



Helsinki Committee for Human Rights in Serbia

***HUMAN RIGHTS AND
COLLECTIVE IDENTITY***
Serbia 2004

Helsinki Committee for Human Rights in Serbia

***HUMAN RIGHTS AND
COLLECTIVE IDENTITY
Serbia 2004***

PUBLISHER:
Helsinki Committee for Human Rights in Serbia

FOR PUBLISHER:
Sonja Biserko

* * *

TRANSLATED BY:
Vera Gligorijevic
Ivana Damjanovic
Dragan Novakovic
Spomenka Grujicic
Ivan Obradovic
Ljiljana Nikolic

LAY-OUT:
Nebojsa Tasic

COVER PAGE:
Ivan Hrasovec

PRINTED BY:
"Zagorac", Belgrade 2005

NUMBER OF COPIES: 500

ISBN - 86-7208-106-4

***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 COLLECTIVE IDENTITY
- Serbia 2004 -***

Belgrade, 2005

Contents:

• Conclusions and Recommendations	7
I	
• Concept of Human Rights Denied	13
• Left and Right Dogmatism	29
II	
• The Serbian Ortodox Church and De-Secularization	51
III	
• The Army of Serbia and Montenegro Tones Down At Snail's Pace	75
• Public Security and State Security	116
IV	
• Institutional-Legislative Framework of the State Union of Serbia and Montenegro	125
• ICTY and War Crimes Trials	146
• Police Torture	155
• Prisons	160
• The Organized Crime Trials	170
V	
• Between Economic Reforms and Political Restoration	223
• Socioeconomic Rights	232
VI	
• Vojvodina: Autonomists on the Defensive	251
• Sandzak: Still a Vulnerable Region	268
• Kosovo: The Status Issue	282
• Montenegro: On the Road to Independence	314

VII

• Serbian and the World: A Wasted Year	339
• Slovenia: Good Relations That Could Be Better	350
• Croatia: Readiness to Normalize Mutual Relations	358
• Bosnia and Herzegovina: The Long Shadow of Crime	381
• Macedonia: Church Funnels Politics	408

VIII

• Media: An Unchanged Matrix	419
------------------------------------	-----

IX

• National Minorities in Serbia: In Conflict With a State Ethnic Identity	533
--	-----

X

• Education: From "Relaxation" To Clericalization	639
• Youth Schools of the HCHRS As a Form of Education on the Recent Past	661

ANNEX

• HCHRS: Activities in 2004	691
• HCHRS: Projects	693
• HCHRS: Youth Groups	700
• HCHRS: A documentary serial – A Look into the Past, Serbia 1965-1991	701
• HCHRS: Publishing Activities	704

CONCLUSIONS AND RECOMMENDATIONS

The Balkan crisis is gradually channeled into various forms of region states' association with the European Union. Apparently, the process of the Balkans' Europeanization is well underway. However, some corrections are still to be made, so as to secure viable regional development, i.e. putting an end to the Balkan crisis. Further, there is no doubt that prospects of integration into the EU simultaneously strengthen the very EU's capacity for modernizing the region. The fact that the EU has launched negotiations with Turkey indicates its intention to integrate the entire territory of the Western Balkans in prospective time. And, it indicates that the EU's policy in the region will be by far more active and its regional commitment by far bigger than before.

This opens door to Serbia as well. Worn out as it is and with her small democratic potential, Serbia could not get Europeanized without the EU's proactive policy. For, Serbia has a track record of almost entire elite joining hands in the national program that ended up in a historical fiasco. The EU had to profit from its own mistakes to begin to develop a clear-cut strategy that acknowledges ex-Yugoslavia's dissolution. The region cannot consolidate unless this process is finalized. Ultimately, the EU's strategy will not only bring about an independent Kosovo and an independent Montenegro, but also a constitutional reform in Bosnia-Herzegovina. Negotiations with Macedonia on stabilization and association agreement are in preparation. To stir the Balkan's positive energy the EU should speed up the process of regional association leading to full-fledged membership. Intra-regional integration will thus become unavoidable. On the contrary, left to its own devices and handcuffed by its own legacy, the region might easily resume the notorious Balkanization.

In Serbia, wars have restored the ideology that preceded the idea of universal socialism – they have restored the notion of national specificity and myths. The socialist regime's worn out legitimacy was replaced by the idea that legitimated irrational national interests. However, the social demagoguery of collectivism inherent to both remained. Today's Serbia is a closed society, a nation handcuffed by its meager transitional capacity. As war fomenter, and plunderable and corruptible client state, Serbia manifested her denial of a democratic transition. At the same time, