios in mind, at its Salonika meeting of June 2003 the European Union decided to treat all Balkan countries as candidates for its membership. This is probably one of few good vistas for Serbia and its future.

Weak and paralyzed, Serbia is unable to pass a new constitution and define its borders, let alone come to grips with the problem of the final status for Kosovo. There are two scenarios in today's Serbia: one backed by the international community, which is still in draft, though its basic frame will not be given up; and the other that is advocated by the Serbian side – promoters of this scenario still refuse to acknowledge new realities, in spite of the fact that these realities will decisively influence the final status for Kosovo.

Today's final stage in the process of framing the Western Balkans is focused on the Albanian question. This is the context in which the recent visit Holbrooke and Coughnair paid to the region should be viewed. What they put on the table in Serbia was the international community's clear-cut stand. Belgrade is now challenged to choose "between Kosovo and Europe." Holbrooke was quite explicit about this choice. Serbs are at historical crossroads for, as he put it, if they "opt for Kosovo, they will lose both." Holbrooke's message pinpointed the major problem of the Balkans' security – the status for

<sup>24</sup> M. Djordjevic Prizrenac, "How To Help Our People in the Old Serbia?" Belgrade, 1891.



Kosovo. During his visit to Belgrade, Mark Grossman, one of top people in the American diplomacy, even hinted the deadline for solving the Kosovo problem – by 2005. Apparently, the official Belgrade is unready for such close deadline, as it wasted too much time on veiling its incapability to solve internal problems with the Kosovo issue.

Reestablishment of the Contact Groups indicates that the solution to the problem is impending. In spite of mutual differences – as, for the time being the European Union insists on standards before the status, the U.S. continue to blueprint an independent Kosovo, while Russia's stand is determined by the situation in Chechnya – all the three members have reached a consensus on basic problems of the region: weak economies, poor cooperation with The Hague Tribunal and political problems related to Kosovo. The European Union's sensitivity to unsolved territorial problems should also be taken into account when it comes to Kosovo. Actually, one of basic prerequisites to association to and the membership of the European Union is reflected in the stand about unacceptability of territorial problems.

The Serbian side's criticism boils down to the state of affairs in Kosovo after the intervention and the present day situation of Kosovo Serbs and other non-Albanians. Though such concern is fully legitimate, it cannot cloud the reality that placed both Serbs and non-Albanians in such situation. Over the past four years, the Serbian policy was focused on demonizing Albanians, compromising the international community's efforts and building of parallel institutions – actually it was aimed at proving to the world that Kosovo was *de facto* divided. Such strategy implies looking for a partner on the Albanian side, the one that advocates the idea of Greater Albania, i.e. division of Kosovo. But, for the time being, no advocates as such are found either in Kosovo or in Albania. Of course, this means not that such aspirations are not there.

On the other hand, Kosovo Albanians are unanimous about independence. They are fully aware that, as President Rugova puts it, "Serbia cannot hold hostage Kosovo, since Kosovo's potential also hold hostage Serbia."<sup>25</sup>

## Nationalism and Perception of the Past

Facing the recent past and genuine cooperation with The Hague Tribunal are of strategic significance to Serbia. This primarily implies substantiation of responsibility of those who have committed war crime and of their commanders; accountability for war crimes that will enable ethic reconstruction of the society; attainment of all declared foreign policy goals (joining European integration processes, membership of NATO, etc.); and, enabling economic development that depends on the attainment of foreign

<sup>25</sup> Chair of the Helsinki Committee Sonja Biserko, the public debate "Kosovo: Standards and Status," Belgrade, November 12, 2003.

policy goals. However, the Serbian elite has opted for "commercialization," i.e. bargaining with The Hague Tribunal on the one hand, and denial or marginalization of war crimes on the other. This attitude was resumed even after October 5 in spite of the fact that the democratic regime extradited a number of indictees to the Tribunal. Among President Kostunica's first public statements was the one wherein he referred to the cooperation with the Tribunal as "the least of worries."

While extraditing the accused, the regime publicly justifies its doing with "the pressure from the world" and "the conditioned financial assistance." And, all the time it counts the minutes waiting for the end of the Tribunal's mandate. Obviously, the Serbian government prefers to be perceived as the one that extradits its innocent citizens to "the illegitimate tribunal in The Haque" and does it for "a handful of dust" than as the government that cooperates with The Hague Tribunal in good faith, genuinely convinced that crimes have been committed and should be punished."<sup>26</sup>

The media in Serbia play a significant role in promoting such stands taken by the political and cultural elite. This is particularly evident in the Milosevic case. Superficial reports from the Tribunal usually boil down to truncated and off-handed excerpts from witnesses' testimonies, noting, as a rule, that Milosevic "refuted" them all. Not a single analytical piece attempting to summarize the proceedings and pinpoint the counts that had been proved (and many had been) has been written so far. No reporter has ever questioned numerous lies Milosevic has been telling in the course of his "defense," not even when it comes to notorious facts.

By carrying opinions of alleged legal experts, the media regularly criticize the Tribunal primarily as a political institution manifesting an extreme anti-Serb bias. Almost as a rule, the media do not report numerous testimonies that incriminate people under their full names, who peacefully live in Serbia, let alone raise the issue of their responsibility before domestic courts. This is best illustrated by Gen. Krstic's testimony. Though he precisely named major culprits for the Srebrenica massacre, none of them has been questioned in Serbia, let alone prosecuted.

The new regime loses repute by giving false statements about Mladic's whereabouts. It firstly claimed he was "not in the territory of Serbia" and then that he was "no longer in the territory of Serbia." The claim that he is not under the aegis of the Army was followed by the statement that he "was no longer under the aegis of the Army." The promise about "arresting Mladic

<sup>26</sup> Over an interview with the *Danas* daily, the former Ambassador to FRY, Charles Crawford, said that when he remarked that the Serbian government was deliberately leaving the public under impression that it cooperated with The Hague under the pressure only, Premier Zoran Zivkovic told him the public would not accept this cooperation otherwise. The premier, upon his return from the visit to the USA in July 2003, boasted that he had demanded his counterparts to put an end to "the policy of conditioning and pressure." It is obvious that the Premier is unwilling to cooperate with The Hague Tribunal.

immediately, if anyone told us his whereabouts" was followed by the statement according to which Mladic's "arrest could provoke a civil war." Everyone was involved in the game – from Djindjic and Kostunica to Dusan Mihajlovic, minister of the interior. (It was only Nenad Canak who openly said that the government was horsing around.)

So this is what the elite puts across at home: the crimes against non-Serbs are "not exactly the crimes;" they may be treated as crimes in keeping with the standards of another world to which we do not belong, though sometimes we do have to pretend to belong to it for financial reasons.

The Serbian administration's cynicism when it comes to the charges for genocide Bosnia-Herzegovina pressed against Serbia before the International Court of Justice is about the same story. Not long ago, the state's legal representatives requested the Court to revise the decision about its competence in the matter – for, allegedly, it was just recently that Yugoslavia "learned" it was not a UN member-state, i.e. this is what it learned when it was admitted to the UN. The bottom line here is to deny genocide Slobodan Milosevic is also charged with among other things. Not only the people from the former and the incumbent regime, but also those from the once anti-war movement are now engaged in this endeavor.

The latest indictments against four generals (Pavkovic, Lazarevic, Djordjevic and Lukic) for the crimes committed in the course of the 1999 armed conflict in Kosovo further sharpened the attitude towards The Hague Tribunal. The cooperation with the Tribunal stalled after the Premier Djindjic assassination. The fact that Slobodan Milosevic and Vojislav Seselj figure on the top of candidates' lists for the early election in late December 2003, as well as that two indicted generals, Pavkovic and Lukic, are candidates for parliamentary seats clearly show that nothing has changed when it comes to The Hague.

### **National Minorities, Xenophobia, Racism and Anti-semitism**

Endeavoring to present the post-October Serbia as a respectable and cooperative member of the international community, and thus emphasize the break with the old regime, the authorities also demonstrated their readiness to pursue a novel policy with regards to *national minorities*. The task of addressing the minority question presented them with the opportunity to put across two messages: one addressed to the international community and the other to minorities themselves. The international community was thus told that it would be cooperating with a new elite, ready to abide by international standards. The minorities were messaged that they would no longer be treated

as a public enemy but, on the contrary, as a partner and valuable associate in the process of building a different and more tolerant society.<sup>27</sup>

The fact is that in the post-October Serbia minorities have less and less reason to fear. Massive repression against minorities is a thing of the past. However, this means not ethnically motivated violence is gone or that another cycle of its growth should be ruled out. For, nationalism that has so long and so strongly influenced developments in Serbia and the position of its minorities is neither disappeared nor defeated once and for all.

In early 2002, the then Federal Republic of Yugoslavia (FRY) met a major precondition set down by the Council of Europe to which it was admitted in the aftermath of the Djindjic assassination. The Federal Assembly adopted a *Law on the Protection of Rights and Freedoms of National Minorities*. The adoption of the Law drew a favourable response particularly from the international community. In its letter to Minister Ljajic, the OSCE Mission called the Law "one of the most liberal and comprehensive minority laws in Europe".<sup>28</sup>

True, the Law on the Protection of Rights and Freedoms of National Minorities was a necessary but not sufficient step in the process of building a new minority policy. According to Federal Minister Rasim Ljajic, a new policy should imply new institutions, a reformed educational system freed of the views that encourage discrimination, and a transformed social climate.<sup>29</sup>

What marks the Serbian society is a pronounced ethnic distance. According to the findings of the public opinion survey commissioned by the Federal Ministry of National Minorities, 3.3 percent of respondents displayed an extreme distance to people from minority communities, 28 percent strong distance, 54.8 moderate distance, and only 10.3 percent of respondents manifested no distance at all. Over 70 percent of respondents in Central Serbia, Belgrade and Vojvodina believed that one should be on one's guard with Albanians, 50 percent said the same about Croats and Bosniaks, and 30 percent about Roma. In South of Serbia, for instance, 73 percent of Albanians and 61 percent of Serbs exhibited ethnic distance: 56 percent and 43 percent respectively said they could not be on friendly terms with one another, and as many as 96 percent and 95 percent respectively would forbid their children to intermarry.<sup>30</sup> It particularly disturbing that people between the ages of 20 and 29 exhibit greater ethnic distance than those between the ages of 50 and 57.

It comes as no surprise that, in a society weighed down with ethnic mistrust and xenophobia, some politicians such as Velimir Ilic, leader of the New Serbia party, should seek to make political capital of such trends. Instead of striving to bridge the ethnic distance and build confidence, they appeal to the

<sup>27</sup> "This law is our clear message to the minorities that we shall treat them as an integral part of the state and society," Rasim Ljajic, Federal Minister of National Minorities and Ethnic Communities, *Vecernje Novosti*, January 2002.

<sup>28</sup> *Danas*, March 2-3, 2002.

<sup>29</sup> *Danas*, April 12, 2002.

<sup>30</sup> *Gradjanski List*, March 16-17, 2002.

prejudices of the most conservative segment of society, insisting that the key posts in the state be made the ethnic monopoly of the majority nation.

What the "union" of ethnic elites offers to minorities is assimilation in the case of small minority communities, and ethnic enclosures in the event of big ones. Small minorities have to cope with the problem of interethnic solidarity, while the big one face the issue of their own poor national identity. Some minority communities' endeavor to complete their education system from pre-school up to university level will certainly help them preserve their national identities.

The union of nationalists is turning Serbia into a kind of ethno-federation, as it dissolve is into rows of worlds that exist parallel to each other. Such union unequally distributes benefits and expenses – benefits go to big minorities, but not to small ones. When members of small minority communities criticize the Minority Law, they are in the right. For, the rights that are provided, for example, to Hungarians are denied to Germans. Considering that under the current legislation Germans are practically deprived of the possibility to form a national council, but they need a body to represent them, the only dilemma is which of their present ethnic factions will monopolize that role and so spark a process of mutual rivalry.

However, the union of nationalistic elites does not free Serbia of ethnically motivated conflicts. Such violence exists, and in some places, such as neighborhoods Adice and Veliki Rit it is going on for a long time; witness to which is the letter sent recently by the Ashkalia Union to Interior Minister Dusan Mihajlovic with a request that the police do all in its might to prevent future conflicts and protect Romanies and Ashkalia from violence.

Tolerance for *the hate speech* is still considered a natural consequence of insufficiently developed democracy and a relic of the Communist era, rather than a danger that might grow to unforeseeable proportions and the more so the phenomenon the state should put an end to. The failure of the state authorities to act appropriately was criticized by, among others, the Society for Truth About the Anti-fascist Struggle, in connection with an incident during which copies of the dailies *Danas* and *Politika* were publicly torn up at the Cacak town square by members of the Ravna Gora Movement 'Sloboda' [Freedom] commemorating an anniversary of the death of General Draza Mihajlovic.<sup>31</sup>

"We're not against media freedom," members of the Movement said and justified their action by claiming, "These newspapers are telling the vilest things about the Serbian traditions, religion and nation. They are anti-Serb and imbued with hate speech. Their hatred is directed in the first place against Bishop Nikolaj and the Ravna Gora Movement of General Mihajlovic.' Another reason why the newspaper copies were destroyed, according to Vladimir

<sup>31</sup> This time newspapers were on the cause list... tomorrow books will be burning at the stake, and after that attacks on people with different views will become increasingly frequent and brutal," *Danas*, July 19, 2002.

Stegnajic, the president of the movement's District Committee, was that *Danas* and *Politika* wrote critically about Mayor of Cacak Velimir Ilic. 'We regard any malicious article about him as an assault against Cacak,' he said. In his appeal to Cacak residents to boycott *Danas* and *Politika*, Stegnajic said, "This is just a beginning."<sup>32</sup>

It was in Cacak too that a panel discussion on anti-Semitism was disrupted by visitors who not only opposed such a topic being discussed in the town but also called Jews "the most corrupt and filthiest race on earth." Another incident followed shortly when a member of the local extreme Right, who objected to the staging of an exhibition of works by the American photographer Ron Haviv under the title 'Blood and Honey', beat the exhibition organizer and activist of the Civil Parliament of Serbia, Ivan Zlatc.<sup>33</sup>

Similar incidents took place in other towns staging Haviv's exhibition, notably in Uzice and Kragujevac, where supporters of Radovan Karadzic chanted nationalistic slogans, insulted visitors, and blocked the opening ceremony. There were also incidents in Novi Sad where, according to *Dnevnik*, some twenty young members of the Fatherland Movement 'Obraz' and the Serbian National Movement "Svetozar Miletic" were prevented by a strong police force from disrupting the opening ceremony. Before and during the opening of the exhibition, protesters distributed leaflets bearing slogans "This exhibition is in the service of filthy anti-Serb propaganda" and scrawling various messages on the exhibition boards such as "Ustashi!", "Kill Muslims!", "Down with [Nenad] Canak!" "We are children of Serbia!", "The more of them are killed, the less work there is for us," "What about Serbian churches and icons?" or "Death to the traitors!". When someone reacted by scribbling, "Shall we ever see the end of wars?" his question got the following answer "Until minorities realize that the Serbian people are in the majority in Serbia and do not want to be in the minority." The Novi Sad exhibition was opened by Nenad Canak, the president of the Vojvodina Assembly, and Slavisa Grujic, editor of the TV channel Apollo. After the exhibition was declared opened, a group of protesters booed Grujic, crying he was not "a true Serb" and was married to a Hungarian.<sup>34</sup>

Indeed, incidents accompanying the Haviv exhibition as it toured Serbia – in Prokuplje, for instance, the difficulties of the organizers to find appropriate premises amounted to an unofficial ban – bore evidence that every effort to publicly discuss and raise the question of responsibility for recent crimes was not only resisted but came up against a campaign in support of people accused of war crimes. In all bigger towns, for instance, the Serb Fatherland Movement

<sup>32</sup> *Danas*, July 18, 2002.

<sup>33</sup> The Cacak police released that the brawlers were neither skinheads nor members of any extremist group but hooligans and people prone to making trouble, *Danas*, July 20-21, 2002. The attackers were fined 5,000 dinars each except for their ringleader, Igor Ivanovic, who was sentenced to 10-day imprisonment.

<sup>34</sup> *Dnevnik*, September 11, 2002.

"Obraz" posted Radovan Karadzic's portraits bearing the caption "Every Serb is Radovan."

Standing out against revival of radical nationalism, a group of intellectuals wrote at the end of October 2002 a "Letter of Warning to the Serbian Public." The authors warned against the unjustifiable delay in confronting the evil and condemned in particular the promotion of the school of historical and historiographic revisionism, the publicity given to conservative, organicistic thought, the rehabilitation of collaborationists in the WWII and the societal shift to "a new uniformity... marked by the totalitarian and undemocratic ideology of Milan Nedic and Dimitrije Ljotic and by the triumph of the provincial philosophy of Nikolaj Velimirovic."<sup>35</sup>

The bad economic situation also fuels nationalism as it makes people in the street turn to manipulated identity references as a way out of their present difficulties. This trend became obvious following the entry into force in Hungary of the Status Law of January 1, 2002, designed to protect Hungarians living in neighboring countries. Actually, the law seeks to preserve the national identity of Hungarians living in Slovenia, Croatia, the FRY (Serbia and Montenegro now), Romania, Slovakia and Ukraine, to slow down or halt their emigration, and to encourage their spiritual and political integration without a rectification of frontiers.

Unlike the sharp reactions of the Slovak and Romanian governments, the response of the Yugoslav authorities was one of utmost reserve. In mid-2002, at a conference in Belgrade Federal Foreign Minister Goran Svilanovic had set out certain objections to the Status Law, but did not elaborate on them. When asked explicitly by a number of non-governmental organizations to declare its position on it, the federal government failed to respond. Participants in a round table in Novi Sad, organized by the local branch of the Helsinki Committee for Human Rights in Serbia, found it inexcusable that the citizens were better informed about how Bratislava and Bucharest view the law than about the position of their own government on the same issue. They complained that the government's policy of ignoring non-governmental organizations in this respect was incompatible with its oft-repeated assurances of transparency, and warned that such attitude could hardly offset the homogenization based on anti-Hungarian feelings. That such feelings were on the rise was testified to by, among other things, inquiries made at the Helsinki Committee's Novi Sad office, when people were calling in to ask what the law was about and then providing commentaries such as "How long will Serbs be discriminated in this country?" or "What kind of democracy is this, given that Hungarians can work in both Hungary and Serbia, while there is no work for Serbs even in Serbia itself?" Out of six offices set up to deal with applications for Hungarian

<sup>35</sup> *Danas*, October 29, 2002. The letter was signed by Mirko Djordjevic, Milan Djordjevic, Filip David, Dragan Velikic, Predrag Cudic, Vladimir Arsenijevic, Bogdan Bogdanovic, Radmila Lazic and Laslo Vegel.

documents, those in Becej and Sombor received anonymous threats, their employees being warned that bombs would be thrown into the premises unless they stopped receiving applications. The opening of the KMH office in Temerin was resisted by local member of the Serbian Radical Party, who saw the move as a ploy to "wrest land from Serbs."

That *xenophobia and racism* are deeply rooted is illustrated by a similar "concern" for the country's future some anonymous authors expressed in a leaflet circulated in densely populated blocks in New Belgrade. The leaflet warned the residents against "the yellow pest" and called for "the boycott immigrants." In mid-2002, an organization calling itself the Patriotic Wing of Young Serb Skinheads circulated a proclamation saying that skinheads were "neither beer-guzzlers nor haters, but young people who champion the interests of the healthy Serbian community." The objectives of this "healthy" segment of Serbian youth, enumerated under the slogan "Serbia for Serbs," include revival of the traditional Serbian family, survival of the white race and restoration of its racial pride, and a crusade against the new world order, drug addicts, homosexuals, miscegenation and the deluge of colored people. The nature of such "struggle" came to light at the end of 2002 when two Chinese shops were burned down in Kragujevac.

At the round table organized by the Croatian Academic Society, sociologist Srecko Mihajlovic drew attention to the fact that "hatred of foreigners is more common among Serbs than fear of them." The view that everything coming from abroad is dangerous and suspicious, and, therefore, one should keep away from foreigners, is in evidence in nearly all research into the matter. For instance, the stand that foreign influence is dangerous for our culture is shared by as many as half the citizens of Serbia... To make things more absurd, one-quarter of the citizens deem foreign investment as a danger to our country," said Mihajlovic.<sup>36</sup>

As for *anti-Semitism* in the post-October 5 Serbia, it comes in the "nationalistic package," carefully wrapped along with racism, xenophobia, and intolerance. In parallel with a part of the Serbian elite's attempt to rehabilitate nazi collaborators in the World War II and their ideology, and discredit anyone siding the anti-Hitler coalition, new organizations such as "Obraz" or "St. Justin" popped up at the social scene. Assembling mostly young people and some students of the Faculty of Theology, these organizations have "mastered" anti-Semitism. Moreover, they have been propagating racism, Hitlerism as "a vision of the future," as well as other notorious domestic adherents of the Third Reich.

According to Aleksandar Lebl, president of the Commission for anti-Semitism of the Federation of Jewish Communities (in Serbia and Montenegro), judging anti-Semitism on a scale 1 to 10 (wherein 1 stands for non-existent anti-Semitism, while 10 for Holocaust) would get Serbia a mark of 4. Likewise, Serbia would be ranked 4-5 on the same scale applied to authorities' responses

<sup>36</sup> *Danas*, October 14, 2002.

to anti-Semitism in general (for instance, today's Germany takes the top place, judged by 7-8).<sup>37</sup> In other words, Serbian authorities do react, but not appropriately and not to the point – everything boils down to verbal protests over drastic incidents, issued by officials, political parties, and non-governmental organizations. As a rule, says Lebl, the police never manage to detect authors of anti-Semitic graffiti or those who demolish Jewish tombstones and monuments. Regardless of Article 134 of the Criminal Code that penalizes publishing of anti-Semitic literature and spreading hatred, no one has been called to account so far: prosecutors have not been instituting suits against such authors or publishers. Recently demanded to ban the umpteenth edition of "The Protocols of the Elders of Zion," the Belgrade Public Prosecution Office replied it took not this fabrication as an anti-Semitic narrative and, therefore, saw no reason whatsoever to ban it. "This would have been unacceptable in a law-abiding state," says Lebl.<sup>38</sup>

Here one should bear in mind that major advocates of retrograde ideas are not be tracked down just among marginal conservative groups or minor, extremist political forces, but in key opinion makers and presumed pillars of the society such as the Serbian Orthodox Church, the Army, the Serbian Academy of Arts and Science, University circles, etc.

To illustrate the above it suffices to say that the Church advocates the newly sanctified N. Velimirović's stands about "the return to traditional roots." Such conservatism that, among other things, propagates gender discrimination and "sticking to our culture and tradition as values that would never abandon us" is being rooted in the minds of ordinary people anyway having been isolated from the outside world for long. To make a bad situation worse, this particularly affects younger generation – future decision-makers and the expected vanguard of liberal ideas.

Multinational communities such as Serbia are all the more complex because they are often religiously heterogeneous. *Small religious communities* are often branded as sects that resort to all kinds of insidious practices. When early in April 2002 Olga Ivanis of Indjija committed suicide by throwing herself from a three-story building, the media quoted people as saying she had been under the pressure from a sect but nobody could say which.<sup>39</sup> A particularly serious incident took place in Belgrade in late 2002 when a group of some thirty youths prevented an Anglican priest and about twenty believers, including the British ambassador, Charles Crawford, from entering the Serbian Orthodox Church Patriarchate for a traditional Christmas Eve service. The incident was given wide media coverage and was condemned by the SPC, non-governmental organizations and political parties. Interestingly, the Serbian

<sup>37</sup> Aleksandar Lebl, Round Table "Extremism in Serbia," European Movement in Serbia, February 2003.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Dnevnik*, April 7, 2002.

Minister for Religious Affairs, Vojislav Milovanovic, called the affair a "a remnant of the Communist past" though the youths gathered outside the building did not chant Communist slogans but church canons and hymns.

When the Broadcasting Law was drafted, the Serbian Orthodox Church insisted on being allotted air-time by the state RTS channel; it also wanted the drafters to throw in a provision making it obligatory for republican and provincial broadcasting services to allocate four hours of prime-time a week to religious programs anytime between 4 p.m. and 10 p.m. on Fridays, Saturdays and Sundays. The request, signed by Patriarch Pavle, also insisted that live broadcasts of religious ceremonies should not be interrupted by commercials.<sup>40</sup>

## Normalizing the Balkans

The uncertainty of the Balkans' future casts doubt on the process of normalization and, eventually, reconciliation. Most Balkan countries are still dominated by nationalistic policies, which are, *ipso facto*, xenophobic and intolerant. Such ethnic entities or states have not yet manifested their ability to elevate themselves to the level of modern nation states that guarantee equality and rights to their minorities. This is why the present activities of the international community and its institutions such as the United Nations, the OSCE, the Council of Europe and NATO are of crucial importance. These institutions lay down the framework and the system of values for the newly-established countries, which truly capacitates them to join the European family of nations.

The foundations that would guarantee reconciliation between former warring sides and, consequently, ensure stability in the Balkans have not yet been laid. The international community has over the past ten years invested strong efforts to find a solution to what was at first a Yugoslav crisis but could now be termed a Balkan one. The Hague Conference and the Stability Pact were separated by a time-span of ten years. All the solutions offered in the interim – from the Dayton Accords 1995, the UN Resolution 1244 (1999) to the Framework Agreement for Macedonia – were, nevertheless, half-measures allowing continual manipulation by local warlords. Besides, peace agreements are not enough in themselves to bring about reconciliation. What is necessary is political will to implement them and the will of the peoples inhabiting the region to restore their life together.

In the last ten years, Serbia has made no radical attempt to achieve reconciliation with its once "foes." For one thing, there can be no reconciliation with Croatia while a number of questions remain unsolved; these involve, among others, the silence about the fate of 1,500 missing Croats, the dragging of feet over the Prevlaka Peninsula, and the reluctant delivery of last member of the "Vukovar troika" to The Hague. As regards relations between Belgrade and

<sup>40</sup> *Danas*, January 18, 2002.

Bosnia, the state of affairs is even more uncertain and complex. To begin with, the Dayton Accords essentially cement the defeat of the victim, i.e. the Muslims. Dayton was framed according to the situation on the ground, not according to the principles of justice. In other words, the Accords themselves have not created any preconditions for a process of reconciliation. Republika Srpska is a creation founded on crime and, therefore, intrinsically condemned to ruin. Seven years after Dayton only a small number of refugees have returned to Republika Srpska, and Mladic and Karadzic, the symbols of ethnic cleansing and mass murder, are still at large. Furthermore, while paying lip service to an integral Bosnian state, the Bosnian Serbs are busy hacking away at its very foundations with a view to a union with Serbia. This project is now being promoted as the "rounding off of Serb cultural and spiritual space." Republika Srpska has already been incorporated in the economic, educational, military and media structure of the Serbia and Montenegro. While pretending to be willing to be part of multiethnic Bosnia that has paid off in terms of Western donations, no one has any intention of facing the past.

Thus, as far as Bosnia is concerned, an initial error was made. The first Commission for Truth and Reconciliation has failed in its task because, as it turned out, each of the three parties had its own version of the truth and consistently propagated it. And that was totally contrary to the spirit of the Dayton Accords. Actually, it was contrary to the spirit of a just peace. A new Commission under UN auspices was set up only recently. But unless the truth is established and the character of the war qualified, the new Commission is not likely to make any progress.

A similar situation is evident in Serbia following Milosevic's fall from power, especially since his transfer to The Hague. After ten-years of frustration with Milosevic, the West has settled for a "normalization of Serb nationalism" – blaming all crimes committed by Belgrade on Milosevic the Communist. No attempt has been made to fathom deeper roots of Serbian nationalism, which, throughout the twentieth century, threatened the survival of the former Yugoslavia and ultimately directly caused its break-up. Indeed such efforts have been discouraged even by Western diplomats, who are eager to have normal relations with Belgrade and willing to give new leaders benefit of the doubt. Instead of making a break with the policy of its predecessor, the new leaders perpetuated it by other means only. They were awaiting different international circumstances and even a redrawing of the Balkan map. As Dobrica Cosic, the most popular Serbian writer, said, "That would be a war for ethnic states. We have nothing to lament, for we have created an ethnic state." Admittedly, he has not defined its boundaries yet.

The 11th of September, it seems, served Belgrade as a new excuse to reinterpret the recent past in its favour, obstruct real analysis, and try to mask the crux of the problem. The bigger the mistake and the bloodier its consequences, the harder for people to own up, says the historian Sforza. The assassination of Premier Djindjic, who symbolized Serbia's reformist endeavor,

best illustrated how far conservative and nationalistic forces were ready to go to obstruct Serbia's opening to the world.

Serbia has not come to terms with recent changes in the world and the end of the communist illusion, which opened up the space for disillusionment and new manipulations. Serbian resistance to new challenges resulted in lengthy and thorough preparation for new egalitarian ideology, through party dogma urging unity, through the Church preaching about the superiority of the Eastern Orthodoxy and of East over the West, a military doctrine extolling Serbs the warriors, through literature, historiography... Without a viable alternative and with no possibility of retreat, indoctrination could not but result in the use of force. The prevalent cultural pattern wreaked unprecedented destruction: the razing of towns, the obliteration of centuries-old monuments, mass murders of civilians, etc. As one prominent Serbian architect remarked, "Through this lunacy permeates also the avenger's hatred for urban life and for urban civilization."

Evolution of a new cultural pattern will require both time and the engagement not only of the small marginalized segment of the Serbian elite who consistently opposed nationalism, but also of the international community. Up to now, the preference has been for simple solutions ensuring peace rather than investing in efforts to fundamentally change the cultural pattern that is essential for reconciliation.

The Hague Tribunal established in 1993, representing a key mechanism for the individualization of crimes and the satisfaction of justice, is not sufficient in itself to bring about reconciliation. The Hague Tribunal is in the interest of nations in that it individualizes crimes. It proves the crime, as well as prevents a nation from deluding itself and building a new myth in which it figures as the victim. Another important feature of The Hague Tribunal is that it compels states to accept limited sovereignty with regard to humanitarian law and human rights violations.

On the other hand, The Hague tribunal has its limitations. For example, it has no built-in moral dimension, which contributes to glossing over the issue of responsibility. Thus Milosevic's transfer under outside pressure was presented to the Serbian public as a concession that opened the door to the financial support of the West. Such an approach devalues the moral component. In other words, The Hague Tribunal is potentially problematic in that it may leave a state under the impression that it has fulfilled its moral obligation. Furthermore, the Tribunal deals with individual culpability without condemning, as the Nuremberg trials did, the policy which caused the crime.

A truth commission, therefore, can correct these shortcomings. However, a truth commission cannot by definition be a valid state truth commission if the state in question does not acknowledge its responsibility for the crimes. The commission the then president Kostunica set up was composed for the most part of people whose writings furnished the arguments in favour of territorial expansion. It was ready to establish what happened, but not to assume

responsibility. It did not take the indictments against Milosevic, Mladic, Karadzic and others into account as a relevant starting point for determining the responsibility of the state.

The task of a truth commission is, among other things, to diagnose the political context in which a criminal policy was accepted and implemented. Unless this is done, a society as a whole cannot reexamine its responsibility for such policy. We are dealing here not with collective guilt but rather with the historical responsibility of a society that assented to such policy, elected the leaders who set it in motion, or merely kept the low profile. This is about the policy that brought about the siege of Sarajevo, the Srebrenica mass murder, and ethnic cleansing. Coming to grips with it is the hardest task for the society attempting to come face to face with itself.

Even if a truth commission makes the necessary diagnosis, the process of facing the past squarely cannot proceed unless backed by the state administration, governmental institutions and the media, above all the broadcast media. The state must adopt a set of values as a guidance to the commission and must build these values into the overall system including education, the media, etc.

Apparently, Serbia has not made a single step in the desired direction. The reality of today's Serbia is fragmented, as are the activities of the international community. Everything is taking place at several different levels at the same time. There is no succession of events that could set into motion a reconciliation process. At one level, Serbia is being saved from implosion, while, on the other, the union of Serbia and Montenegro is artificially maintained; on the third level, decentralization of Serbia is blocked by Belgrade's politicians; and, on the fourth level, an idea to partition Bosnia and Kosovo circulates in the hope that the international community would ultimately consent to such a "sensible and realistic" solution.

Mass graves of Kosovo Albanians are being discovered in Serbia, but are never publicly connected with the events in Kosovo – as if all those corpses came out of the blue. Although many were shocked by such discoveries, the question of what actually happened to all those people was never publicly opened. Public reaction has basically been one of indifference to this evidence of appalling war crimes. A segment of the population still cannot accept the fact that Serbia was bombed because of what its troops and paramilitary did to Kosovo Albanians, and that the West had to protect them from a genocide. Such perception would never fit into the prevalent perception of Kosovo Albanians as third-rate citizens. The NATO intervention is never associated with the plight of the Albanians but always invoked to remind the West it should feel guilty. Thus, too, the West is supposed to pay for Serbia's democratization without Serbia having to lift a finger.

Turning a blind eye to crimes, glorifying criminals like Mladic and Karadzic, and extolling an army that was responsible for crimes is the landmark of Serbia's conservativeness and retrograde trends. Unless exposed,

this link could again set the stage for a new war. However, The Hague Tribunal has become the mirror of Serbia through reconstructing the past reality, which, in return, has the impact on today's reality.

It is of paramount importance that Serbia faces its recent past and draws a moral lesson from. Only then Serbia will be genuinely prepared for reconciliation. The well-known German historian, Holm Zundhausen, said, "No society can avoid confrontation with the dark pages of its past. Every democratic community must sort itself out. Silence is destructive."

This presupposes a break with the Greater Serbia project. Unless this project is de-legitimized, the crime cannot be condemned. With the defeat of the Greater Serbia project the region can restore its balance and start its painful process of reconciliation.

## Conclusion

- Not even after the change of October 5 a socio-political alternative able to articulate a radical break with conservativeness, traditionalism and nationalism did not emerge in Serbia;
  - Though a certain economic progress has been made in terms of transition (e.g. in the domains of privatization and financial transaction), Serbia has not changed its prevalent political pattern that is also manifest in people's state of mind.
    - Three years after the change of the regime, Serbia shows that its democratic potential and energy are inadequate for facing the recent past and thus creating conditions for the establishment of a clear-cut moral vertical.
      - The Serbian elite clings on the delusion about a possible revision of peace agreements, i.e. unification of all "Serbian territories," which is more than obvious in the attitude towards The Hague Tribunal, Republika Srpska and Kosovo.
        - In the post-October period, the Serbian Orthodox Church is the main promoter of anti-modern and anti-European trends, which is evident in its overall activity. The Church is quite overt about its political ambition and, in tandem with some circles in the Army and the Serbian Academy of Arts and Sciences, actively supports reinstatement of monarchy. Against the backdrop of an overall identity crisis, the Church revokes a bygone value system by promoting figures that symbolize patriarchal, anti-market and anti-European train of thought. Its notable anti-Hague stance and uncritical attitude towards war crimes are aimed at marginalizing its own responsibility and that of the Serbian elite.
          - The Army that used to be the pillar of the Milosevic regime's Greater Serbia project still actively encourages the illusion that Serbia will expand to "its ethnic territories." Here the Army is close to the Serbian Orthodox Church in terms of ideology and action.

- Focused on ousting Milosevic's regime, the international community neglected to properly analyze the Serbian society and its trends and, therefore, it failed to adequately evaluate the transitional progress Serbia has made.

December 2003.

## Serbian Parliamentary Election: December 2003

Results of the Voting			
1.	Number of polling stations	8,589	
2.	Number and % of polling stations with processed votes	8,589	100.00%
3.	Number and % of polling stations with unprocessed votes	0	0.00%
4.	Number of registered voters	6,51,450	
5.	Number and % of undecided voters	3,825,471	58.75%
6.	Number of registered ballots	6,527,341	
7.	Number of ballots that were not cast	2,701,870	
8.	Number of cast ballots	3,824,557	
9.	Number and % of invalid ballots	49,755	1.30%
10.	Number and % of valid ballots	3,774,802	98.70%

Candidates Lists – Number of Won Parliamentary Seats					
	Candidates lists	Numer of votes	% of total cast ballots	No. of parliamentary seats	% of parliamentary seats
1.	Serbian Radical Party - Vojislav Seselj	1,056,256	27.61	82	32.80
2.	Democratic Party of Serbia – Vojislav Kostunica	678,031	17.72	53	21.20
3.	Democratic Party – Boris Tadic	481,249	12.58	37	14.80
4.	G17 Plus – Miroljub Labus	438,422	11.46	34	13.60
5.	Serbian Renewal Movement – New Serbia – Vuk Draskovic – Velimir Ilic	293,082	7.66	22	8.80
6.	Socialist Party of Serbia – Slobodan Milosevic	291,341	7.61	22	8.80
7.	Together for Tolerance – Canak, Kasa, Ljajic	161,765	4.22	0	0.00
8.	Democratic Alternative – Nebojsa Covic	84,463	2.20	0	0.00
9.	"For People's Unity" – Prof. Borislav Pelevic and Marijan Risticcevic (Party of Serbian Unity, People's Rural Party, People's Party, Our Home – Serbia and Serbian Party)	68,537	1.79	0	0.00
10.	Otpor (Resistance)	62,545	1.63	0	0.00
11.	Independent Serbia – Dr. Vladan Batic (Democratic Christian Party of Serbia, Motherland Democratic Party, Democratic Movement of Serbia's Rumanians and Serbian Justice)	45,211	1.18	0	0.00
12.	Socialist People's Party – People's Bloc – Gen. Nebojsa Pavkovic	27,596	0.72	0	0.00



13.	Liberals of Serbia – Dusan Mihajlovic	22,852	0.59	0	0.00
14.	Reformists – Social Democratic Parties of Vojvodina – Serbia - Miodrag (Mile) Isakov	19,464	0.50	0	0.00
15.	Defense and Justice – Vuk Obradovic and Borivoje Borovic (Social Democracy, People’s Party of Justice, Workers and Pensioners’ Party and Greens’ Social Democratic Party	18.423	0,48	0	0,00
16.	Economic Power of Serbia and Diaspora – Branko Dragas	14.113	0,36	0	0,00
17.	Labor Party of Serbia – Dragan Milovanovic	4.666	0,12	0	0,00
18.	Yugoslav Left – JUL	3.771	0,09	0	0,00
19.	Alliance of Vojvodina’s Serbs – Dusan Salatic	3.015	0,07	0	0,00

## Serbian Presidential Election: November 16, 2003

### Overview: Voters, Polling Stations and Results of Voting

	No. of registered polling stations	Polling stations with processed votes		Polling stations with unprocessed voting data		Number of registered voters	Voters who cast their ballots	
		No.	%	No.	%		No.	%
Republic of Serbia	8.581	8.577	99,95	4	0,05	6.506.505	2.524.522	38,80
Central Serbia	6.522	6.519	99,95	3	0,05	4.769.263	1.780.010	37,32
Vojvodina	1.811	1.810	99,94	1	0,06	1.644.378	710.398	43,20
Kosovo - Metohija	248	248	100,00	0	0,00	96.455	34.114	35,37
Belgrade	1.085	1.083	99,82	2	0,18	1.445.235	498.207	34,47

Number of registered ballots	Number of ballots that were not cast	Number of voters who cast their ballots	Invalid ballots		Valid ballots	
			broj	%	No.	%
6.508.249	3.983.727	2.523.889	86.178	3,41	2.437.711	96,59
4.767.649	2.987.639	1.779.563	64.173	3,61	1.715.390	96,39
1.644.178	933.780	710.215	21.306	3,00	688.909	97,00
96.422	62.308	34.111	699	2,05	33.412	97,95
1.444.893	946.686	498.025	18.615	3,74	479.410	96,26

### Overview: Distribution of Votes

	Number of voters who cast their ballots	Radoslav Avlijas (Motherland Democratic Party)		Velimir Ilic (Political Organization for Democratic Changes – New Serbia)		Prof. Dragoljub Micunovic (Democratic Opposition of Serbia – DOS)	
		No.	%	No.	%	No.	%
Republic of Serbia	2.523.889	20.872	0,83	229.229	9,08	893.906	35,42
Central Serbia	1.779.563	14.056	0,79	196.250	11,03	600.764	33,76
Vojvodina	710.215	6.576	0,93	31.509	4,44	288.634	40,64
Kosovo - Metohija	34.111	240	0,70	1.470	4,31	4.508	13,22
Belgrade	498.025	3.787	0,76	29.394	5,90	220.855	44,35

	Tomislav Nikolic (Serbian Radical Party)		Marijan Risticcevic (People’s Rural Party)		Dragan S. Tomic (Socialist People’s Party)	
	No.	%	No.	%	No.	%
Republic of Serbia	1.166.896	46,23	72.105	2,86	54.703	2,17
Central Serbia	813.681	45,72	48.168	2,71	42.471	2,39
Vojvodina	326.808	46,02	23.576	3,32	11.806	1,66
Kosovo - Metohija	26.407	77,41	361	1,06	426	1,25
Belgrade	207.467	41,65	9.837	1,98	8.130	1,63

## Monthly Media Reports - 2003

### January

A number of racial and religiously motivated incidents at the turn of the year pushed the issue of minorities back into the news. But despite the bold headlines, few newspapers dwelt on the significance of the attacks.

On December 24 last year, crowds outside the Serbian Orthodox Church Patriarchy in Belgrade forced the cancellation of an Anglican Christmas service. Four days later in Cacak, vandals scrawled "Kristelnacht", "Serbia for Serbs", and "Get out of here", on the house of a Jewish woman.

In Novi Sad, on November 9, a group of skinheads physically attacked a Roma man, while in Belgrade a Roma house was demolished and a Kosovar refugee assaulted. In December, a Cuban citizen who is a long-time resident of Belgrade was refused entry to a supermarket, and a Belgrader was attacked for marrying a black Canadian.

Though each incident was given at least some press coverage, the media paid special attention to the incident at the Anglican Church service, not least because British ambassador Charles Crawford had been among the congregation. But even this story consisted of little more than eyewitness statements and the comments of a handful of politicians.

#### RACIAL HATRED

On January 6, Belgrade daily Glas published an interview with Dusan Janjic, coordinator of the Forum for Ethnic Relations, under the headline, "We hate others because of our own trauma". According to Janjic, Serbia is suffering now because of its past misfortune. For thirteen years under Milosevic, the Serbian people - the young in particular - were taught to hate, he said.

Janjic also blamed the lack of legislation banning groups or parties guilty of spreading racial hatred and propaganda, and the presence of neo-Nazi groups apparently operating legitimately. "I think the international community acted hastily when it said that democracy had come to Serbia, and once they got tired of the pro-European politicians they began looking for 'right-wingers'", he told Glas.

Reminding its readers of the incidents at the close of 2002, Belgrade daily Danas published an article in its January 11-12 edition on the issue of racism of Serbia, headlined, "Easily forgotten incidents".

The journalist, Bojan Tomic, found that although the number of racist incidents is on the rise, with just one exception, they all ended up on the crime pages and the perpetrators went unpunished. The text quoted Dragan Lalosevic, a lawyer for the Humanitarian Law Centre, who said that the centre had filed criminal charges in each case, but that the authorities have followed up on just one. Danas urged the police and judiciary to redouble their efforts in such cases and for the state to instigate "a new education" of the people.

Unsurprisingly, the appearance of anti-Hungarian leaflets in Novi Sad went largely unnoticed in the media. Novi Sad is the capital of Vojvodina, the north Serbian province that has traditionally had a high population of Hungarians.

On January 20, Beta news agency quoted a report on Radio 021 that a large number of leaflets had been posted on cars in a predominantly Hungarian suburb of Novi Sad, warning ethnic Hungarians living in the southern Backa region to return to their homeland.

The leaflets appeared just days prior to the anniversary of the so-called Novi Sad Raid, when Hungarian fascists in the Second World War killed Serbs, Jews and Roma and tossed the bodies into the River Danube.

Beta also reported the reactions of several politicians, including the speaker of the Vojvodina parliament, Nenad Canak. The province's national minorities secretary, Tamas Korhec, described it as "an act of prejudice", while the League of Vojvodina Social Democrats warned of the "revival of fascism in Serbia". Pavel Domonji of the Novi Sad branch of the Helsinki Committee for Human Rights, said the episode showed that the "Milosevic brand of nationalism is yet to be defeated".

Danas picked up Beta's story on January 21 and the following day it appeared in Politika. The standfirst in Politika read, "Numerous individuals and politicians react to the appearance of these bigoted leaflets". The same day the newspaper published an article by Katarina Djordjevic that dealt with attitudes towards homosexuals, entitled, "Why are we aggressive towards those who are different?"

#### ROMA

Roma people receive more attention in the Serbian media than any other minority group

Under the headline, "Roma means man", Politika on January 5 reported on a campaign in December 2002 that was backed by the Federal Ministry of Ethnic and National Minorities and the Ministry of Sports and Serbian Youth. The campaign was launched after youths carried out a series of attacks on the minority group. Billboards around Serbia carried the slogans, "Just a little heart", and "Roma means man".

The text attempted to dispel some of the myths surrounding the Roma in Serbia, "It is not true that they are lazy. They often work all day but seldom

apply for jobs in the public sector for fear of rejection. It is not true that they have no desire to learn. They are accepted into school with difficulty, they die young and some doctors refuse to see them". Politika asked its readers to stop and think for a minute "whether Roma really means man" (as it does in the minority's language).

The sexual abuse of a Roma boy in a packed restaurant in Veliko Gradiste received wide coverage in the media. On January 11, Glas published the photos and criminal records of the two male suspects, both of whom remain at large. The headline read, "A whole town turns a blind eye to abuse".

Danas, on January 20, published a story from Brussels on a report by the United Nations Agency for Humanitarian Development cataloguing "the scandalous status of the European Roma". Balkan countries, the article said, "do not have a monopoly on the bad treatment of Roma". The report urged the European Union candidate countries to improve the status of their Roma minorities or risk missing out on membership.

On January 27, Novosti reported on the opposition of local residents in Zemun to plans to construct a Roma residential area. The article - headlined "They don't want Roma for their neighbors" - quoted a number of householders who said that, though they "have nothing against Roma people", they object to the proposal on the grounds that there is already a similar housing estate in the area and that the community's infrastructure could not support such a project.

Politika ran the story the next day, under the headline, "Frowning on the arrival of new neighbours". The text quoted Roma community representatives who condemned the "ugly" behaviour of the Zemun residents.

In its culture section on January 28, Blic published an interview with Roma intellectual Zoran Jovanovic on the publication of his book, "Gypsy Stories in the Night".

The introduction said that Jovanovic had made "the strongest intellectual efforts to place the new recognition of the Roma community, its roots, language and customs, and its oral literature, into the category of heritage that every person must carefully nurture, to help establish better ties and greater understanding between Serbs and Roma".

When interviewer Milorad Pavlovic asked Jovanovic if there was anything he could do to rid society of intolerance, the author replied, "No, I would rather look at it as just an ordinary criminal act. Racism is one form of crime that we should put a stop to using legal means. It is present across the world, and in our country too".

The same day, Glas reported on the re-publication in Nis of a collection of traditional Roma stories, "The fulfillment of dreams", by ethnologist and Balkan specialist Dr Tihomir Djordjevic - one of the founders of Serbian ethnology who was awarded his doctorate in 1901 with a thesis on "Gypsies in Serbia".

## February

### REFUGEES

The displaced people who began pouring into Serbia in 1991 have long stopped making the headlines in the Serbian media.

Generally, reports focus on incidents in the many refugee camps or on statements issued by Serbian Refugee Commissioner Sanda Raskovic-Ivic, who was dismissed during the period monitored.

Estimates put the number of Croatian, Bosnian and Kosovar refugees now living in Serbia at 700,000 - of which 35,000 live in so-called collection centres. According to the Serbian refugee commissioner, 52 per cent of displaced people are accommodated in Serbia's northern province of Vojvodina, 16 per cent in the centre of the country, and the rest in Belgrade.

During registration last year, 64 per cent of refugees opted to stay in Serbia, six per cent decided to return to their homes, while 30 per cent said they had yet to decide.

### REFUGEE CENTRES

On February 4, a fire tore through a refugee centre in Cortanovci, Vojvodina, killing Mario Slavovic from Croatia and leaving some 250 refugees homeless. Although the blaze received a lot of media attention, it failed to prompt an in-depth look at the issue of displaced people itself.

Radio Television Serbia, BK TV and Studio B carried reports from Cortanovci, including shots of the burned-out hotel and statements from refugees. The incident also received generous coverage in certain daily newspapers.

The next day, however, Politika was the only newspaper to report the decision of the Vojvodina executive council to cover the displaced people's basic needs. On February 7, Danas reported that the refugees had been housed in various locations, regardless of where they worked or their children went to school. The story later disappeared from the news.

On February 8, Politika reported on the decision of the refugee commissioner to close 95 centres. Raskovic-Ivic is quoted as saying that the initiative has been organised in cooperation with the larger humanitarian organisations and local councils. "Our wish is to find permanent solutions for these people, to help them build homes, provide them with flats, put them in homes for the elderly, and find private accommodation for those who have decided to return to their hometowns until they rebuild their houses," said Raskovic-Ivic.

According to Politika, the centres being closed down were those that previously served a commercial purpose, such as hotels, and those with poor

standards of hygiene or without basic living conditions, warehouses for example.

But once again the media was silent. Only Glas reported a statement from the wife of the man who died in the fire, claiming that the camp was poorly maintained and that this had probably accounted for the fire.

On February 3, Novosti published a story on a refugee boy being looked after by his grandmother because his mother had committed suicide. They had "fled Pec, trying to escape the [Albanians], and spent years in different shelters, from Nis to Belgrade," wrote Novosti. The text claimed the boy and his grandmother had not received any help from the state.

On February 22, Blic carried a story on the Djindjic family - a mother and her three sons (her husband was killed by Albanian "terrorists") who have been living in Kursumlija near Kosovo since fleeing the protectorate three years ago.

The mother said they lived off her eldest son's wages and that they had lost their land, shop and several houses in Kosovo. Blic said she had called on the state to buy back her estate, "give it to the Albanians as a gift", and return her money so she can live "where she wants to live".

Two days later, Politika published a story on the Kostadinovic family - refugees from Urosevac in Kosovo who now live near Kosovska Kamenica, some five km from the administrative border with Serbia.

Despite living in desperate conditions, the family says it is "overwhelmed" by the fact that the Serbian government's Coordination Centre for Kosovo has built it a 63 square metre house. The story adds that the family would return to Urosevac if arrangements were made.

#### DISMISSAL OF RASKOVIC-IVIC

The dismissal of Sanda Raskovic-Ivic as Serbian refugee commissioner on February 15 drew more media attention than the actual plight of the refugees. Only once were the displaced people asked for their opinion.

The Serbian government said the decision to replace Raskovic-Ivic was part of a new "managerial approach" and claimed that there had been "some irregularities" in her work. It also said that Raskovic-Ivic had claimed a fee of 500,000 dinars for the additional registration of internally displaced persons from Kosovo.

The government statement was carried by all media outlets, while most also reported Raskovic-Ivic's response - that the move was politically motivated. Only Novosti published a statement from the Association of Serbs from Croatia and Bosnia condemning the dismissal on February 17.

In its regular column Public Figures, Danas suggested on February 18 that Raskovic-Ivic had never been a favourite of the Serbian Prime Minister Zoran Djindjic.

"According to many, the fatal step in her career was her support for Vojislav Kostunica in last year's elections for Serbian president," wrote Danas.

The text quoted Raskovic-Ivic's explanation for the fee claimed for additional registration of refugees from Kosovo as "extra money for extra work".

On February 19, all media outlets reported the appointment of Dr Ozren Tomic as Raskovic-Ivic's replacement. They also published a statement from the Danish, Finnish, Dutch, Swedish and Swiss embassies saying that they had enjoyed a "constructive" relationship with Raskovic-Ivic. Politika buried both stories on page 9, while the other dailies focused on the disputed fee.

Under the sub-heading "Who set Raskovic-Ivic up?" Glas quoted her as saying she had never specified her own fee, but that it had been set for her. Danas also quoted her as denying the government's accusations. Novosti quoted her under the headline, "The fee was much smaller".

The following day, Novosti reported a government statement which accused Raskovic-Ivic of "brutally manipulating the refugees and politicising the grave situation they are in" during the Serbian presidential election campaign.

On February 20, Belgrade weekly NIN published a full-page story claiming that, "experience and management skills in distributing future donations will definitely be required bearing in mind that Raskovic-Ivic never enjoyed the trust of the prime minister, nor did she, as she herself claims, ever know how much of the donor funds had been given to the refugees".

Three days later, Glas carried a short interview with the Council of Europe's rapporteur on refugees in South East Europe, Ans Zwerwer Dagboek, under the heading, "Drama of one million homeless".

The text quotes her report, according to which there are 245,000 refugees from Croatia and 143,000 from Bosnia-Herzegovina registered in Serbia and Montenegro. 36,000 are accommodated in collection centres, of which 6,000 are in "unofficial" stations where they do not receive aid.

"The living conditions in collection centres are described as unsatisfactory because of the lack of space and clean water and because of the poor standards of hygiene," the report reads. The story makes no mention of refugees from Kosovo.

The Serbian media failed to follow up Raskovic-Ivic's announcement that 95 collection centres would be closed - and there is still no information as to when and how the refugee problem in Serbia will be resolved.

## March

#### JUSTICE UNDER FIRE

Even before the assassination of Prime Minister Zoran Djindjic on March 12, the judiciary in Serbia had had been fiercely criticised in the media. But when it emerged that his killers were members of a Belgrade crime gang who had previously been arrested and then released by the courts, the spotlight fell once again on the judges.

Politicians were particularly critical, and their statements were reported in the media. However, the resignation of Serbian Supreme Court president Lepasava Karamarkovic - a proven legal expert who was appointed following the October 5 overthrow of Slobodan Milosevic - passed almost unnoticed.

#### EARLY CRITICISM

Public dissatisfaction with the courts began in February with the ruling in the case of the 1999 Ibar highway murder of four members of the opposition Serbian Renewal Movement. The perpetrators were sentenced to fifteen years imprisonment each - prompting sharp criticism from Djindjic and Justice Minister Vladan Batic, who accused the court of being far too lenient.

Shortly after, the former director of Serbian state television, Dragoljub Milanovic, was sentenced to ten years in prison for failing to evacuate the television building before it was targeted in April 1999 during the NATO bombing of Yugoslavia, leading to the deaths of 16 people.

Milanovic was released from custody pending final sentencing, but promptly fled and has not been seen since. The episode drew sharp criticism and was seen as indicative of the general state of the judiciary.

Finally, at the end of February, Zoran Djindjic narrowly escaped serious injury when a truck swerved across a Belgrade highway in front of his car. The reckless driver, Dejan "Bugsy" Milenkovic, was charged with forging documents and released two days later. It later emerged that the collision had been the first attempt to assassinate the prime minister, again prompting criticism of the courts for releasing the suspect. The ensuing debate went to the heart of the relationship between the judiciary and the executive.

#### EXECUTIVE VS. JUDICIARY

At the beginning of March, Radio Television Serbia, RTS, focused on the situation within the judiciary and its relationship with the executive, interviewing both Supreme Court president Karamarkovic and Justice Minister Batic.

On March 1, Karamarkovic accused Batic of carrying out his work in a "showbiz" manner, neglecting the justice department and preferring only to criticise the courts. The court president said the public had not been informed of the judiciary's achievements and announced a press conference to discuss its performance. She did not deny that problems existed.

On the popular RTS show "Face to face" on March 3, Vladan Batic repeatedly criticised the judiciary - claiming it was sluggish, over-lenient and stuffed with former regime judges. He told programme host Bojana Lekic that the judiciary must be independent but also accountable. "The justice department is one of the new government's main problems. Approximately 80 per cent of Serbs do not trust the judiciary," he claimed. Lekic, the RTS

informative programme editor, used her questions and aired footage to explain to viewers how the justice department functions.

On March 2, BK TV broadcast an interview with Serbian Supreme Court judge Zoran Ivosevic, on Dragan Bujosevic's programme "It's not Serb to say nothing". Ivosevic was fiercely critical of the government, and particularly Batic for frequently presenting the judiciary in a bad light through "unfounded criticism".

He did not deny there were problems but said that much had been done in the justice department to speed up proceedings and that punitive policy was gradually becoming stricter. Ivosevic noted that both the government and the public were interested only in the more serious offences, while other matters in the justice department received scant attention.

On March 2, in an interview with Politika, the chairman of the Serbian Association of Judges, Omer Hadziomerovic, responded to Batic's statement that wholesale personnel changes must be made in the judiciary and that he would propose legislation to that effect in an emergency procedure. Hadziomerovic claimed that the overall situation in the judiciary was no worse than in any other sector and said he was surprised at expectations that the justice department should "start functioning overnight."

He hit back at politicians who he said had "criticised the judiciary while lacking basic knowledge of its work." Hadziomerovic stressed that there was no legal basis to purge the judiciary. Court presidents, he said, could not be held responsible for such a strategy, "nor can this be done by rough estimate."

The media followed closely the Supreme Court's press conference at which its judges presented a report on their performance last year. The court, they said, was highly efficient (66 per cent of cases had been resolved, and none left over from previous years). Journalists were particularly interested in the reactions to Batic's statement concerning a purge of the judiciary. Karamarkovic claimed there was a lack of political will for such changes and that there was no need for such tensions.

The same day, Politika reported on the session of the Serbian parliament at which misdemeanor offence judges were sworn in before the prime minister. The report said that Djindjic was dissatisfied with the state of affairs in the judiciary and that "grave offences and lenient punitive policy are the government's biggest problems." Politika quoted a statement from Batic in which the justice minister pledged to improve the situation not only by purging the judiciary but also by introducing the principle of responsibility.

Unlike Politika, Novosti chose to focus on the Serbian Supreme Court press conference, relegating Djindjic and Batic to subheadings.

On March 6, Belgrade weekly NIN carried an article strongly critical of the executive's approach to the judiciary. Under the headline, "Jury for judges", Slobodan Ikonc accused the Serbian government and the justice minister of being behind the fresh conflict. "They make no effort to hide their intention to use a political castor oil, though purges and new legislation, to shape the courts

according to their personal vision of the constitutional division of power," he said.

Ikonic said that the problems in the judiciary - which even the judges recognise - should be solved through agreement between the justice minister and representatives of the judiciary. "If this proves impossible then one doesn't change the whole judiciary, but the minister."

The same issue of NIN carried an interview with Karamarkovic in which she called on the justice minister "to act within his jurisdiction as defined by the law and the constitution, instead of constantly pointing the finger and criticising the judiciary, threatening to purge it, and stirring unrest, insecurity and fear in the justice department."

Ljubodrag Stojadinovic in the March 7 issue of Politika claimed that the judiciary lived "on the ruins of ideological inertia" and that its experts were educated in an atmosphere of autocracy. The text accused the courts of being "very mild and considerate towards certain criminals and their good reasons for this choice of profession," and said that this was why so many dangerous criminals remained free. Stojadinovic said that in defending themselves against the criticism, the courts were merely trying to protect their right to neglect.

The March 8-9 issue of Danas took a slightly different line. In its regular "Focus" column, Jasmina Spasic Lukac summarised the conflict and concluded that the courts had responded to the government's criticism "with quite strong arguments".

The text continued, "The dispute between the judges and the government raises the question of whether disagreements between the two branches of power - the executive and the courts - can lead to the establishment of a balance of power between them, or whether they will only deepen the grave conflict between them from which nothing good can come."

Danas reminded readers how the former opposition - the current government - had praised the independence of the American judiciary during the Clinton-Lewinsky scandal, and accused the Milosevic family of being above the law. "Hopefully the time has come for them to introduce into Serbia what they claimed then was the right thing to do," wrote Danas.

#### STATE OF EMERGENCY

Following the assassination of Zoran Djindjic, the judiciary committee of the Serbian parliament tabled a proposal to dismiss - or "retire" - 35 judges, including seven from the Supreme Court.

With the imposition of a state of emergency in Serbia, Politika's Ivan Torov on March 23 wrote, "Some of the government's latest steps inspire, to say the least, skepticism and doubt that the scope of the state of emergency covers only the fight against crime.

"Certain legal experts have said publicly that the dismissal of senior judiciary members (Leposava Karamarkovic and her deputy, Zoran Ivosevic,

who was retired) looks more like a personal showdown - 'for it is somewhat absurd that those who were brought in with October 5 have gone, and those who led us up to October 5 remain' (unattributed) - and all of this looks like an attempt to place the judiciary under the control of the executive and legislative branches rather than an operation aimed at expelling from the judiciary those who were once the main pillars of Milosevic's rule."

Quoting the newly appointed Serbian Prime Minister Zoran Zivkovic, Blic carried the front-page headline, "Cleanse the justice department", on March 17. Zivkovic said that he hoped parliament would soon adopt a raft of laws concerning the judiciary, "which would finally facilitate the withdrawal of the compromised and corrupt members of the justice department."

The media also picked up a statement issued on March 18 by Bosko Ristic, a member of the judiciary committee and party colleague of Zivkovic, in which he called on Karamarkovic to resign as a "moral act since no measures had been taken against the judges who failed to do their job in the Great Personnel Council" - a reference to a judicial body comprising the nine most experienced Supreme Court judges who establish whether or not a judge's mandate should be terminated. Batic's announcement of changes to the law on judges also won extensive coverage, in particular his claim, "We'll have justice in Serbia even if the world collapses".

Following Karamarkovic's low-key resignation on March 20, in which she blamed political and media pressure, journalists once again turned to the conflict between the judiciary and executive.

Under the headline, "Between efficiency and legality", Politika on March 21 said that the Serbian parliament's decision to dismiss 35 judges had renewed the conflict between the judiciary and executive branches.

The text carried the opinions of both sides, including a complaint by the Serbian Supreme Court that the Great Personnel Council had been prevented from doing its work since August 2002 when "unconstitutional amendments to the law on judges introduced changes to the process of appointing and dismissing members of this body".

On March 25, Radio Belgrade 202 aired an interview with Ristic in which he insisted a number of judges would be dismissed. He explained that under the state of emergency, the acting president of the Serbian Supreme Court and the acting public prosecutor had been given the authority to dismiss these people - including 76 judges allegedly involved in election rigging. The Great Personnel Council will then dismiss judges deemed responsible for the release of a number of criminals who had previously been given custodial sentences, said Ristic. Glas reported his comments under the headline, "Mass purge in the judiciary."

## April

### THE OPPOSITION

After the assassination of Prime Minister Zoran Djindjic on March 12, the opposition in Serbia found itself marginalised.

This was partly because it was forced to adjust its attitude and statements in line with media regulations laid down under the state of emergency.

These provisions banned any information relating to the murder investigation - and also any criticism of the state of emergency itself.

As a result, Slobodan Milosevic's Socialist Party of Serbia, SPS, Vojislav Seselj's Serbian Radical Party, SRS, and the Yugoslav Left, JUL, led by Milosevic's wife Mirjana Markovic, did not have media access to information about police questioning of certain party members about their alleged links to the group said to be behind the assassination.

Through the questioning of Goran Matic, Ivan Markovic and Uros Suvakovic (SPS), the arrest of folk star Svetlana "Ceca" Raznatovic - honorary president of the Party of Serbian Unity founded by her dead husband, notorious paramilitary leader Zeljko "Arkan" Raznatovic - and the issuing of an arrest warrant for Mirjana Markovic, the Serbian government sent a message about the moral make-up of the opposition and sought to marginalise it as much as possible.

After the state of emergency was imposed, the Democratic Party of Serbia, DSS, - a former member of the governing Democratic Opposition of Serbia, DOS, and more recently the government's fiercest critic - grabbed the media spotlight.

Statements issued by party leader and former Yugoslav president Vojislav Kostunica (the most popular politician in Serbia until Djindjic's death), and those of his party, were published almost word-for-word.

As the state of emergency entered its second phase, and the battle switched from organised crime to the political stage, the media became far more receptive to criticism of the authorities, and they themselves - particularly weeklies NIN and Vreme - warned of attempts by individuals in the government to exploit the crisis for pre-election gain.

### DOS AND DSS

In the immediate aftermath of Djindjic's murder the rivalry between the DSS and Djindjic's Democratic Party, DS, subsided.

It later resurfaced, with the former particularly critical of the state of emergency, and accusations by DOS against the DSS over Djindjic's death.

In an interview with Belgrade daily Blic on April 7, Justice Minister Vladan Batic claimed that certain parties - either knowingly or not - had demonised the government by constantly obstructing the institutions of state.

The DSS immediately issued a statement (published by all media) accusing Batic of "concisely reiterating his anti-European and anti-democratic programme".

The party denied demonising the authorities - as "this was achieved by the media which are today under the government's control, and previously under that of the former regime".

On March 9, Blic carried an interview with DSS leader Vojislav Kostunica. He claimed, "One of the main problems regarding the state of emergency is the fact that the fight against organised crime is being used for a showdown with political opponents and, even worse, for the restoration of a single-party system. What we are witnessing is an attempt to eliminate political opponents".

Speaking on Radio 202 on April 10, Kostunica's deputy, Dragan Marsicanin, accused Serbian deputy Prime Minister Cedomir Jovanovic - Djindjic's right-hand-man in the DS - of having maintained contact with Dusan "Siptar" Spasojevic, one of the leaders of the Zemun clan, which is suspected of orchestrating the assassination.

The media had earlier published statements by Kostunica and the head of the DSS caucus in parliament, Dejan Mihajlov, claiming that "one of the Serbian deputy prime ministers" had connections with the Zemun gang. They did not name him "because the public already knows everything".

That same evening, Serbian state television, RTS, broadcast Jovanovic's statement (later quoted in all other media) in which he said he was "astonished but not surprised at hearing such allegations from the DSS".

All media devoted considerable coverage to Kostunica's press conference on April 10, at which he said that the decision to arrest two of his former aides - the previous Yugoslav army counter-intelligence chief Aco Tomic, and presidential security advisor Rade Bulatovic - was "flimsy, unjust and political".

The following day, Belgrade daily Danas became one of the few newspapers in the first month of the state of emergency to comment on the issue of political parties. Under the headline, "What the DSS wants", Natasa Odalovic dismissed Kostunica's claim that at issue was a showdown between political foes, arguing instead that none of those implicated in the assassination could be considered political opponents.

In Politika on April 13, Ivan Torov warned against exploiting the state of emergency for political gain. "Over the past few days, government officials have constantly repeated that no one will be untouchable in the investigation into Djindjic's murder," he wrote.

"However, it will not be good if by this they meant primarily the political isolation and marginalisation of Vojislav Kostunica and a few other opposition party leaders for the purpose of clearing the terrain on the Serbian political

scene prior to certain 'more peace-time' moves, such as the drawing up of the new constitution or preparations for parliamentary elections."

In its section "Glas Investigates" on April 19, Belgrade daily Glas wrote that during the state of emergency the political scene in Serbia became divided, adding that "certain political structures believe the state of emergency is being used for an inter-party showdown".

In fact the article shows very little evidence of investigation but simply repeats earlier statements by politicians. The question in the standfirst - "How many mistakes are there in the government's briefings on the results of the investigation?" - remains unanswered.

The broadcast media in particular focused on the executive session of the DSS on April 13, at which Kostunica warned that Serbia was in jeopardy. "All reform processes have been halted, the development of institutions has been blocked, the right to a different opinion has been annulled and political life is being suppressed," the former Federal president said.

The media published a DSS proclamation issued the same day, in which party members said that they objected to being branded as criminals, "did not accept that the citizens of Serbia should be humiliated, the media be trampled on, the army, police, and the murdered prime minister himself... be insulted by the absurdity of a conspiracy".

At a press conference on April 14, DSS deputy leader Dragan Marsicanin called on the Serbian government to continue its fight against organised crime, to end "political persecution", lift the state of emergency and call early parliamentary elections. The statement was published without comment by the media.

#### CRITICAL WEEKLIES

Unlike the dailies and most of the broadcast media, the weeklies did not really heed the restrictions imposed during the state of emergency, but instead questioned the investigation into Djindjic's assassination and other moves by the authorities.

NIN, on April 17, criticised the government for shifting the focus of the investigation away from culpability and toward politics. In an editorial concerning the international community's reaction to the situation in Serbia, Liljana Smailovic said that "alarm bells rang in western circles as soon as the authorities developed a theory of concentric circles of responsibility for the prime minister's murder after which only those who voted for the DS seemed to have ended up with clean hands".

In NIN's lead article - "State of Emergency Roulette" - Batic Batevic wrote that the police investigation, "relying on the benefits of the state of emergency, has entered the second, political phase in which the broadest political conspiracy in the history of the Balkans has been uncovered. It would be very dangerous if this transpires to be a police attack on the democratic order".

According to the article, the political part of the investigation has enveloped all opposition parties with the exception of the Socialist Party of Serbia.

"Using the state of emergency as an umbrella, the authorities and sources close to the investigation present only details referring to political opponents, even though all previous indications had pointed to a state showdown with the mafia and its cohorts in the state structures," wrote Batevic.

On April 17, Vreme dealt with a similar issue in a Milan Milosevic article headed, "The twilight of October 6".

"When they began to take advantage of the state of emergency, things quickly became more complicated [and] became a political crisis fiercer than before March 12".

Looking back, Vreme said that following criticism of the "forces of the old regime", threats to ban certain political parties, and after certain calm, tactical statements (notably from Dragoljub Micunovic) a conflict developed between the government and Kostunica's DSS.

The magazine warned that the political exploitation of the assassination could "backfire", and reminded readers that a state of emergency is "a dangerous instrument".

#### DOS AND OTHER PARTIES

News that Milosevic's wife Mirjana Markovic had eluded the police who had wanted to question her about the murder of former Serbian president Ivan Stambolic sparked particular media interest.

On April 7, all media picked up a report from FoNet news agency citing claims in the Russian daily, Komersant that Markovic was living in her son's apartment in a plush area of Moscow.

The report was riddled with speculation from "our people living in Moscow" that Markovic had been seen in certain Italian clothes stores.

In some reports, Markovic was as good as guilty. On April 6, Blic published a long article alongside a photograph of Markovic, headed, "Murder by diary" (Milosevic's wife used to write a diary column in Duga magazine in which she would predict events). The article alleged that Markovic had ordered the murder of Stambolic and had been the ideological catalyst for the propaganda that had poisoned Serbia and spread fear in the streets.

On the other hand, a dispute between the newly-appointed prime minister, Zoran Zivkovic, and National Bank governor Mladjan Dinkic was treated with caution in the media, who sought to be even-handed in their coverage.

Dinkic is one of the founder members of G17, a new party widely expected to challenge DOS. Zivkovic's statement to Radio B92 on April 7, in which he said that the future governor of the National Bank of Serbia could not



belong to a political party, drew sharp reactions from both Dinkic and G17 leader Mirosljub Labus, which were reported by practically all media.

Several outlets (B92, Beta, Blic) quoted Dinkic's dismissal of the prime minister's statement as fear of competition. On April 9, the media also reported a statement by Labus in which he disagreed with Zivkovic's claim that the National Bank of Serbia does not exist until legislation is passed.

According to Labus, the bank exists under the law on the implementation of the Constitutional Charter of Serbia and Montenegro. Such statements from Zivkovic represent "a shock for investors", he added.

The media could barely hide its satisfaction when Zivkovic and Dinkic announced that they would resolve their differences through mutual contact.

## May

### COOPERATION WITH THE HAGUE

Though the Serbian media have reported on the war crimes tribunal for the former Yugoslavia for some time now, coverage changed considerably following the assassination of Prime Minister Zoran Djindjic on March 12, and particularly with the visit of Chief Prosecutor Carla Del Ponte to Belgrade in May.

In promoting the theory that the "anti-Hague lobby" was behind the murder, the government prepared the ground for cooperation with the tribunal, without fear of retaliation from the media or public.

Coverage consisted of reports from the tribunal courtroom and politicians' statements on the need to cooperate. The press, notably Belgrade daily Glas, stopped labeling the court as "anti-Serb", "unjust", or "illegitimate".

There was very little comment within the coverage, even when the trial began for the 1995 Srebrenica massacre in which some 8,000 Muslim men and boys lost their lives when the United Nations "safe haven" fell to Bosnian Serb forces.

B92, the independent broadcaster that provides comprehensive coverage of events at The Hague, was the only media to re-broadcast dramatic footage (also shown at the tribunal) clearly showing the fate of Muslims imprisoned in Srebrenica.

Meanwhile, Belgrade daily Blic was the only newspaper to carry the full written confession of Momir Nikolic, published under the headline, "We planned the murders".

Following her one-day visit to the Serbian capital, Carla Del Ponte - who had previously borne the brunt of extreme media criticism and ridicule - was waved off amid talk of a "new era" in relations between Belgrade and the tribunal. Besides highlighting her broad smile, headlines focused on the prosecution's decision to cede jurisdiction over some "pilot cases" and minor

war crimes trials to the courts in Serbia as soon as the necessary legislation is adopted.

### THE STANISIC-SIMATOVIC CASE

Other than official statements, the trial of Jovica Stanisic and Franko Simatovic at The Hague was the only case to attract real media interest - not because of the case itself, but rather the motives behind the government's eagerness to deal with the two suspects.

Stanisic, the former chief of Serbian state security, and Simatovic, the commander of the now-disbanded Red Berets Special Operations Unit, were arrested in the police operation "Sabre", which was launched after Djindjic's assassination. Both were arrested on March 13, just a day after the killing.

On May 1, the tribunal issued an indictment against them, for crimes committed in Croatia and Bosnia-Herzegovina, which was made public five days later. Simatovic was extradited to The Hague on May 30, but poor health has delayed Stanisic's departure.

Politika published details of the indictment against them on May 7, in a front-page article headed, "An end to the conspiracy of silence - key members of the Milosevic regime will soon be in Scheveningen."

The media speculated that Operation Sabre provided a convenient opportunity to arrest Stanisic and Simatovic and that their extradition was part of a "deal" struck with tribunal prosecution to allow the government to rid itself of witnesses who knew too much.

In the first week of May, two almost identical theses appeared in Belgrade weeklies NIN and Vreme - that the government in Belgrade was in a hurry to hand over Stanisic and Simatovic because, with all the secrets they held between them, they were human "time-bombs".

Under the headline "Defused bomb" and quoting sources close to the governing Democratic Opposition of Serbia, DOS, coalition, NIN's Ljiljana Smailovic said that the decision to extradite the two men was taken immediately after Djindjic's death, when Foreign Minister Goran Svilanovic openly voiced Belgrade's willingness to extradite them despite no indictment having yet been issued.

For NIN, the important question is why the duo had not been indicted by the tribunal earlier, for the crimes they are accused of were committed in Croatia and Bosnia between 1991 and 1995 - when Slobodan Milosevic is alleged to have had command responsibility.

The magazine claims that it was only after Djindjic's murder that "at least half a dozen witnesses were called" at the Milosevic trial, claiming they had "first hand information on Stanisic as the key figure in arming Bosnian and Croatian Serbs and on Simatovic as his main man in the field".

It would appear, the article adds, that some of these witnesses "appeared in court out of the previously determined order", perhaps deliberately as "logistic support" for the new indictments.

"But what will happen to us and to our need to learn the truth about the times we left behind?" asks NIN, adding, "Belgrade is buzzing with rumours that Stanisic will take many secrets with him to The Hague". According to the text, Dragoljub Micunovic, the speaker of the Serbia-Montenegro parliament, was alone among the governing coalition in opposing the handover.

Nenad Stefanovic came up with a similar interpretation of events in Vreme.

According to him, "the ground was prepared" at the tribunal for an indictment against the suspects and the list of witnesses at the Milosevic trial was frequently altered over the past few weeks.

Almost half of those who testified after Djindjic's assassination spoke about the role of the security service, SDB, in the wars in Croatia and Bosnia and of the personal involvement of Stanisic and Simatovic. "It was clear that the tribunal prosecution was monitoring very carefully the course of the Djindjic murder investigation in Belgrade and everything surrounding it".

Vreme also names Micunovic as the only government member to oppose the swift handover of the "main secret-keepers" - and says he was right to question the motives.

"If it is common knowledge that at least a part (some say at least half) of the former opposition, i.e. the incumbent government, was created in Stanisic's secret police labs; if it is common knowledge that none of those who prospered over the past ten or so years and are now pillars of support for the new government could not have done so without Stanisic's blessing; if the information released from the governing circles in the first few days after the arrest of Stanisic and Simatovic is true - that they were allegedly 'shadow masterminds' behind the local 'death squadrons' until not too long ago - then this stands in the way of explaining many things here that could be behind the assassination of Djindjic."

Belgrade daily Danas addressed the issue in its May 10-11 weekend edition. Aleksandar Roknic wrote that preparations for the extradition of the two men were made in advance, that speculation was rife even before an indictment was issued, and that the reasons for the duo's arrest have yet to be explained to the public.

In the case of Stanisic, all media noted earlier statements in which he pledged to leave for the tribunal voluntarily should he be indicted, which he had now been prevented from doing by the government's insistence on extraditing him.

On May 22, under the headline "I can't wait to go to The Hague, Dragan Bujosevic wrote an emotive article in NIN about Stanisic, his health and his family (his mother died while he was in prison). The text suggests that Stanisic

never really enjoyed Milosevic's full trust and that he was constantly "the inside opposition to Milosevic and especially his wife [Mira Markovic]".

Bujosevic concludes that by holding him in custody, Stanisic has been denied the right to voluntarily surrender to the tribunal and secure the guarantees of the state for his release pending trial. This was the only article published in the Serbian media this month that came out in support of the suspect.

#### THE VUKOVAR TRIO

Reports of Miroslav Radic's voluntary surrender to the tribunal on May 17 inevitably won the attention of the Serbian media.

The retired Yugoslav army officer is one of the so-called Vukovar Trio, who are accused of war crimes in Ovcar, near Vukovar. Belgrade's failure to hand them over had put immense strain on the government's relationship with The Hague.

Of the other two, Mile Mrksic has already surrendered to the tribunal, while former General Veselin Sljivancanin remains defiant. He enjoys the support of the "Committee for the Defence of Veselin Sljivancanin" which often covers Belgrade streets in photos and messages of support.

The trio is charged with the murder of some 200 non-Serb wounded and prisoners at the Ovcar farm near Vukovar at the end of 1991.

The government also took advantage of Radic's extradition to prepare the public for the eventual arrest of Sljivancanin - calling on him to turn himself in and claiming that he would be arrested on sight if he failed to do so.

The media reported statements to this effect from Svilanovic and Defence Minister Boris Tadic in the context of the country's need to join NATO's Partnership for Peace programme, which is not possible without concrete cooperation with the tribunal.

Svilanovic's claim, that "there is no point in applying for admission into NATO's Partnership for Peace as long as Hague indictee Sljivancanin is at large", was widely reported. Glas quoted the statement under the heading, "Sljivancanin postponing admission".

On May 18, all media reported Radic's departure to the tribunal. The headline in Blic read, "Vukovar Trio missing only Sljivancanin".

The prosecution testimony of former Slovene president Milan Kucan at the Milosevic trial did not receive any special attention in the Serbian media.

Coverage consisted of agency reports and the assessment that his testimony was "a presentation on the history of the former Yugoslavia". Only Politika granted him slightly more attention on May 22, quoting parts of his testimony under the headline, "Kucan on the break up of Yugoslavia".

The media regularly covers the Milosevic trial, albeit mainly through court reports with little comment or analysis.

## June

### MEDIA AND THE GOVERNMENT

Relations between politicians and the media began to deteriorate at the beginning of June. After a period of relative harmony and understanding during the state of emergency, which followed the March 12 assassination of Prime Minister Zoran Djindjic, the media began to question the government's achievements - and the conduct of certain politicians.

Vladimir "Beba" Popovic, the head of the government's communications bureau, came in for heavy criticism. Certain sections of the media had claimed that Popovic has used the state of emergency's press briefings to control the information journalists were given. He has since issued lawsuits against RTV B92, Vecernje Novosti, NIN and Vreme in connection with such allegations.

Another sign of a worsening of relations came on June 10, when a letter signed by the Stability Pact Media Team and a number of leading Belgrade editors was sent to the government, requesting a number of measures to regulate the state of the media and guarantee freedom of media and information.

The conflict between TV Pink and TV B92 escalated in the period monitored. Many believe that the imminent distribution of broadcast frequencies is the real reason for the dispute. Pink, which was closely affiliated with the Milosevic regime, is the richest and most popular television station in Serbia, while B92 - which has its roots in a local Belgrade radio station - is considered a symbol of independent journalism.

The Independent Association of Serbian Journalists, NUNS, noted on June 19 that more than 220 court proceedings are now underway against the country's media and journalists.

### MEDIA REPRESSION

On June 5, Belgrade weekly Svedok (Witness) was banned for quoting an interview with Milorad "Legija" Lukovic - the Zemun organised crime gang leader who is a prime suspect in Djindjic's murder - which was published in a Macedonian weekly of the same name.

The Association of Independent Electronic Media, ANEM, has issued a statement the previous day calling on the state to strictly honour legal provisions on information and to "rise above arbitrary and political judgments".

"Serbian government officials seem completely unaware of how deep their conflict with the right to free speech is becoming," wrote NIN on June 5. Commenting on the Svedok ban, NIN compared Culture and Media Minister Branislav Lecic with Milosevic-era Information Minister Aleksandar Vucic.

NIN suggested that the government - "which considers itself democratic" - would be better adopting legislation on access to information, than banning newspapers.

The Serbian media reacted also strongly to an incident involving New Serbia leader Velimir Ilic. During an interview on Novi Sad's Television Apollo, Ilic kicked the journalist interviewing him, and accused him of "insulting my family". The journalist had merely asked Ilic to explain certain business dealings involving his brother.

The attack made the front page of NIN, under the headlines, "Kicking the press", and "Politicians versus journalists".

Media also made use of a statement from media minister Lecic in which he accused journalists of using reports to promote "tension and nonsense". The comment was made after a group of reporters had quit a press conference having waited over an hour for him to arrive.

On June 29, Politika commentator Ivan Torov wrote that, "having been liked by the independent or opposition media from the times of Milosevic, local politicians are now finding it difficult to accept the fact that they are now in power and can no longer expect journalists to automatically like them for no reason."

The government, claimed Torov, is trying to avoid defining the actual role of the communications bureau. Why is it not limited to informing the public of the government's achievements, and thus avoiding "the characteristics of an informal, yet powerful centre of political power and some other arbitrator, thanks mainly to its chief and his protectors?" he asked.

### THE BROADCAST COUNCIL

The media, particularly broadcast media, spent days reporting on the election of the Broadcast Council, which is supposed to be an independent body of experts charged with bringing some semblance of order to the chaotic media situation in Serbia.

A dispute emerged over alleged irregularities in the election of representatives Nenad Cekic and Vladimir Cvetkovic, and Goran Radenovic's qualifications - or reported lack of. Cekic, who was nominated by the government, was previously head of B92 alongside Veran Matic, although the two parted ways last year following an acrimonious split.

Snjezana Milivojevic, a well-known media analyst, resigned from the council on June 5 over the election dispute. Journalists, the association of film and dramatic artists and the association of composers had nominated her. Milivojevic, Council member Rade Veljanoski, ANEM and the Independent Association of Journalists, held a joint press conference the same day.

The following day, Danas reported Milivojevic's decision to leave under the headline "Resignation of a brave professor", describing her as a competent and courageous advocate of free media.

In an editorial on June 10, Danas criticised the process of electing the Broadcast Council and accused many parties and individuals within the government of trying to retain their influence over the media. "Why did the government give itself the right to selectively apply, or even break the law, in the process of setting up this council, thus compromising its work from the very beginning?" the paper asked.

#### TV PINK AND TV B92

B92 followed the issue of the Broadcast Council closely, both on radio and television. It reported all developments in detail and invited guests to comment.

On June 12, Vreme journalist Dejan Anastasijevic - under the heading "Sharks on air" - said the battle for media supremacy had yet to reach its peak. The story carried the standfirst, "Pink and B92 in battle for national frequencies".

Anastasijevic fears that the council will be used by powerful political and financial figures to secure domination over the media, writing, "The battle is being fought between the wealthy TV Pink, which is loyal to the government, and TV B92, which is supported by the independent media, non-governmental organisations and others of the so-called civil sector. For now it is certain that no one in this battle would hesitate to openly and repeatedly break the law." It has reached a point where "no one can tell between the crazy and confused."

On June 13, under the headline "Frequencies or control over the media", Politika published a front-page article reminding readers of the background to the dispute and the subsequent resignations. "One should not forget that all this is happening before any official information is issued on the number of frequencies and the requirements broadcasters would have to meet," wrote Gordana Novakovic, adding that all council decisions could be thrown into doubt if it continues as if the dispute had not happened.

On June 19, Vreme claimed to have exclusive information on the "creation of the Pink Empire", publishing faxed contracts between Radio Television Serbia, RTS, and Pink signed during the Milosevic regime. Vreme said they proved that RTS had been forced to supply Pink with equipment, services and premises at a heavily reduced price.

The next day in its news programme, Pink accused B92 of being behind the report. The Pink editorial board later announced it was suing Vreme.

#### THE VLADIMIR POPOVIC CASE

On June 17, NIN's front cover carried a photo of government spin-doctor Beba Popovic with the question, "Who is this man?"

In a text headlined, "Competition for a nanny", NIN asked the Serbian government whether it supported "the private actions of its employees".

Popovic has sued NIN over articles published in two issues that he claims wrongly speculated as to his status within the Communications Bureau and accused him of pursuing a witch hunt through Pink against B92 editor in chief Veran Matic.

In a text under the headline "Competition for a nanny" (Popovic's nickname "Beba" means baby), and commenting on the lawsuit that he filed against NIN, the weekly asked the Serbian government whether it supports "the private actions of its employee".

Popovic sued NIN over articles he says wrongly speculated on his status in the Communications Bureau and accused him of masterminding a witch-hunt against B92 editor in chief Veran Matic. NIN also claimed that murdered Prime Minister Zoran Djindjic had sacked Popovic after coming under pressure from the United States.

In turn, NIN has accused Popovic of using lawsuits "like a whip that he waves over the heads of the Serbian media, demonstrating a model of a relationship between politics and the media that no longer exists in Europe".

Finally, on June 30, Popovic agreed to a live appearance on the popular RTS show "Face to Face", presented by former B92 news editor Bojana Lekic.

In a show that lasted half an hour longer than usual, Popovic denied all allegations against him and in turn claimed that former federal president Vojislav Kostunica's Democratic Party of Serbia was behind a "campaign" against him.

## July

#### KOSOVO AND SERBIA

At the beginning of the month came the arrest of the prominent politician and former rebel leader Hashim Thaci and the departure of Michael Steiner, the province's United Nations governor, and at the end of the month attention was focused on the long-awaited start of talks between Belgrade and Pristina. In the meantime, all else was pushed aside by the controversy surrounding the end of Mladjan Dinkic's reign as governor of Serbia's National Bank.

Reports about Kosovo in the Serbian media are less emotive than they once were. For example, the protectorate is no longer necessarily described as "the holy Serbian land that we will never give up". Opinions are generally more realistic, and some have even advocated independence, which until only recently was considered sacrilege.

All media reported the news that Hashim Thaci, the head of the Democratic Party of Kosovo, had been arrested in Hungary on an international warrant issued in Belgrade in 1997. He was swiftly released and the story died after just one day. Reports included statements from politicians who on the

whole did not try to capitalise on the incident since Thaci had previously said he was in favour of a dialogue with Belgrade.

Most column inches were devoted to the departure of UN governor Michael Steiner on July 3, along with assessments of his 18-month tenure.

On the eve of his leaving, Politika published an editorial under the headline, "Steiner's Contribution". The piece said that neither Steiner nor his predecessors - Hans Haekkerup and Bernard Kouchner - had managed to implement UN Security Council Resolution 1244. Steiner, claimed Politika, "did not try" to protect Serbs and their property.

"Though Steiner spent a year and a half in Kosovo, not a single perpetrator was arrested or sentenced. Only two percent of refugees returned despite the fact this year was declared the year of return!" wrote Politika.

The same day, Vecernje Novosti published a short article under the large headline, "Steiner leaves, Leposava stays", alluding to Steiner's alleged fiancée, Kosovo Albanian woman Bukurija Dzombalaj.

The article claimed that neither Albanians nor Serbs were satisfied with Steiner - he could not realise the Albanian "dream of an independent Kosovo, but showed Serbs that he clearly cared about it". The paper published unsubstantiated details about Steiner's private life - that Djombalaj has found a younger man - and claimed he had a monthly income of over 26,000 euros.

Glas dedicated an entire page to Kosovo on July 3. In the main article, regarding Steiner's final report to the Security Council, Glas asked whether the Council had been given the full story about the province, listing a number of recent killings and other incidents.

All media covered Steiner's report to the Council on July 3, as well as the address given by Serbia-Montenegro's ambassador to the UN, Dejan Sahovic. The Serbian press did not miss the chance to publish a photograph of Steiner at his leaving party in Pristina, accompanied by his "fiancée" Bukurie Djombalaj.

Belgrade weekly Vreme was critical of Steiner's achievements in a text by Milan Milosevic published on July 10 under the heading "Departure of Steiner, the bridegroom".

Milosevic pointed out that Steiner had begun his tenure by imposing tariffs at the border with Serbia, and ended it with a free trade agreement between Kosovo and Albania. Steiner, he wrote, "did not admit his failure, but blamed others".

#### ALBANIAN APPEAL TO DISPLACED SERBS

On July 1 ethnic Albanian leaders in Kosovo issued an invitation for displaced Serbs to return to the province. The letter was signed by, among others, President Ibrahim Rugova and political leaders Hashim Thaci and Ramush Haradinaj. It predicted that "Kosovo will be free" and Serbs will enjoy equal rights.

The following day, all media reported the reaction of Nebojsa Covic, the head of Belgrade's Coordination Centre for Kosovo, who was skeptical of the motives behind the invitation. Covic told Belgrade Radio 202 that the letter offered no guarantees of security or employment, and claimed it had been written because the international community has realised "the main reason why it is so hard to make Kosovo multiethnic".

Glas reported on the letter, and Covic's response, in an article headed, "Return home, but without guarantees". The text quoted Milan Ivanovic, the president of the Serb National Council for Northern Kosovo, who described the appeal as "false, cynical and empty".

On July 4, liberal daily Danas asked the question, "What do you think of the appeal to displaced Serbs?" The majority of those surveyed described the call as insincere and claimed it was in fact addressed to the international community, as it was its fault that a multiethnic Kosovo was not possible.

#### KOSOVO AND ALBANIA

All media reported Belgrade's criticism of the free trade agreement between Albania and Kosovo and the changes to the Kosovo Criminal Code that were signed on Steiner's last day in the job. Serbian politicians described the moves as merely "the continuation of Steiner's politics" and further violations of international documents guaranteeing the integrity of Serbia-Montenegro in the protectorate.

Under the headline "Belgrade protests", Politika on July 9 said that in signing the free trade deal, Steiner had once again incurred the wrath of Serbian politicians. The text included the statements of Foreign Minister Goran Svilanovic and Parliament Speaker Dragoljub Micunovic, who stressed that the United Nations governor had exceeded his authority and violated Resolution 1244.

Glas reported the story under the headline, "Former UNMIK chief brings Kosovo closer to Albania". It quoted Serbian Trade Minister Slobodan Milosavljevic, who described the free trade deal as "an unprecedented event that will bring nothing good to Kosovo". The article included several statements from Serbian officials, as well as the protest lodged by Ambassador Sahovic.

#### BELGRADE-PRISTINA DIALOGUE

On July 10, Belgrade weekly NIN published a long article by former presidential advisor Predrag Simic under the headline "Kosovo in ten points", and alongside a photograph of Steiner and Djombalaj at his farewell party. The picture carried the caption, "Kosovo Romance".

Simic said that all indications were that prospective talks between Belgrade and Pristina would yield little, but that they might offer a "long term strategy to reduce mutual tensions, remove obstacles to integration... and

provide an opportunity to form democratic institutions in Serbia, Albania and Kosovo".

He added that the key to the strategy lies not only within the region, but in Washington and Brussels, who, he said, currently "hold everything for which the Balkan peoples are willing to forget their past disputes and territorial ambitions."

On the same day, Blic carried a short interview with Hashim Thaci, headlined, "I sincerely call on all Serbs to return". The ethnic Albanian leader claimed credit for the appeal to displaced Kosovo Serbs to return to their homes, adding that it was "serious and sincere".

#### STATUS OF KOSOVO

On July 22, Nebojsa Covic unveiled a proposal for how Serbia should approach the issue of Kosovo. The press conference came on the eve of a visit to Washington by Prime Minister Zoran Zivkovic and Foreign Minister Goran Svilanovic.

Novosti was alone among the daily papers in dedicating a whole page to Covic's statement and his claim that "some international factors want to separate Kosovo from Serbia, offering in return large investment and acceptance into the Euro-Atlantic institutions". The headline was, "Serbia must not give up Kosovo". Other papers only carried parts of the press conference, but with similar headlines.

On July 23, all media reported Covic's claim that Kosovo "is being equipped with all the necessary attributes of a state" and that there have been attempts to persuade the Serbian government "to give up its legitimate and internationally accepted right to Kosovo".

Politika, on July 28, published an opinion piece by Milosevic-era foreign minister Vladislav Jovanovic with the headline, "No negotiations on sovereignty". Jovanovic advocated a solution whereby Kosovo would become an autonomous Serbian republic, granting territorial and cultural autonomy to the Serb community.

Two days later, in the same Politika column, lawyer Aleksandar Lojpur advocated independence for Kosovo - an opinion that has long been almost sacrilegious in Serbia.

Lojpur wrote, "Instead of wasting precious time and scarce resources on meaningless declarations and symbolic sovereignty for Kosovo, we should conduct an honest dialogue with Albanians from Kosovo, and reach a solution that will best suit our interests - independence for Kosovo and the return of 270,000 displaced Serbs; respect for the human rights of Serbs; the establishment of Serbian territorial autonomy in northern Kosovo with the participation of Serbian representatives in central government, and the restoration of Serbian monuments and full freedom of movement, trade and investment."

## August

### CORRUPTION

Corruption has been imposed as a key media topic in view of a series of accusations of government officials and members, voiced by G17 Plus Party. The smear campaign was launched in late July, after dismissal of Governor of the National Bank of Serbia, Mladjan Dinkic, one of the founders and Vice Presidents of G17 plus, the party considered the main contender to the ruling DOS.

Scandals often ended with statements of their key protagonists, that is, denials by government members. Media mostly ran photographs of allegedly unlawfully acquired houses and facilities of some government officials, but failed to launch independent probes into G17 plus allegations.

The lack of such probes and of serious investigative journalism may be partly explained by non-existence of the Act on Access to Information.

On the other hand, thanks to media pressure, that is their repeated coverage of some cases and pertinent accusations, the two government officials resigned.

### JANJUSEVIC-KOLESAR CASE

G17 plus, at its July press conference related to dismissal of Governor of the National Bank of Serbia, Mladjan Dinkic, presented documents considered incriminating evidence. Namely those documents pointed to large money-laundering operations carried out via off-shore banks by Zoran Janjusevic, security aide to Prime Minister, and Nemanja Kolesar, Director of Agency for Recovery of Banks.

All media ran the statement by Serb Prime Minister Zoran Zivkovic given to Blic (6 August) that he would not dismiss Janjusevic and Kolesar "unless the police investigation and a judicial verdict prove that the two have misused their positions."

Previously the government had a behind-the -closed door meeting. Media could only speculate on its decisions, for no official statement was issued. Some media alleged that some Vice Prime Ministers demanded dismissals of Janjusevic and Kolesar, but that the Prime Minister decided otherwise. At a later date Janjusevic handed in his resignation, while Kolesar was dismissed.

All the print media kept running photographs of flats owned by Janjusevic and Kolesar for many days. Novosti (7 August) along with photo of Janjusevic ran the text "Everybody knew, everybody kept mum." The text discussed the insolvency of shipyard "Beograd," whose interim director was Janjusevic. Novosti ran statements of workers, namely "we kept informing the Commercial Court about Janjusevic's conduct for years... namely about the fact

that he kept selling the company piece by piece to his friends, and rented our business premises..."

Tabloid Blic, which often strives to unearth unofficial data, and consequently launch scoops, on its front-page of the 14th August issue ran a story about ownership of four flats worth 400,000 Euro by Kolesar. Blic credited the police sources with its scoop and maintained that the special anti-crime police units were conducting a probe into the legality of ownership of those flats.

#### SUGAR PLANT AND OTHER SCANDALS

Weekly Vreme ran on its front page -issue of 7 August- a big photo of Miodrag Kostic, owner of seven sugar plants in Serbia and a man closely affiliated with Democratic Party and the late Prime Minister Djindjic (Kostic was one of the pall-bearers which made many media suspect the legitimacy of his business empire)"

Kostic was oft cited as one of key protagonists in the 'Sugar Scandal,' related to suspension of the EU preferentials caused by Serbia's alleged re-export of sugar. But he has always denied those charges. In late July, in a lengthy, prime time, interview aired by RTS he rejected all charges.

In the text "Secret wealth of Miodrag Kostic-Mister 50%", author Dimitrije Boarov calls into question legality of Kostic's wealth. Having calculated "in a amateurish way" the volume of trade of Kostic's company in the past three years, Boarov concludes that "there are reasons to doubt Kostic's claim that all his earnings come from trade in agricultural produce."

Boarov also notes in his text ran by weekly Vreme that "Kostic always managed to obtain favorable loans and guarantees and continuing inflation devalued his obligations... that is, he made ample use of inflation."

Boarov adds "Even if in the past 20 years he had earned every year 5 million Euro, his capital could not exceed \$100 million, while Kostic himself maintains that his capital is worth over 150 million dollars."

NIN (14 August)ran a lengthy interview with G 17 plus Vice President Mladjan Dinkic, who, *inter alia*, stated that "there will be no coalition with Democratic Party unless it fully purges its ranks and gets rid of its corrupt members and top politicians with gangland connections."

NIN highlighted the following part of interview:" There are not that many corrupt people within Democratic Party, but those most corrupt are the most influential. They obviously ensure party financing from shady deals and ties with controversial businessmen... that is why their party is reluctant to be rid of them."

Mladjan Dinkic at 27 August press conference continued to launch many accusations, which received extensive media coverage. But government promptly denied all those charges. Dinkic implied that Milorad Lukovic - Legija, the suspected assassin of Zoran Djindjic (on the run), purchased many

companies in Serbia thanks to his connections with government officials. He also suggested that Vice President of government of Serbia Cedomir Jovanovic and Transport Minister Marija Raseta- Vukosavljevic knew and dealt with Legija.

A day later, on the 28 August, G 17 plus Anti-Corruption Committee, sent a letter to all the media. In that letter Transport Minister Marija Raseta-Vukosavljevic was accused of incurring damages to the tune of 100,000 Euro to the Serb postal system (PTT) by concluding a detrimental contract with a bank. On that very day Raseta denied those charges, and termed Dinkic "a liar." The whole case received extensive front-page coverage in the print media. Moreover, Blic treated it as the topic of the day.

#### COMMENTARIES

Sunday issue-10 August-of Politika ran Ivan Torov's text-in his regular column-very critical of the ruling DOS and government of Serbia. Under the headline "Transition-time profiteers", Torov discusses the scandals related to shady dealings of Janjusevic and Koleser, and predicts: "that scandal shall be interesting until the new one, with even more serious accusations, is concocted, and consequently tackled by competent bodies."

Paper notes that in a very short time DOS created in Serbia the mood very propitious for emergence of -the transition-time profiteers. "They are everywhere, in all structures, and when the government is warned to take action against them, its officials generally respond that 'such allegations are just a cheap social demagoguery of those who misunderstand the true nature of capitalism.'"

Politika concludes that such a DOS stand "stems from the logic that one should not probe into the origins of capital."

On 14 August Politika ran two corruption-related articles. The first, front-page text was headlined "Should government members sit on management boards?", or "does conflict of interest necessarily lead to corruption," while the second text was headlined "Corruption among the trade union ranks".

In its first text the paper dealt with Prime Minister's statement, in the wake of his meeting with members of the Anti-Corruption Council -11 August-that "in some state-run companies government may name presidents of management boards... and they should be paid for discharging those duties."

That daily quoted opinions of Biljana Kovacevic-Vuco, President of the Yugoslav Committee of Jurists and lawyer Milenko Radic, President of Fund for Development of Democracy: "Governmental officials should not sit on management boards. Authorized assemblies should elect to such positions expert individuals." Both interlocutors thought that conflict of interest did not necessarily lead to corruption.

In its second text Politika ran an interview with Darko Marinkovic, University professor and expert for industrial relations. In the interview Marinkovic argues that trade unions have a propensity for corruption.

After urging full transparency of the trade union work and insight into or rather access to their finances, Marinkovic also noted: "Many of them have failed to tackle the issue of corruption among their own ranks, though they are ever ready to criticize the corruption among the top leadership, within educational system, customs...".

On 28 August Politika notes that the political scene of Serbia is saturated with scandals involving members of the ruling political elite, and adds: "after a series of different evidence, facts and statements of high state and party officials, citizens may only speculate about the truth behind all these goings-on." The text carried a headline "An attempt to undermine the government". Politika, a day earlier, headlined its text on new Dinkic's accusations "G17 launches an anti-government offensive."

On 29 August Politika ran the text "Anatomy of scandals in Serbia" in which Ljubodrag Simovic floats the thesis that the current scandal-generating reflects a political impotence... thanks to scandal-mongering that impotence and lack of a genuine way out are obfuscated."

Tabloid Vecernje novosti (24 August) in a commentary penned by Borislav Lalic, reflects on the current scandals and notes that transition in Serbia is too long and that "the number of people who have plundered this poor country is too large." The tabloid recommends to the Serb Prime Minister to "take a detached view on the scandal-mongering mood," but also predicts that "scandal-mongering shall continue."

## September

### PRIVATISATION

The government's obvious efforts to allay suspicions over the process of privatisation have done little to convince the public that all is fair and above board.

When Serbian privatisation minister Aleksandar Vlahovic claimed the sale of some 850 companies had been free of any corruption, he was widely quoted in the media. On September 7, Vlahovic called on all "those talking about" abuse in the privatisation process to back up their allegations, insisting that not a single buyer had complained of corruption.

But journalists often report privatisation in a negative light, although they often choose to quote disgruntled workers rather than voicing their own opinion - with the exception of the weeklies Vreme and NIN, and daily Danas.

The earlier sale of a number of companies at significantly low prices prompted public suspicion that all was not completely legitimate. Media often carried the statements of opposition representatives who would fail to mention

that buyers are obliged to invest quite large sums of money into these companies and their social benefits package.

The sale of the tobacco companies in Nis and Vranje - which were bought by Philip Morris and British Tobacco respectively - for quite healthy sums helped somewhat to restore public trust in privatisation. But the media did not accept what the government claimed was a big success without raising the spectre of corruption.

The sale of the Nis and Vranje tobacco companies provided the focus for TV B92's popular weekly programme "Impression of the Week" on September 7. Mladjan Dinkic, the former governor of the National Bank, and NIN journalist Ruza Cirkovic, joined host Olja Beckovic. Both guests said it was little surprise the companies went for a good price since the tobacco market is attractive to foreign investors and the buyers were simply guided by economic logic.

In a lengthy article in NIN on September 11 - headlined "Cigarettes beautify privatisation" - Cirkovic said that under Serbia's privatisation process companies were being sold for less than they were worth, but that the situation "has rapidly, if not drastically" improved with the sale of Nis Tobacco Industry, DIN, and Vranje Tobacco Industry, DIV.

DIN was bought for 518 million euro, while its capital amounts to 387 million euro. DIV was bought for 87 million euro, while its capital is valued at 50 million euro. The total price includes also investment and social benefits. NIN notes that a total of 843 companies have been sold for a total of 1.072 billion euro under the new Privatisation Act.

The privatisation of Knjaz Milos - a mineral water company that has performed well on the international market and is regarded by many politicians as "a national treasure" - was followed closely. The fact the sale has been linked to Serbia-Montenegro basketball star Vlade Divac only made the story more interesting. Divac's statement on September 10 - that he did not want his name to be abused for political purposes - also hit the headlines.

In its weekend issue on September 9 and 10, Belgrade daily Danas reported that workers, unions and the management at Knjaz Milos were united in defending the company "brand". Journalist Milos Obradovic wrote that company director Radenko Marjanovic had launched a media offensive to make sure the "national treasure" does not end up like the "Karadjordje" mineral water producer, which "ended up in Slovene hands".

Knjaz Milos was partly privatised under the old legislation, while the remaining 41 per cent is still owned by the state. Danas reports Marjanovic as saying the workers are looking for an increase in the capital base rather than classic privatisation.

Belgrade daily Glas also reported on the privatisation of Knjaz Milos in a text headlined "Management opposes sale of shares", by S. Jovicic. The article on September 25 quoted both sides but avoided coming to any conclusion.



The BK Group caused a storm on September 11 when it announced it was giving away its six per cent share in the Mobtel mobile phone operator to the state-owned company PTT, thus making the state the majority shareholder.

The BK Group is owned by Bogoljub Karic, "the first Serbian capitalist" and a former Slobodan Milosevic protégé who made his money on the back of ties to the former regime, but who has since cultivated close links with the incumbent authorities.

The Serbian government was swift to react. The next day it dismissed PTT Srbija director Srdjan Blagojevic for signing the contract "despite the fact he was not authorised to do so". But the media did not drop the story, and covered in detail Blagojevic's press conference in which he claimed to have got the go-ahead to sign the deal from the head of the Serbian prime minister's cabinet, Branko Radujko.

Over the next few days, journalists continued to question the government's claim that Blagojevic had acted independently.

On September 14, Politika writes that Blagojevic had been "sacrificed" in order for the government to deny any agreement had been reached with the BK Group. The article by Marko Lacic and Biserka Dumic was headlined "New unknowns in the Mobtel case".

In an editorial on September - entitled "Mobtel secrets" - Danas reports that the ownership of Mobtel remains a murky subject. This was public knowledge three years ago when DOS came to power, it wrote, and yet nothing has been done to shed light on the case.

Speculation was rife that behind the BK Group's offer was an attempt to get back the operating licence for its bank, Astra Banka. The bank had been shut down by the former governor of the National Bank, Mladjan Dinkic. "Is there perhaps some other deal hiding behind this handover of shares, such as the renewal of Astra Banka's work?" asks Danas.

Blic ran the story in its "Topic of the Day" column on September 15. The text quoted Stjepan Gredelj, a member of the Anti-Corruption Council, as saying that there were very "shady and strange" goings-on in the Mobtel case, and that the assistance of independent foreign experts might be needed.

Weekly Vreme dedicated two pages to the Mobtel affair in its September 18 issue. Under the headline "Who's stronger: the government or the Karics?" well-known economic commentator Dimitrije Boarov alleged that the Karics had "illegally" acquired a 51 per cent share in Mobtel under the Milosevic regime since the law stated that private capital in companies providing public services could not exceed 49 per cent.

Boarov says it is humiliating that the Serbian government should agree to a deal by which "this or that boss gives it what he easily" bought under Milosevic's "lawlessness".

According to Vreme, the government and the Karics reached their agreement on September 9, but the government then rejected it on September

12. The prime minister was forced to dismiss PTT director Srdjan Blagojevic in order to distance himself from the deal.

Vreme goes on to claim that the government had decided against the agreement because, in settling accounts with the Karics, it risked losing its majority in the Serbian parliament since the Karics wield significant influence over Serbian politics, even sponsoring certain parties, such as the Social Democratic Party.

"But a government that is incapable of settling these accounts may score even worse with the voters since the Karics still have not managed to convince the ordinary people that they gained their riches overnight and that this was in the national interest", writes Vreme.

On September 5, Politika reported on a press conference by the director of the C-Market chain, Slobodan Radulovic. C-Market was privatised under the previous law. Small shareholders own around 77 per cent of the company.

Radulovic called the press conference following media reports that the remainder of the company was being privatised illegally. He claimed that certain parties resented the company's success and wanted to sow confusion in order to snap up the remaining shares at a knockdown price. "Politics are interfering", he claimed, in a comment Politika used in its standfirst to the story.

On September 16, Belgrade daily Blic announced on its front page an article on privatisation, "the Serbian way". The paper claimed to have seen documents that proved that Mirko Cvetkovic, a director at the Privatisation Agency, was also executive-director of CES Mekon, a company that had been paid some two million US dollars to help estimate the value of around 1,000 companies up for auction.

The text - signed with the initials A.R.M - claimed that Blic had been unable to get Cvetkovic to comment on the claims. Curiously, alongside the main text was a statement from the Privatisation Agency claiming that Cvetkovic had ceased to be an employee in 1998.

On September 23, Danas reported on the privatisation of Belgrade's Bakers Industry - one of the largest bread producers in Serbia - under the headline "In the claws of self-interest". Union leaders are quoted as saying they are "worried" about their own status. Danas says that the workers have warned the Privatisation Agency about the possibility of "favouring the participants" in any new competition for tenders.

The privatisation of Apatin Brewery was widely reported on in the Serbian press. Belgian brewing giant Interbrew had already bought into Apatin to the tune of 362 million euro, but was now offering to buy the remainder of the shares held by its workers.

Newspaper articles emphasised the shareholders' belief that they would become rich overnight if they sold their shares. A Vreme article on September 25 carried the headline "Big dilemma for small shareholders", while a Blic headline on the following day read, "Apatin rocked by euro fever".

On September 28, the media widely reported a statement made by Prime Minister Zoran Zivkovic on Nis Television 5, in which he said, "Nowhere in the world is there a better example of privatisation, in terms of what it has brought to the economy, how legal it is, and the financial effect it has had on the budget."

## October

### MEDIA IN SERBIA: ELECTION CAMPAIGN

Presidential elections in Serbia were overshadowed by current scandals and parliamentary debates on a vote of no confidence in Serbian Parliament speaker and Serbian Government, with the media mainly just registering events surrounding the election campaign. Assessments that the presidential elections would fail prevailed in the sporadic analyses and comments.

The fact that this campaign, unlike the few previous ones, was extremely calm, that the candidates refrained from exchanging insults, was only an additional reason why the media covered the presidential race quite calmly and equally, without favouring any of the candidates.

An exception was the submission of governing DOS coalition candidate Dragoljub Micunovic's presidential candidacy (on October 20), which was all over the dailies' front pages (Politika, Novosti, Danas) and was given strong publicity by radio and television stations.

The act of calling the elections was described by most media as the authorities' attempt to deflect the public's attention from the scandals that have linked the governing elite over the past few months with corruption, conflict of interest, and with the stealing of votes in the parliament during the vote on the new national bank governor.

Although there are six candidates running this race, the general media opinion is that DOS presidential candidate Dragoljub Micunovic and Serbian Radical Party candidate Tomislav Nikolic are the main opponents, as representatives of two directly opposed political options.

### UNCERTAIN OUTCOME OF ELECTIONS

In an article by Milan Milosevic (October 2) entitled "Signature and write-off", the weekly Vreme doubts that the government will managed to cover up the ongoing scandals with the presidential elections.

"The assumptions that unpleasant affairs will be hushed-up prove quite shaky... hushed-up by talking about presidential elections for a while, whether they will or won't succeed, who'll back who, etc.". On the contrary, writes the weekly, and says that the presidential campaign will, it seems, launch a debate on the legitimacy of the parliament..."

On October 2 NIN published Batic Bacevic's text "The Radical Factor". In connection with the presidential vote and Serbian Radical Party representative Tomislav Nikolic's presidential candidacy, the weekly notes that debates on the power of the Radicals and reformists have re-opened. The debate itself speaks of the fact that the democratic order has been seriously shaken, writes NIN.

NIN doubts that Nikolic will win, but notes that the Radicals are "litmus-paper for the success of reforms" and that "the reforms are not going all that well". Quoting results of public opinion polls conducted by research agencies, according to which the people are dissatisfied with the pace of reforms, NIN wonders at the end of the text as to "how this dissatisfaction will be expressed if not in the elections".

In a text by Mihail Ramac under the headline "The glitter of the squandered treasure" (October 9), Danas expresses doubts that a president will be elected, explaining that, after October 5, 2000 (the day of the change of regime in Serbia), "Serbia got scared" and that it is "frozen in its tracks before the challenges of the past and future". The text reads that Serbia is "in a transitional purgatory instead of being in a democratic heaven" and that "most people prefer an incomplete state" so it is not really important to them whether or not they'll have a president.

On October 9 the weekly NIN published a text by Dragan Bujosevic entitled "Sports Campaign" in which the author speaks about presidential candidates and their public image, and says that marketing campaigns can do little in such short time because the public has already formed its opinion on most or at least on the main candidates.

"Micunovic will be a good chief, Nikolic (Toma, Serbian Radical Party candidate) is the same as Seselj, Ilic (Velimir, head of New Serbia) a constructive critic, Tomic (Dragan S., New Socialist Party, a faction of the Socialist Party of Serbia, SPS) a new political face..."

A day before the Serbian Parliament vote on putting on the agenda the motions of no confidence in Parliament speaker and the Government (October 13), Glas was the only daily that wrote about presidential elections. In the column "Personal stance" that took up half a page and included a large photo of candidate Dragoljub Micunovic, the author of the text Vinko Djuric actually "deals with" the Serbian Government and says that "if Micunovic has recognized a once-in-a-lifetime chance," then he should help topple the Government, through his deputies.

"A king or a courtier" is the headline of an article pointing out that Micunovic is to make his own choice whether he'll be a "king" of political events in Serbia ("by abandoning the DOS ship and refusing to further support a Government that has little to be proud of in the past three years) or "a courier of failures-politicians of the repressive elite".

"The fall of the Government, which is all the more certain, yet achieved without the help of Micunovic's four-man team in the parliament, heralds a true election failure of the oldest presidential candidate," Glas writes.

In a text by Branislav Radivojs, Politika writes (on October 26) that the two main rivals that have entered the presidential race are former regime representative and Radical Tomislav Nikolic, and DOS candidate Dragoljub Micunovic. The daily quotes experts of research agencies and their comments on results of public opinion surveys, explaining that successful presidential elections would come as the greatest surprise, seeing as there is a very large number (approximately 800,000) of an undecided voter.

#### THE COST OF ELECTIONS

In a text by Milan Milosevic under the headline "The President's price rising", Vreme writes (on October 16) that the governing majority, "bogged down by its own problems", does not have enough time to support its candidate Dragoljub Micunovic, but that a "miracle" could happen, and that the escalation of political conflicts could help the written off presidential elections succeed after all.

The author presents his stance that the parliamentary crisis "has increased the need to consolidate at least one institution" and so increases the importance of "somewhat neglected" presidential elections.

Vreme focuses on Micunovic's chances, and those of the other main candidate, Radical Tomislav Nikolic, and says that the outcome of the battle between them and those boycotting the vote will determine the fight for the parliament.

"Therefore, the presidential elections will, above all, involve institutional and state issues, so the candidates will have to look for their chance in proving seriousness and state-building qualities. They will have to show their resolve and a sufficiently credible intention to overcome the grave political, institutional and constitutional blockade".

Below the information that DOS candidate Dragoljub Micunovic has submitted his candidacy, Glas publishes (on October 21) a short information (signed by L.C.) under the headline "The price of presidential elections amounts to 322,580 children's allowances".

Explaining that some five million euros would be spent on presidential elections, the daily calculated, without any comment, that this money could cover 322,580 average children's allowances for September or 247,524 allowed for single mothers.

A day later, on October 22, Blic also focuses on the costs of the election campaign. In an article under the headline "Five million for participation " (by Ivana Cvetkovic), the daily writes that the Serbian Government is approving funds, from the budget, amounting 1000 average salaries in Serbia, which will be divided between as many candidates as the republic election commission approves. The daily spoke with several presidential candidates who all advocate a modest campaign.

Glas (October 22) talks about the way in which the candidates will promote themselves ("Campaign from field to table, signed by P.P.). The daily quotes three candidates, Tomislav Nikolic, Velimir Ilic and Marijan Risticovic (People's Rural Party) as saying that the campaign will be modest, that they will mainly be touring Serbia and holding rallies, without any large billboards, videos and propaganda material.

In a very obvious entrefilet under the headline "They don't charge Micunovic", the daily quotes Risticovic as saying that Micunovic "uses his position quite a lot" for promotions on local televisions "because he doubts that anyone will charge him for anything."

In its article "Trial balloon" (October 23, Petar Ignja) NIN writes that the presidential campaign is lukewarm and inactive because very few in Serbia see it as something important. "Why would people waste their time with elections when very few believe that they will succeed," writes this weekly.

Citing Micunovic's recently issued statement that these elections, if unsuccessful, could be a kind of a test for the parliamentary elections, NIN says "well let the dress rehearsal at least show something", and then it adds that the rehearsals are not cheap, and that this one will cost six million euros.

## November

#### TRADE UNIONS

Trade union activities are seldom covered to any great extent in the Serbian media. Analytical pieces concerning industrial disputes or the actions of trade union organisations are rare, unless the event in question has a political backdrop.

The Alliance of Independent Serbian Unions, SSSS - one of two main labour organisations in the country - hit the headlines in late October and early November when its members protested in Belgrade. The union's leader, Milenko Smiljanic, was widely quoted when he threatened to topple the government if it failed to call parliamentary elections. In late October, the parliamentary opposition backed the union's call for a change of government and early elections. The governing Democratic Opposition of Serbia, DOS, coalition suggested that workers submit their requests through normal channels, rather than taking to the streets.

The media often accused the politicians who dismissed the protests of being politically motivated. However, coverage quickly subsided when the government called early elections and the union suspended its demonstrations.

#### CLASHES WITH THE POLICE

On October 30, workers protesting outside the Serbian parliament clashed with police. The media made much of the heavy law-enforcement

presence in front the building, as well as the fact that many were dressed in full riot gear. Television media repeatedly broadcast scenes of police beating back the demonstrators, reminding viewers of the days of the Milosevic regime when such incidents were common.

Under the headline "Blue blood", Srboljub Bogdanovic wrote in Belgrade weekly NIN that the importance of the incident lay in its symbolism. "This is the first time the authorities have confronted demonstrators," he wrote. Although conceding that the protestors had violated a ban on assembling in front of the parliament when in session, Bogdanovic insisted such a heavily-armed police presence was unnecessary. The issue of whether the union was right to protest in such a manner, he wrote, has nothing to do with the simple question: "Why were people beaten?"

One of the few opinion pieces on the protests was published in Belgrade daily Danas on November 4. Under the headline "Tents outside parliament", Dragan Vujadinovic wrote that if the union had "purely social rather than political motives they would not have come to parliament, since this is where parties and politicians go."

In a letter published in Danas on November 6, the head of the "Nezavisnost" (Independence) trade union criticised the media coverage. Branislav Canak, himself a former journalist, said it was unforgivable that no journalist had asked Nezavisnost for its opinion on the protests.

Unlike the SSSS, Nezavisnost emerged in opposition to the Milosevic regime, and SSSS leaders often branded its members "traitors" or "foreign mercenaries".

Canak's letter complained of a "media black-hole". He wrote, "It's an almost unbelievable situation: one union is on strike, charging parliament and clashing with police, yet journalists aren't interested in hearing what other unions have to say."

Canak suggested the media might learn from other unions about "how and who is fighting for the rights of workers and what has been achieved so far."

#### MARGINALISED PROTESTS

In early November, an SSSS statement demanding the privatisation process be suspended was widely reported.

Though the union threatened more radical action across Serbia, the media largely ignored the subsequent demonstrations after they failed to attract significant numbers.

Belgrade daily Glas Javnosti was one of the few dailies to report regularly on the protests. On November 13, a "general strike" in Krusevac made the paper's front-page, under the headline "Demanding jobs and the dismissal of the government". The article was published alongside a photo of the rally, which was attended by around 5,000 people.

Most union activities were suspended when the government called early parliamentary elections. The suspension also passed largely unnoticed. At best, the media carried agency reports, such as a Beta piece on November 28 regarding the Serbian Labour Party's decision to collect signatures in the management building of the Zastava factory in support of its election campaign.

The SSSS demanded the dismissal of the party's leader, incumbent Labour Minister and former union chief Dragan Milovanovic. Asked how a political party and labour union could use Zastava's main conference hall for election activities, the Association of Free and Independent Unions said the hall belonged to the workers, who have put years into building the factory.

#### BARELY REGISTERED

A strike organised by the Union of Serbian Doctors and Pharmacists on October 2 received the bare minimum of media coverage. Reports noted that the union is not recognised by the government, which had refused to negotiate.

Likewise, a rally in Belgrade on November 3, organised by Nezavisnost and the Friedrich Ebert Foundation, was barely registered by the Serbian media.

On November 16, Belgrade daily Blic published a one-page interview with Milan Kovacevic, the trade union leader at the Serbian Electric Power Company, in which he criticised the government and accused it of trying to sell the company.

"There you have it - we have the misfortune to fight against those whom we brought to power. I'm convinced, as are my colleagues, that their only aim was to appoint energy ministry heads who would sell out the Serbian Electric Power Company," claimed Kovacevic.

Media also reported a statement by G17 Plus leader Miroslav Labus on November 29 in which he pledged the party would improve cooperation with the trade unions.

## December

#### PARLIAMENTARY ELECTIONS

Media coverage of the campaign leading up to parliamentary elections on December 28 was on the whole professional, giving time to all relevant participants with interviews, panel debates and special programmes. Tomislav Nikolic, the Serbian Radical Party deputy leader, attracted particular attention after his victory in Serbia's abortive presidential election in November.

The fact that Slobodan Milosevic and Vojislav Seselj headlined their parties' campaigns from behind bars in The Hague came as little surprise. Most

dailies quoted legal experts on the matter, while Politika, Vreme and Danas published editorials critical of the move.

The Centre for Free Elections and Democracy, CeSID, noted significant progress in media coverage compared with elections in 2000. "Informative quality prevails, while the media does not take the side of any one party," it said in a statement on December 23. It described Belgrade daily Danas as being "moderately inclined towards the Democratic Party."

#### TRIBUNAL INDICTEES RUNNING FOR PARLIAMENT

On December 3, Danas published a letter from prominent lawyer and founder of weekly Vreme, Srdja Popovic, criticising the Serbian Election Commission for failing to prevent war crimes suspects from running for parliament. The move could be fatal for state interests, he wrote, in the popular column "Reactions".

On December 22, Danas carried an article by the president of the Serbian Constitutional Court, Slobodan Vucetic, headlined "Bait for the 'patriotic' vote". Vucetic said that the decision to name individuals indicted by the UN war crimes tribunal among party candidates was a grave abuse of rights, since they were clearly nominated in order to "manipulate the will of the people".

Politika columnist Ivan Torov notes in particular the outgoing interior minister's decision to name Public Security chief and Hague indictee Sreten Lukic among his party's candidates. The move contradicts repeated claims by Serbian Liberals leader Dusan Mihajlovic that the police have been depoliticised, writes Torov on December 14. "It is also an alarming indicator of ambitions to place the 'authority' of, what looks to be, a repressive state apparatus, in the service of election campaign manipulation by individuals and groups."

Naming Lukic on the election ticket obstructs cooperation with the tribunal and advocates protecting war crimes suspects by any means, and in so doing proclaiming their innocence, said Torov. It provides further fodder for claims the tribunal is anti-Serb, he concludes.

Belgrade weekly Vreme asks, "What is this new wave of demonstrative spite a sign of?" Milan Milosevic, writing on December 11, says the move could be the result of "the break-up of a pro-European coalition and the careless spoiling of a democratically elected government." It could lead to voting aimed more at "punishing" someone rather than electing someone, the journalist claimed.

#### MEDIA WARNINGS

In its campaign coverage, Vreme favoured the pro-democracy bloc. A number of times it spoke of the consequences of a victory for the nationalist

Serbian Radical Party, and in its December 11 issue published two texts warning of the radicalisation of Serbian politics.

"This will be the season of the Radicals," Stojan Cerovic predicted in his column "Two right shoes". To be a Radical today, he writes, means "boycotting reality, failing to admit defeat, repeatedly saying you're right... enjoying the fact nobody understands you and that you get on everyone's nerves".

Cerovic says it is unlikely the Radicals will get into government, but notes that since Vojislav Kostunica's Democratic Party of Serbia is sure to be there, "there are certain to be some Right vs. Right conflicts... which will be a new experience, like walking with two right shoes".

In the same edition, Teofil Pancic takes an ironic look at the parties with a nationalist edge. Referring to Radical deputy leader Tomislav Nikolic, he writes, "The other day in Subotica (in Serbia's northern province Vojvodina) he tried so hard to ingratiate himself with the Hungarians that I thought he was going to loudly recite the original version of Petefi."

Commenting on Velimir Ilic, whose New Serbia is in coalition with Vuk Draskovic's Serbian Renewal Movement, Pancic writes, "That guy gave an interview to a Novi Sad paper (again, in the north of Serbia) in which, in an attack of constructiveness, he affectionately admitted he adores various tiny minorities and that, what's more, they are welcome, on the condition they respect the state...".

In his regular column "The state of things" on December 7, Stojan Cerovic asks whether it is possible "that yet another miracle will occur in Serbia, greater than all others in the past." Is it possible that those who defeated Milosevic will effectively return to power "the defeated and humiliated forces and parties, without their great leaders who fell into slavery?"

The Serbs, said Cerovic, would be the only people to topple a non-democratic regime only to vote for it again and return it to power democratically.

A week later, on December 25, Cerovic addressed the voters who wanted change three years ago, when they toppled the Milosevic regime. He warned them against rejecting the Democratic Party, once led by slain Serbian Prime Minister Zoran Djindjic.

"Neither the Democratic Party of Serbia, DSS, nor G17 Plus, are any better than the Democratic Party, against which they've joined forces. One problem is that these parties practically admit they are weaker, less adroit and capable than the Djindjic team. So are we to vote for those defeated by Djindjic, and believe that they'll be better than him?"

The DSS and G17 Plus waged a negative campaign against the Democratic Party, the driving force behind the post-Milosevic coalition, Democratic Opposition of Serbia, DOS.

## CAMPAIGN PROMISES

Most daily were fair in their election coverage, focusing on the issues raised by parties and the promises made by their leaders. Headlines included "Raining promises" (Politika); "They've found jobs for the whole of Serbia" (Novosti); and "Promises announce hole in the budget" (Glas).

Ivan Torov wrote in Politika on December 14: "the citizens are reasonable and sensible enough to be able to tell to what extent the offer on the election campaign 'buffet' is just a big game, a come-on for the naive and easily fooled."

Vladan Batic, the leader of the Christian Democratic Party of Serbia, came in for criticism in Danas on December 9 over his comment that 1,400 directors and 10,000 other executives in Serbia don't have Serbian citizenship. "Batic was referring to Montenegrins", writes Danas, accusing Batic of discrimination and of waging an "inhospitable" campaign. Batic's party built its campaign on a pledge to secure independence for Serbia from its coastal partner Montenegro. Politika's Ivan Torov said the statement could cost not only Batic, but also Serbia, dearly.

In its weekend edition on December 13-14, Danas looked at the European dimension to the election campaign. Under the headline "Forgotten Europe", Radivoje Cveticanin says it appears the general assessment is that Europe as a campaign topic "does not score points."

"Even those who specialise in it, now seldom mention it," he writes, noting however that this does not mean the idea of European integration has been abandoned.

Blic on December 11 took an indirect swipe at DOS. Under the headline "The daily published an article by Katarina Preradovic, with the headline "Government grows by 1,000 civil servants", and a large standfirst: "DOS has failed to keep its promise to cut the number of state employees by 20 per cent."

"The pompously announced reform of the state administration... has not even begun, despite the creation of the Agency for Improving State Administration.

On December 16, Blic focused on a statement by European Union foreign policy chief Javier Solana, in which he said Serbia faced a choice between returning to the past and moving forward, towards Europe. Political analysts, writes Blic, see the statement as giving support to the parties of the centre. But such support, they say, and the need for cooperation between parties of the pro-reform bloc, have come too late. Solana has interfered in Serbia's internal affairs, Blic quotes Ognjen Pribicevic, director of the Centre for Southeast European Studies, as saying.

In a lengthy article on December 4, Vreme's Milan Milosevic says that campaign will be fought on a number of issues: The Hague, NATO (integration into the Partnership for Peace), the union with Montenegro, and social issues. The Serbian political scene "is tilted to the Right", says Milosevic, which is why a balance is needed on the Left.

Elections need not necessarily lead to an "unpleasant turnaround" and the abandonment of October 2000 when Milosevic was overthrown, writes Milosevic.

Like most other media, Vreme believes a coalition government is the most likely outcome, though its likely instability will bring new elections sooner than the last.

Following elections on December 28, and the victory of the Serbian Radical Party, the media in Serbia turned its attention to possible coalition governments. Most predicted the parties of the pro-democracy bloc would unite to form a government, though they held out little hope the political leaders would be able to bury their differences long enough to avoid early parliamentary elections... again.

## **Report on Implementation of Project "I Want To Go Home" for 2003**

Project of the Helsinki Committee for Human Rights in Serbia "I want to go home" in 2003 was implemented under auspices of the War Affected Persons Relief and Protection Committee (WAPRPC), and thanks to funding provided by the International Orthodox Christian Charities (IOCC). In order to create the best possible conditions for repatriation of refugees "I want to go home" established co-operation with many NGOs and international organizations in Croatia and Bosnia-Herzegovina.

Office in Belgrade and the one in Subotica, closed in August 2003, rendered in the course of 2003 over 20,000 services (brokering in the issue of travel documents, in procedure related to certification of the Croat citizenship, in elaboration of various power of authorities and agreements, brokering in repatriation and renovation/reconstruction of houses, through legal aid, procurement of personal documents from the Republic of Croatia, and rendering of documents-related information).

### **Refugees and Activities in Serbia**

According to the 2003 official facts and figures of the Commissariat for Refugees of the Republic of Serbia in the territory of the Republic of Serbia there were 276,000 refugees and about 200,000 internally displaced persons. To date a total of 120,000 refugees were repatriated, notably 57,000 to Croatia and 63,000 to Bosnia-Herzegovina. However the said figures are not accurate, for no-one still knows the exact number of individual returnees. By the end of 2003, according to IOM, about 50,000 refugees emigrated, that is, left for the third countries.

Department for Expellees, Returnees and Refugees of the Republic of Croatia maintains that about 70,000 refugees returned from Serbia.

Commissariat for Refugees of the Republic of Serbia headed by Commissioner Ozren Tomic, launched several actions with a view to improving the status of refugees in Serbia, and in view of the fact that international community no longer treats territory of the former SFRY as a vulnerable zone in humanitarian terms. Commissariat also announced transition from humanitarian to developmental stage. The second stage should provide for

lasting solutions in terms of more massive and accelerated repatriation of refugees, or local integration of those who have decided to stay in Serbia. (The 2003 CRRS for 2003).

Within the framework of the aforementioned efforts, in 2003 Serbia and Montenegro and Bosnia and Herzegovina signed an Agreement on Two-Way Repatriation, along with the Protocol on Implementation of Agreement. The Agreement lays down prerogatives of states bodies in implementation of organized repatriation to Bosnia-Herzegovina and possibility of a joint appeal to donors and loan related appeals to the international community. Agreement was also reached on exchange of important data relating to a lasting resolution of refugees issues (Politika, 8 October, headline).

In 2003 350 flats built from the state budget funds were reviewed. And so far 49 documents on termination of the right to utilisation of flats built thanks to the budgetary funds were issued. Suspended was the distribution of 28 flats in the territory of City of Belgrade. Under the revised decision on hand-over of flats, the competition was to be repeated in December 2003, for it was established that the previous hand-over was carried out "under suspicious circumstances". (The Commissariat 's Report, date, no. of document)

Action of the collective centres dismantling is under way. In 2003 129 centres accommodating 4,500 refugees and internally displaced persons were closed down. The problem of their re-accommodation was solved through the program for housing care (self-financed building of houses and apartments), the turn-key system, procurement of building material, financial assistance, accommodation in converted collective centres, repatriation, and emigration.

The Commissariat 's officials espouse the stand that a prolonged stay in collective centres is detrimental to its beneficiaries, for it creates a kind of dependency on humanitarian aid, and in some cases causes apathy and depression. Thus re-accommodation is the best solution, even though some refugees may not be pleased with the offered housing.

Dismissal of Sandra Raskovic- Ivic, brought about major changes in the Commissariat's work. Ozren Tomic, the new Commissair, focused on repatriation of refugees, restitution of their property and resolution of their status issues. The previous top echelons of the Commissariat were criticized for "allowing a widespread corruption and unprofessional work."<sup>1</sup> According to Bojan Andjelkovic, the Deputy Commissioner, "much was done to undo the wrongs, to improve our management at all levels, and to root out corruption".<sup>2</sup>

### **Recommendations Based on Experience**

- More efficient repatriation presupposes repatriation of larger groups to certain settlements. Returnees themselves, aided by direct investments,

---

<sup>1</sup> *Blic*, 5 January 2003.

<sup>2</sup> *Glas javnosti*, 27 December 2003.

would work on renovation of their homes and infrastructure. The Helsinki Committee in early 1998 organized several such groups, and the field experience has demonstrated that such kind of repatriation is very good. "I want to go home" has several projects for localities in the vicinity of Benkovac, in North Dalmatia, and is ready, in full reliance on its vast experience and confidence gained among refugees, to participate in their implementation.

- It is necessary to additionally simplify and accelerate the procedure of certification of the Croat citizenship and enable refugees to do that, on the basis of relevant documents, in the Croat consular offices in the FRY.

- Monitoring of the process of property restitution, and timely responses to cases of obstruction.

- Intensification of the process of reconstruction of damaged houses in areas of the special state interest, but also beyond them.

- Revival of economy in areas to which refugees return. Stimulate returnees who want to invest capital and employ other returnees. Give direct loans to small-scale businesses, and those engaged in cattle-raising and farming.

- Investments should be made in infrastructure –roads, water-supply system, power-generation network- of the places to which refugees return.

- Refugees should be exempted from various taxes in the Republic of Croatia, Bosnia-Herzegovina and Serbia and Montenegro.

- Ensure donations to back repatriation of refugees.

## **Helsinki Committee for Human Rights in Serbia - Press Releases -**

### **PREMIER DJINDJIC ASSASSINATION 12 March 2003**

The Helsinki Committee for Human Rights in Serbia is appalled at the assassination of Serbian Premier Zoran Djindjic and shocked by the contrived brutality that swept away from the Serbian political arena a young, modern and dynamic leader, who had been doing his utmost to take out the former regime's mortgage on this country.

The assassination of Premier Djindjic is more than just a senseless act of violence. His murder is the tragic, and for Serbia fatal outcome of the pressure he has been under for long because of his attempts to make a final break with the structures and elites that had actually ruled the country behind the scenes for over a decade, to meet all the obligations Serbia had undertaken – obligations to The Hague Tribunal in particular – and to lead Serbia on the road of true, rather than sham transition.

The Helsinki Committee for Human Rights is deeply concerned that the murder of the Premier might open up a new stage of instability, if not provoke anarchy, and serve as a pretext to retrograde forces eager to impose new, different, but probably worse dictatorship and policy than those that had turned Serbia into years-long black hole of the Balkans.

### **MANIFESTATIONS OF RACISM AND XENOPHOBIA March 13, 2003**

The Helsinki Committee for Human Rights in Serbia warns the public that more and more frequent manifestations of racism and xenophobia – overt intolerance against anyone not belonging to the majority nation – show Serbia in the light it would surely not want to be perceived by Europe and the world to the integration processes of which it aspires.



The fact that over 1,000 inhabitants of the Zemun Polje area block traffic and forbid their children to go to the neighbourhood school to protest against the planned construction of houses to shelter their Romany townspeople in the school's vicinity, that they get organized in crisis groups aimed at hindering the construction and invite others to join them in a downtown rally scheduled for the day that by itself symbolizes resistance to fascism, is more than disturbing – a fact as such is a red alert.

Such organized actions not only add fuel to the fire of retrograde trends in the Serbian society, lend force to the deep-rooted conservativeness and ethnocentrism that take Serbia away from European civilization, but also radicalize members of minority groups that day in day out see themselves as more and more endangered.

The growing number of anti-Hungarian graffiti in Novi Sad and Subotica additionally testifies this. Inscriptions of the "Go away! Buzz off to your nice, green Hungary!" type irresistibly call to mind the era when such phenomena were backed by the regime and served the policy from which a part of the Serbian elite is now trying to distance itself.

Besides, expression of anti-Hungarian feelings – moreover, a skilfully staged campaign against Hungarians – coincides with Serbia's attempts to define its internal structure by adopting a new constitution. Centralism of the same elite that has actually never renounced Milosevic's legacy is contrary to the trends and standards of today's Europe that are, like some local Vojvodina-based initiatives, based on regional, rather than on ethnic principle.

The Helsinki Committee for Human Rights in Serbia appeals to relevant authorities to prevent such actions and campaigns the effect of which may easily annul all transition-bound efforts and once again isolate Serbia from the world.

**METROPOLITAN AMFILOHIJE'S SPEECH AT THE  
MEMORIAL SERVICE FOR THE  
ASSASSINATED PREMIER  
March 17, 2003**

The Helsinki Committee for Human Rights in Serbia warns the democratic public about the phenomena that have been manifested on umpteen occasions, but showed their ugliest face during the memorial service for Premier Djindjic. It is in reverence to the memory of the assassinated leader and reformist that we take it is high time to tackle the issue of the forces that have for years flourished on the rhetoric of war and hatred, pursued the policy of aggression, fed on xenophobia and isolationism, and now seized the opportunity of his funeral to propagate the ideas that in contrast to his overall endeavour for a modern and European Serbia.

Metropolitan Amfilohije Radovic's speech at the memorial service ominously indicates that the Serbian Orthodox Church cannot or would not make a break with past anachronisms and extremist policy, and distance itself from some of its dignitaries. The words uttered by Metropolitan Amfilohije are in reverse proportion to Serbia's interest to get its relations with neighbours in the region harmonized, begin to meet its obligations to the international community without hesitation and be integrated into Europe, and thus in reverse proportion to interests of any of its citizens. Last but not least, the very fact that the floor was given to Amfilohije Radovic is diametrically opposed to delicate needs of the newly established union of Serbia and Montenegro.

How else could one interpret his phrase that Premier Djindjic will be remembered "primarily for having – in the days of the deepest humiliation for his people and in the manner of one Milos Obrenovic – offered a brotherly hand of peace and reconciliation to Europe and the world" and did this "at the point when the sword of Pilate's justice hangs over his people?"

Is not the comparison with Vozd Karadjordje "who has also been beheaded by a godfatherly and brotherly hand" an offense to the deceased and his family, since, even as a figure of speech, it insinuates ties with those who have devised the murder and pulled the trigger, the same as "the wound opened by the hand of brotherly hatred" must be offensive to every conscious citizen?

And what about good taste and decency when in the hour of mourning phrases such as "Zoran Djindjic will go down in history and be remembered by this nation for his eagerness and concern to see the construction of this sacred and divine temple of the Serbian orthodox people completed" openly appeal to possible donors to the fundraising campaign?

Even should we manage to ignore the fact that a speech as such was delivered in the presence of high representatives of the European Union, European statesmen and, moreover, before highest officials coming from all ex-Yugoslav republics – a gesture that is beyond symbolism – we cannot but be concerned about the direction in which ideas and appeals as such might lead Serbia this time.

The Church has the right to imbue its believers with myths – should they consent – and hold them hostages of the past. However, the Church, this time represented by Metropolitan Amfilohije – should not meddle in politics and is not entitled to take all citizens back to the era that does credit to nobody. It is on the state bodies now to distance themselves from such interpretations of the murdered Premier's overall aspirations, given that these interpretations are by their very nature an attempt to devaluate everything he has done for his people.

## **CRUCIAL WATERSHED BETWEEN CRITICAL AND BELLIGERENT-MANIPULATIVE JOURNALISM**

**April 2, 2003**

Hoping the newly appointed commission to analyze media assaults on the assassinated Premier Djindjic over the past year would fairly, knowledgeably and with due respect for the highest professional standard commit itself to such delicate task, the Helsinki Committee for Human Rights supports this latest decision by the Serbian government and the Ministry of Culture and Information.

The Helsinki Committee would like to believe that this action – regretfully initiated by Premier's brutal murder – would not stop at these ordered media bullets only, or even less hinder criticism or impose unnecessary self-censorship. The government and the Serbian Legislature would best prove the latter was not their intention by finally passing the Public Information Act. As for all responsible media people in Serbia, they are surely aware of the barrages of hate speech that were preparing the ground for the wars to be waged in the territory of the former Yugoslavia, that were justifying and inciting these wars, that, along with their colleagues Slavko Curuvija and Milan Pantic, killed thousands and thousands of civilians, and then even after October 5 used the same pattern to spread intolerance and call for lynch. Moreover, even after Djindjic assassination these same media bullets have been aimed at some possibly next targets. The interview with Metropolitan Amfilohije, carried in the issue of March 31 of the Ekspres daily, is probably the best illustrative instance for anyone caring for a modern and democratic Serbia, as it shows that the hate speech shaped into a reporter's questions has nothing to do with the freedom of press or even less with the fundamental human right to free expression.

The Helsinki Committee for Human Rights in Serbia believes that the Commission would be able to recognize this crucial watershed between critical and responsible journalism on the one hand, and belligerent-manipulative newspaper or broadcast reporting on the other.

## **AN ORCHESTRATED CAMPAIGN AGAINST EVERY OTHERNESS**

**April 17, 2003**

The Helsinki Committee for Human Rights in Serbia draws public attention to continued manifestations of hatred, xenophobia and aggression targeting every otherness, which have culminated these days in an assault on the Adventist Church in Zrenjanin and beating up of its priest, Josip Tikvicki.

The problem should even more concern all of us since the actors of this to all appearances orchestrated campaign – this time it is about authors of fascist graffiti and assaulters on the Adventist Church's facilities, believers and priests in Belgrade, Kragujevac and Zrenjanin – are mostly young people. Regardless of whether they have been just manipulated or raised in the spirit of intolerance, one cannot but feel that actions as such – either directly or indirectly – make part of the same criminal machinery that is being disclosed these days and will hopefully be taken apart.

The Helsinki Committee for Human Rights calls upon relevant authorities to take measures appropriate to their proclaimed policy and thus protect the right of all citizens to free exercise of their religious beliefs.

## **INTOLERANCE, XENOPHOBIA AND CHAUVINISM IN ACTION**

**June 2, 2003**

The Helsinki Committee for Human Rights in Serbia strongly condemns assaults on and hunt for the citizens' association "Sanatan – the Society for Spiritual Science." Given that the association is duly registered and has in no way breached the law by its program and activities, we cannot but interpret these assaults as organized and orchestrated manifestations of intolerance, xenophobia and chauvinism.

The Helsinki Committee takes it necessary that the Ministry of the Interior thoroughly investigates these crimes and tracks down offenders. The Committee also believes special attention should be paid to clarifying the Serbian Orthodox Church's role in this case. The Committee appeals to the Ministry for Human and Minority Rights to get interested in the case, and to assist and protect the "Sanatan" association, the same as other organizations criminal and xenophobic groups might make targets of. The Helsinki Committee also pinpoints that some conservative forces in Serbia have been manipulating terms such as sects, Satan, etc. with a view to stigmatize and ban any different views and activities.

## **XENOPHOBIA, INTOLERANCE, VANDALISM**

**September 29, 2003**

The Helsinki Committee for Human Rights in Serbia strongly condemns the sacrilege and toppling to tombstones at the Catholic graveyard in Novi Sad. Unfortunately, this act of vandalism is yet another of many incidents over the past two years that testifies of xenophobia and intolerance in the Serbian society.

A change in such anti-civilization tendency calls for permanent action not only by the civil sector, but also all relevant state institutions. In this regard, the Helsinki Committee welcomes the Novi Sad Mayor's prompt and appropriate reaction.

## **SERBIA STILL UNWILLING TO PUT WAR CRIMINALS ON TRIAL**

**October 1, 2003**

The Helsinki Committee for Human Rights in Serbia warns that the trial and sentence ruled in the Sjeverin case - the same as in the Strpci case - shows that the state is still unwilling to allow reexamination of its responsibility for and the role it played in the crimes committed during the wars in the territory of ex-Yugoslavia. Though defendants Lukic, Krsmanovic, Dragicevic and Sevic's responsibility as direct executioners was unquestionably asserted during the trial (resulting in suitable and fair punishments), the trial chamber refused to discuss and clarify all motives for and circumstances under which the crime had been committed. Almost all motions by the damaged parties' attorneys aimed at furnishing corroborating evidence for the fact that the crime itself had been a part "the Serbian army's strategy to create conditions for the exchange of prisoners and the dead" - an action organized and commanded by governmental and army officials of the FR of Yugoslavia and Republika Srpska, rather than by some "armed group" that acted at will - were overruled.

What makes one even more concerned in this particular case is the way Public Prosecutor Vladimir Vukcevic - not long ago appointed war crimes prosecutor as well - acted throughout the trial. Not only did Prosecutor Vukcevic change the indictment once the evidence had already been presented by stating that the defendants had been members of "an armed group, rather than of Republika Srpska's para-military troops," but he also opposed presentation of evidence that could have indicated the responsibility of people who had given orders and organized the crime. On the one hand, this directly showed the tendency to have the case just partially solved, and indirectly closed the door on future criminal proceedings against all accomplices in the crime on the other.

This case is yet another regrettable proof that the situation in Serbia is still not ripe for unbiased and fair trials of masterminds and executioners of the crimes committed in the wars in ex-Yugoslavia.

## **RADICALS CALL FOR YET ANOTHER WAR**

**November 27, 2003**

The Helsinki Committee for Human Rights in Serbia warns the public about the dangerous and impermissible rhetoric the Serbian Radical Party resorts to after the failed presidential election in Serbia, and particularly in its election campaign for the upcoming parliamentary one.

In their public discourse the party leaders not only overtly promote the Greater Serbia program - the ideological backbone of the wars and ethnic cleansing in the territory of ex-Yugoslavia - but also threaten to wage yet another war for the return of Kosovo.

At the same time, hate speech and threats to "domestic enemies" have once again become a part of Serbia's political scene and the campaign in which the media such as the newly founded Internacional join in. In an interview with Aleksandar Vucic, secretary general of the Serbian Radical Party, in the issue of November 27, the daily carried Vucic's threat to Biljana Kovacevic-Vuco, president of the Lawyers' Committee for Human Rights. He referred to Kovacevic-Vuco's calling immoral the fact that his party submitted candidates' list under the name of The Hague's indictee, Vojislav Seselj.

While fully sharing Kovacevic-Vuco's view, the Helsinki Committee just poses the following question to the general public: "If Biljana Kovacevic-Vuco will be 'jobless' and deprived of 'her superiors' support' should the Radicals win the election, who will then be next on the list, and the one after him?"

## **ZORAN DJINDJIC - A POSTHUMOUS TARGET TOO**

**December 25, 2003**

The Helsinki Committee for Human Rights in Serbia alerts the public to the fact that the trial of the accused of the Premier Zoran Djindjic assassination before the special court has already been turned into a farce that testifies to the progressive erosion of professionalism in Serbian courts, bar and the media. A prevailing atmosphere - in the courtroom and outside it - fully illustrates the overall social climate in Serbia. Insensitivity to crime indicates that the crime itself is perceived as something normal. The lack of basic human and professional ethics additionally weights the task facing the anyway devastated judiciary.

The media hue and cry - preceding the trial and in the course of it - further blurs political motives and the true background of the murder of a reformist premier. This is about a follow-up of the campaign that even this tragic event did not put to an end, the campaign aimed at stalling reforms and taking Serbia back to isolation. This is about a factually successful campaign

that nowadays turns the late Premier into a posthumous target; moreover, into a main suspect of his own murder.

The very first proceedings instituted for the cases of organized crime question fairness and professionalism of the trials of alleged war criminals supposed to be conducted by national courts.

## **RADICALIZATION IN ACTION**

**January 8, 2004**

The early parliamentary election bared Serbia in its true light, along with its social climate strongly marked by the trend of self-isolation. Radicalization in terms of minorities, Croats in the first place, is most indicative in this context. The incident that firstly took place on Catholic Christmas Day was repeated on the Serbian Orthodox Christmas Eve – the bust of Matija Gubec was torn down in the schoolyard under the same name in Subotica. Before that, Catholic tombstones were massively sacrilized in Novi Sad. Such messages to the Croatian minority in Serbia are also harmful for further normalization of nowadays much better position of the Serbian minority in Croatia.

The fact that due to an extremely high electoral threshold representatives of minority communities won no parliamentary seat, as well as the lack of political will to have minority representation solved through the principle of »positive discrimination,« show that Serbia does not treat its minorities as equals, though they make up over 30 percent of its population.

Finalization of the project of an ethnically pure Serbian state that is insisted on takes Serbia away from its declared goal to enshrine European standards. As it seems, unfortunately, it is such tendency some circles have been fueling.

## **PATRIARCH NEGATES MACEDONIA AND MACEDONIAN NATION**

**January 9, 2004.**

Instead of being thoroughly imbued with the spirit of ecumenism appropriate to a major Christian holiday, the Christmas epistle the Serbian Patriarch Pavle sent to believers and the clergy in Macedonia, contains messages such as the one about a historical truth that "in 1967, the Macedonian Orthodox Church, in a putschist manner – namely, without the blessing of its mother church or any other Eastern Orthodox church in the world – proclaimed autochthony" and thus became the institution "established by communists to satisfy their needs." Further, contrary to the attainments of modern civilization, the Patriarch pinpoints unsustainable argumentation according to which "each

nation, just because it is different from some other, must have an autochthonous church of its own." However, he does not provide arguments that would support the Serbian Orthodox Church's right to play an arbiter in this matter.

Messages as such – at the time when what Serbia probably needs the most is normalization of relations and good cooperation with its neighbors – shows that the Serbian Orthodox Church persists in the delusion about Macedonia as "South Serbia" and thus continues the fatal policy of negating not only the Macedonian church, but also of the Macedonian state and people. This is best illustrated by the strong reaction of the Macedonian government and public that consider this epistle "not only an anti-canonical, but also as a anti-state act."

## **ANTI-CROATIAN INCIDENTS TURN INTO A TREND**

**January 13, 2004.**

The Helsinki Committee for Human Rights in Serbia once again alerts the public to the fact that anti-Croatian incidents have been escalating, particularly since the early parliamentary election. After the incidents in the Subotica's area called Mala Bosna (Little Bosnia) and the one in the nearby village of Tavankut when bust of Matija Gubec was torn down on two occasions, the newsroom of the Hrvatska Rijec (Croatian Word) newspaper became a target to anonymous threats. It was only today that the newsroom received three such calls saying, "Ustashi, if another edition of your paper comes out of print, I'll kill you all, as you have killed my child!"

Tearing down monuments and assaults on minority communities' institutions that of the Croatian in this particular case speak of overall radicalization deriving from the rise of the Right in Serbia. The Helsinki Committee for Human Rights condemns threats to the only weekly in Croatian in Serbia and calls relevant authorities to take all necessary steps so as to prevent such or similar disturbing events.

President of the Serbian National Council Milorad Pupovac said the radical right's coming to power in Serbia greatly weighted the Serbian community in Croatia, adding that the above incidents already indicated a clear-cut trend to annul the outgoing government's endeavour to find a *modus vivendi* with minorities.

## A SERIES OF ANTI-CROATIAN INCIDENTS

February 3, 2004.

The Helsinki Committee for Human Rights in Serbia warns the public that the series of anti-Croatian incidents, launched after the early parliamentary election, had its follow-up last night when windows of the Jesuit monastery in Subotica were smashed. The incident was preceded by threats to the Croatian Consulate General in the same town, as well as by tumbling down of 24 tombstones at the Kersko Graveyard in the night of January 24.

Incidents as such that are ever more frequent are growing into a dangerous trend and threaten with impairing interethnic relations in Subotica and other towns.

The Helsinki Committee strongly condemns these xenophobic assaults, along with those that took place at an earlier date, and calls relevant institutions to take all necessary steps so as to prevent similar episodes.

## Helsinki Committee for Human Rights in Serbia: Activities in 2003

### JANUARY

- Research work related to implementation of the project "Small Minorities"; visit to representatives of small minorities in Serbia (January, February, March, April)

- Panel discussion: "The Hague Tribunal"

Participants: Mathias Helman, Dusan Mijic, Pavel Domonji; *Sombor, January 2003*

- Prison monitoring: visit to Penitentiary-Juvenile Remand Centre Hospital-Belgrade - Beograd; *28 January 2003*

### FEBRUARY

- The Fifth School of Human Rights for the Young; *Belgrade, 1-9 February 2003*

- Panel-discussion "Nationalism Today", related to publishing of the book "Point of Discord"; Participants: Olivera Milosavljevic, Olga Popovic Obradovic, Sonja Biserko...; *Beograd, 3 February 2003*

- Round-table: "Status and Problems of Germans"; *Novi Sad, 6 February 2003*

- Panel-discussion : "In the Tradition of Nationalism"; Participants: Olivera Milosavljevic, Dubravka Stojanovic, Latinka Perovic, Ljiljana Palibrk; *Kragujevac, 7 February 2003*

- Round-table : "Status and Problems of Ashkalis"; *Novi Sad, 12 February 2003*

- Panel discussion: "Journalists as Witnesses"; Participants: Dejan Anastasijevic, Jovan Dulovic, Ljiljana Palibrk; *Kragujevac, 20 February 2003*

- Round-table: "Status and Problems of Ukrainians"; *Novi Sad, 20 February 2003*

- Prison monitoring: visit to penitentiary-juvenile remand centre in Sremska Mitrovica; *28 February 2003*

**MARCH**

- Round-table: "Status and Problems of Macedonians"; *Novi Sad, 3 March 2003*
- Round-table: "Status and Problems of Czechs"; *Novi Sad, 11 March 2003*
- Round-table: "Status and Problems of Jews"; *Novi Sad, 27 March 2003*
- Panel discussion : "Minorities and Hate Speech"; Participants: Svenka Savic, Ratko Bozovic, Djuro Susnjic, Pavel Domonji; *Novi Sad, 4 March 2003*
- Panel discussion: "Assimilation of Minorities"; Participants: Dusan Janjic, Tomislav Zigmanov, Janos Oros, Sasa Kicosev, Pavel Domonji; *Novi Sad, 19 March 2003*
- Panel discussion: "What Can Minorities Expect from Serbia and Montenegro s Accession to Council of Europe"; Participants : Aleksandra Vujic, Dusko Radosavljevic, Goran Basic, Pavel Domonji; *Novi Sad, 26 March 2003*

**APRIL**

- Panel discussion: "What Kind of Law on Religious Freedoms We Need?"; Participants: Dubravka Valic Nedeljkovic, Milenko Perovic, Stanko Pihler, Mirko Djordjevic, Pavel Domonji; *Novi Sad, 3 April 2003*
- Press conference: Results of project "Small Minorities"; Annual report on status of human rights in Serbia; *Novi Sad, 30 April 2003*

**MAY**

- Prison monitoring : visit to Juvenile Remand Centre in Krusevac; *8 May 2003*
- Panel discussion: "The Right to Information in Mother-Tongue"; Participants: Dubravka Valic Nedeljkovic, Nebojsa Vladislavljevic, Petar Nikolic, Istvan Farkas, Pavel Domonji; *Novi Sad, 22 May 2003*

**JUNE**

- Prison monitoring : visit to penitentiary in Sabac; *9 June 2003*
- Lecture: "The Balkans in Europe, Europe in the Balkans"; Lecturers: Latinka Perovic, Sonja Biserko; *Novi Pazar, 13 June 2003*
- Promotion of the Helsinki Committee publications; Participants: Sonja Biserko, Latinka Perovic, Pavel Domonji; *Novi Pazar, 14 June 2003*
- Prison monitoring: visit to penitentiary in Sombor; *17 June 2003.*
- The Sixth School of Human Rights for the Young; *Vrnjacka Banja, 28 June- 6 June 2003*

**JULY**

- Panel discussion: presentation of the Helsinki Committee for Human Rights; *Novi Sad, 17 July 2003*
- Round-table: "Make-over of Nationalism"; Participants: Sonja Biserko, Nenad Dakovic, Izabela Kisic, Stanko Pihler, Mirko Djordjevic, Pavel Domonji; *Beograd, 15 July 2003*
- Talk with Association of Askali and NGO Basno; "Problems of Romany and Askali"; *Novi Sad, 18 July 2003*
- Prison monitoring: visit to penitentiary in Nis (II); *29 July 2003*

**AUGUST**

- Prison monitoring: visit to Under-Age Juvenile Remand Centre in Valjevo (II); *12 August 2003*

**SEPTEMBER**

- Round-table: "Transfer of Founding Rights"; Participants: Rafail Ruskovski, Djordje Subotic, Kalman Kuntic, Janos Oros, Tomislav Zigmanov, Nikola Santa, Jaroslav Ciep, Niku Cobanu, Rudolf Mihok, Laslo Joza, Antal Bozoki, Zvonimir Perusic, Branislav Dragas, Istvan Farkas, Slavko Almazan, Danijel Petrovic; *Novi Sad, 16 September 2003*
- Panel discussion panel: "Vojvodina nationalism"; Participants: Sonja Biserko, Laslo Vegel, Srdjan Sajn, Mihail Ramac, Tomislav Zigmanov, Pavel Domonji; *Novi Sad, 23 September 2003*

**OCTOBER**

- Panel discussion: "Sins of Otherness"; Participants: Istvan Farkas, Pavel Domonji; *Novi Sad, 2 October 2003*
- Panel discussion: "War Crimes in the Name of Nation"; Participants: Stipe Sikavica, Teofil Pancic, Bojan Al Pinto Brkic, Stela Jovanovic, dr Drasko Bjelica, mr Nenad Popovic, Ljiljana Palibrk; *Nis, 23 October 2003*
- Promotion of the book «The Serb Conservative Thought», author Mirko Djordjevic; Participants: Mirko Djordjevic, Latinka Perovic, Milenko Perovic; *Novi Sad, 23 October 2003*
- Presentation of research "Status of Small Minorities"; Conference on Minorities; *Beograd, 26 October 2003*
- Panel discussion: "Manipulation of Social Discontent, Populism and Nationalism"; Participants: Dimitrije Boarov, Stjepan Gredelj, dr Miroslav Prokopijevic, Borika Petkovic, Nikola Spasic, Zoran Nedeljkovic, Ljiljana Palibrk; *Kragujevac, 30 October 2003*

## NOVEMBER

- Public debate: "Kosovo – Standards and Status"; Participants: Srdja Popovic, Olga Popovic Obradovic, Olivera Milosavljevic, Aleksandar Popov, Duska Anastasijevic, Sonja Biserko; *Beograd, 12 November 2003*
- Talks in Novi Pazar and Priboj with representatives of NGOs and political parties on the topic "Protection of Minorities – Status of Bosniaks"; *12-15 November 2003*
- Round-table: "Problems and Status of Bosniaks"; *Novi Pazar, 29 November 2003*

## DECEMBER

- Promotion of the book: Marko Nikezic – "Fragile Serb Vertical"; Participants: Mirko Tepavac, Olga Popovic Obradovic, Olivera Milosavljevic, Spiro Galovic, Zarko Korac, Mirko Djordjevic, Sonja Biserko; *Beograd, 18 December 2003*
- Press conference: How To Attain European standards, presentation of the monitoring report on prisons in Serbia; Participants: Sonja Biserko, Natasa Novakovic, Marijana Obradovic; *Belgrade, International Press Centre, 19 December 2003*
- The Seventh School of Human Rights for the Young; *20-27 December 2003*
- Documentary serial : "A Look into the Past – Serbia 1965-1991"

Ten 60-minute installments of this documentary serial are an attempt at an in-depth explanation of key developments and events in the recent past, which directly and indirectly led to the rise of Slobodan Milosevic and disintegration of Yugoslavia; Author: Izabela Kistic

In the course of 2003 the serial was aired in Serbia by TV Politika and TV Sabac; by TV Pink Bosnia-Herzegovina in Bosnia-Herzegovina. In 2004 it will be aired by TV Montenegro in Montenegro. Radio Television Serbia refused to broadcast this serial.

A DOCUMENTARY SERIAL PRODUCED BY THE  
*HELSINKI COMMITTEE*  
FOR HUMAN RIGHTS IN SERBIA

# ***A Look into the Past*** **Serbia 1965-1991**

---

AUTHOR:  
**Izabela Kistic**

SCRIPT CONSULTANT:  
**Sonja Biserko**

CAMERAMAN:  
**M. Radivojsa, R. Radivojsa and H. Topic**

ASSISTANT CAMERAMAN:  
**D. Begovic**  
EDITOR:  
**D. Mihajlovic**

EXECUTIVE PRODUCER:  
**Bojan Andjelic**

DIRECTOR:  
**Zlatko Pakovic**

*The Federal Ministry for Foreign Affairs of the Federal Republic of Germany  
has assisted the production of the serial within the project  
"Facing the Truth 2002"*

COPYRIGHT:  
**Helsinki Committee for Human Rights in Serbia**  
Zmaj Jovina 7, 11000 Belgrade, S&M  
Tel. +381 11 3032 408; fax: +381 11 636 429  
E-mail: biserkos@eunet.yu;  
<http://www.helsinki.org.yu>

TEN 60-MINUTE EPISODES OF THE DOCUMENTARY SERIAL ATTEMPT TO THROW MORE LIGHT ON CRUCIAL DEVELOPMENTS OF THE RECENT PAST THAT – DIRECTLY OR INDIRECTLY – BROUGHT ABOUT SLOBODAN MILOSEVIC AND THE YUGOSLAV CALAMITY

### “The 1965 Reform”

The when and whys of the failed processes of the country's democratization and decentralization. Was Yugoslavia's disintegration hinted back at that time? As of 1960s the conflict between modern and conservative, reform and anti-reform, centralistic and federal forces dominates the League of Communist of Serbia, and the Serbian society as a whole. The anti-reform current wins the battle. The 1968 student protest and the Praxis group. A period crucial to understanding the processes that triggered the dissolution of the Yugoslav state and wars.

### “Rise and Fall of the Liberals”

Serbian intellectual circles respond to the aspirations to more independence voiced by republican leaderships of the former Yugoslavia by calling for integration of all Serbs, primarily in the cultural domain. At the same time an alternative – known as the Liberals - emerges in the communist party. As the solution to interethnic relations, the Liberals advocate more independence for a decentralized Serbia, and consistent federalization for Yugoslavia.

### “Opening of the Serbian Question”

Writer Dobrica Cosic's circles and the Praxis group – the former open the Serbian national issue, while the latter stand up for the Yugoslav idea. In late 60s and early 70s the two oppositionist groupings are unquestionably alike – both criticize the Yugoslav socialist system. Many Yugoslavs turn Serbs. The concept of unitary Yugoslavia turns into the idea of cultural unity of territories inhabited by Serbs. When accepted as a full-fledged member of the Serbian Academy of Arts and Sciences, Cosic delivers a speech that as of that moment associates just one of his phrases, “Serbs are wartime victors, and peacetime losers.”

### “The 1974 Constitution”

The model of centralistic rule is definitely used up. Over debates that precede declaration of the Constitution, more and more reference is made to Yugoslavia as an artificial creation, and dungeon of the Serbian people. The 1974 Constitution – the last attempt to preserve the multiethnic state through federalization, but also a source of its disintegration. The Constitution does not guarantee political freedoms and market economy, but it sets up institutions supposed to replace Tito. Provinces are entitled to constitutions of their own, and their competences actually equal those of the republics. Prevalent cultural and political elites of the Serbian majority nation strongly oppose the change.

### “National Program Completes”

Early 80s – intellectual elites stage a campaign for the freedom of expression assembling intellectuals from all over the former Yugoslavia. Professors from the Praxis group make the core of the strongest oppositionist circle, the Free

University. Mid-80s – intellectuals propagating a national state of all Serbs as the only option begin to conquer the Serbian political scene on the eve of the country's disintegration and wars. The concept that turns into a state policy with Milosevic's coming to power completes.

### “Party Plays the Oracle”

Late 80s in the former Yugoslavia – economic crisis, high indebtedness, inflation, unemployment. The Serbian Academy of Arts and Sciences' Memorandum, the first program committed to paper that promotes national unity of Serbs even beyond Serbia's borders. Tendencies towards more independence grow stronger in Slovenia and Croatia, as well as in the province of Kosovo. In East Europe's last decade of communism, it is authoritarianism that carries the day in Serbia. The dogmatic wing in the League of Communists of Serbia that defeats the one of compromise, joins hands with oppositionist cultural elites.

### “Homogenization”

April 1987 – S. Milosevic goes to the town of Kosovo Polje and promises to the Serbian masses, “No one is allowed to beat you.” In June 1989 in Gazimestan, he goes public with his solution to the crisis and says, “Six centuries after the Battle of Kosovo we are again in battle. Though this is not about an armed conflict, even such conflicts are not to be ruled out.” The Berlin wall is toppled. Instead of opting for political and economic reforms, the Serbian regime, cultural elites and opposition parties emerged in 1990 actually reach a consensus on the Greater Serbia program.

### »Kosovo«

The emancipation of Albanians in Kosovo in the aftermath of the World War II and a historical overview of Kosovo's autonomy. What makes Kosovo Albanians demand a republic of their own in 1968? What makes Serbs and Montenegrins move out? Serbian authorities clamp down on every Albanian revolt. It is Kosovo where the repression of political prisoners is the worst. Kosovo's autonomy is annulled after an unprecedented anti-Albanian campaign throughout 1980s.

### »The Role of the Yugoslav People's Army«

In 1980s the YPA is reorganized. The territorial defense system is dismantled. Serbia prepares itself for war. Top army officers see Milosevic as the »only champion« of the SFRY and thus of the YPA's interests. The YPA distances itself from other Yugoslav republics, turns into a Serbian army and plays a crucial role in the dissolution of ex-Yugoslavia.

### “The International Community and Yugoslav Crisis”

The international community endeavors to maintain Yugoslavia – if so, how? Germany and Vatican recognize an independent Croatia, but under certain conditions. The Hague Conference – the international community's last attempt to prevent a war in the territory of ex-Yugoslavia. Prospects for the SFRY's joining Euro-Atlantic organizations and programs – the Council of Europe, PHARE, EBRD, associate membership of the European Community – open in parallel.



## HELSINKI COMMITTEE LAUNCHES A NEW PROJECT: BUILDING UP DEMOCRACY AND GOOD GOVERNANCE IN MULTIETHNIC COMMUNITIES

The Helsinki Committee for Human Rights in Serbia launched the complex, three-year project under the title "Building up Democracy and Good Governance in Multiethnic Communities." The project is realized thanks to the assistance of the European Union within the European Initiative for Democracy and Human Rights' program of supporting democratization, good governance and the rule of law.

Designed as an attractive and interactive endeavor, the project is aimed at capacitating young people for a life in multiethnic communities – particularly mortgaged by the recent past, interethnic distrust and stereotypes – but also for a life under conditions that are imperative to a modern democracy and its norms. In today's Serbia, such objectives imply, inter alia, rational perception of notions, developments and phenomena that are still blurred, marginalized, seen as relative or differently and even misguidedly interpreted. The project plans to include annually 560 direct beneficiaries, i.e. 1,680 young people in just two segments of its overall three-year activity.

The project is implemented on four locations – in Belgrade (coordinator Nebojsa Tasic), Novi Sad (coordinator Pavel Domonji), Kragujevac (coordinator Ljiljana Palibrk) and Novi Pazar (coordinator Azra Colovic).

The project activities are as follows:

- "Schools of Democracy" – twelve 5-day courses per year, i.e. 36 courses over the project's duration;
- Seminars "Life and Living in Multiethnic Environments" – eight 3-day seminars per year, i.e. 24 seminars over the project's duration;
- Essay-writing competitions – three competitions over the project's duration, three special, bilingual editions – in authors' mother tongues and in English - to carry 20 short-listed essays each; and annual awards to be bestowed upon the best writers;
- Books to be published in the Helsinki Files edition – three thematic publications per year, i.e. 9 over the project's duration; six studies (analyses) relevant to courses/seminars curricula to provide, along with other referential writings and books, a deeper insight into the issues the project deals with.

Though generally determined by the project's frame, curricula of the "schools" and seminars will be, so to speak, mobile – actually, they will be adjusted to each community's pressing needs, as well as to developments and phenomena that are – at the point of any activity's implementation – too prevalent to be ignored.

The four offices tasked with the project's implementation will duly inform potential trainees about curricula, lecturers/keynote speakers and time frames of the activities that are planned.

## Publishing activities

Edition	Title	Author(s)	Year
	Hate Speech as Freedom of Speech		1995
	In the Name of Humanity (Collection of documents)		1996
	Serbo-Croatian Relations and the Problem of Refugees (Belgrade, Jan. 30-31, 1997) (in Serbian only)		1997
	Lex, Whistles and Lies (in Serbian only)	Boris Delic ed.	1997
	Broken Soul (in Serbian only)	Janja Bec	1997
<i>Documents</i>	Serbo-Albanian Dialogue, Ulcinj, June 23-25. 1997/ Dialogu Serbo-Shqiptar Ulqin, 23-25. qershor 1997 (in Serbian and Albanian)		1997
	Radicalization of the Serbian Society (in Serbian and English)		1998
<i>Documents</i>	Self-Determination: between Autonomy and Secession (in Serbian only)	Milenko Markovic ed.	1998
<i>Documents</i>	<i>Kosovo: Law and Politics</i> - Kosovo in Normative Acts before and after 1974 (in Serbian and English)		1998
<i>Documents</i>	International Community and Kosovo - Collection of Relevant Documents (in Serbian and English)		1998
	Citizen in FRY Legal System (in Serbian only)	Group of authors	1999
<i>Documents</i>	Serbo-Albanian Dialogue, Ulcinj, Belgrade, Nov. 21-22, 1998. / Dialogu Serbo-Sqiptar Bgd, 21-22 Nën. 1998 (in Serbian and Albanian)		1999
	Workers and Trade Unions in Serbia (in Serbian and English)		2000
	Minorities in Serbia (in Serbian and English)		2000
	For a World without Land Mines (in Serbian only)	YU Campaign to Ban Land Mines	2000
	Yugoslavia Finally Bans Land Mines (in Serbian only)	YU Campaign to Ban Land Mines	2001
	Refugees in Serbia: Between Integration and Sustainable Return (in Serbia and English)	Vladimir Ilic	2001
	Human Rights in Serbia 2000 (in Serbian and English)	Annual Report	2001
	Human Rights in Transition – Serbia 2001 (in Serbian and English)	Annual Report	2002
	Human Rights in the Shadow of Nationalism – Serbia 2002 (in Serbian and English)	Annual Report	2003
<i>Documents</i>	Military Secret – Vol. I and II (in Serbian only)	Vladan Vljakovic	2004

Edition	Title	Author(is)	Year
<i>Helsinki Files 1</i>	Serbian Elite (in Serbian and English)	Group of authors	2000
<i>Helsinki Files 1</i>	Serbian Elite, 2 <sup>nd</sup> edition (in Serbian and English)	Group of authors	2001
<i>Helsinki Files 2</i>	Potential for Changes (in Serbian and English)	Group of authors	2000
<i>Helsinki Files 3</i>	Russia, Serbia, Montenegro (in Serbian and English)	Group of authors	2000
<i>Helsinki Files 4</i>	Individual and Collective Rights of National Minorities (in Serbian and English)	Collection of papers	2001
<i>Helsinki Files 5</i>	"Otpor" – in or beyond Politics (in Serbian and English)	V. Ilic	2001
<i>Helsinki Files 6</i>	The Case of Ivan Stambolic (in Serbian and English)	Documents	2001
<i>Helsinki Files 7</i>	The Hague Tribunal: Discord between Us and the World (in Serbian and English)	M. Despot, V. Ilic	2001
<i>Helsinki Files 8</i>	Minorities and Refugees in Vojvodina (in Serbian and English)	V. Ilic	2001
<i>Helsinki Files 9</i>	In the Triangle of State Power (in Serbian and English)	Group of authors	2001
<i>Helsinki Files 10</i>	Unlearned Lesson: Central European Idea and Serb National Program (in Serbian and English)	C. Ingrao, L. Vrkatic	2001
<i>Helsinki Files 11</i>	The Balkans Rachomon – Historiography and Literature on Dissolution of SFRY (in Serbian and English)	Kuljic, Milosavljevic, Manojlovic	2002
<i>Helsinki Files 12</i>	Transition and Minorities (in Serbian and English)	Collection of papers	2002
<i>Helsinki Files 13</i>	The Past as Challenge to the Law (in Serbian and English)	Vladimir Vodinelic	2002
<i>Helsinki Files 14</i>	Wallachians or Rumanians in Eastern Serbia: the Wallachian Issue / Rumanii sau Romanii din Serbia de rasarit (in Serbian and Wallachian-Rumanian)	Dragomir Dragic	2002
<i>Helsinki Files 15</i>	National Minorities and Law (in Serbian and English)	Group of authors	2002
<i>Helsinki Files 16</i>	The Point of Discord (the polemic launched by the Vreme weekly and publicized from Aug. 1 to Nov. 21, 2002) (in Serbian only)	Collection of articles and commentaries	2002
<i>Helsinki Files 17</i>	How to Attain European Standards: the Situation of Serbian Prisons - 2002-2003 (in Serbian and English)	Findings of the prison monitoring project	2003
<i>Helsinki Files 18</i>	Altar and Crown (in Serbian only)	Bojan Aleksov, Dragoljub Jovanovic	2004
<i>Helsinki Files 19</i>	Between Principles and Practice: the Situation of "Small" and "Big" Minority Communities in Serbia (in Serbian only)	Collection of papers and documents	2004

## Editions in Serbian:

Edition	Title	Author(s)	Year
<i>Testimonies 1</i>	People, Developments and Books	Latinka Perovic	2000
<i>Testimonies 1</i>	People, Developments and Books (2 <sup>nd</sup> ed.)	Latinka Perovic	2000
<i>Testimonies 2</i>	Is There Any Resonance?	Novak Pribicevic	2000
<i>Testimonies 3</i>	A Chronicle of International Isolation	Milan Sahovic	2000
<i>Testimonies 4</i>	The Road to Barbarianism	Srdja Popovic	2000
<i>Testimonies 5</i>	The Discord with the World	Milivoje Maksic	2001
<i>Testimonies 6</i>	Portraits	Slobodan Inic	2001
<i>Testimonies 7</i>	World and Yugoslav Crisis	Ljubivoje Acimovic	2001
<i>Testimonies 8</i>	Catharsis and Cataract	Miodrag Stanisavljevic	2001
<i>Testimonies 9</i>	Mud and Blood	Bogdan Bogdanovic	2002
<i>Testimonies 10</i>	The Root of Evil	Ivan Stambolic	2002
<i>Testimonies 11</i>	Yugoslavia's Last Chance	Collection of documents	2002
<i>Testimonies 12</i>	Alternative Serbia – Ten Years Later	Collection of papers	2002
<i>Testimonies 13</i>	Kosovo: Reality and Myth	Ilija Djukic	2003
<i>Testimonies 14</i>	A Chronicle of a Vain Resistance	Slobodan Beljanski	2003
<i>Testimonies 15</i>	Serbian Fragile Vertical	Marko Nikezic	2003
<i>Testimonies 16</i>	Time Written in the Meantime	Laslo Vegel	2003
<i>Testimonies 17</i>	The Last Instance (Vol. I, II & III)	Srdja Popovic	2003
<i>Testimonies 18</i>	Serbia in Orient	Sonja Biserko	2004

Edition	Title	Author(s)	Year
<i>Studies 1</i>	In the Tradition of Nationalism	Olivera Milosavljevic	2002
<i>Studies 2</i>	<i>Politika</i> and Politics	Miodrag Marovic	2002
<i>Studies 3</i>	Overcoming the Past	Todor Kuljic	2003
<i>Studies 4</i>	Serbian Conservative Thought	Mirko Djordjevic (ed.)	2003
<i>Studies 5</i>	Serbian Paper Wars: 1884-2000	Mihailo Bjelica	2003

## Contents

■ Introduction .....	7
■ Overcoming the Past: Normalization and Relativization of Crime ....	23
■ Serbian Ortodox Church and Politics .....	57
■ Slow Overhaul of the Army of Serbia and Montenegro .....	73
■ Police and Secret Services in Serbia .....	87
■ Resistance to Changes in the Judiciary .....	101
■ The Premier Zoran Djindjic Assassination and Impact of the State of Emergency .....	163
■ Marginalized Economic and Social Rights .....	195
■ Privatization: A Major Step towards Market Economy .....	209
■ Reform of University System .....	223
■ Reform of Educational System .....	237
■ The Media: Freedom of Expression and Accountability .....	253
■ National Minorities: Between Principles and Practise .....	291
■ Vojvodina: Between Autonomy and Centralism .....	333
■ Sandzak: The Biggest Challenge to Regionalism .....	373
■ Kosovo: Misperceived Reality .....	417
■ Serbia and Montenegro: An Unavoidable Separation .....	433
■ Serbia: Neighborly Relations .....	451
- Croatia .....	451
- Bosnia-Herzegovina .....	464
■ Human Rights Deffenders .....	482

## ANNEX

■ Serbia in the Vicious Circle of Nationalism .....	489
■ Serbian Parliamentary Election – December 2003: Results of the Voting .....	527
■ Serbian Presidential Election – November 16, 2003: Results of the Voting .....	528
■ Monthly Media Reports – 2003 .....	530
■ Report on Implementation of Project "I Want To Go Home" for 2003	572
■ Helsinki Committee for Human Rights in Serbia – Press Releases ....	575
■ Helsinki Committee for Human Rights in Serbia – Activities in 2003	585
■ Documentary Serial "A Look into the Past – Serbia 1965-1991" Leaflet .....	589
■ Helsinki Committee Launches a New Project .....	592
■ Helsinki Committee for Human Rights in Serbia – Publishing activities .....	593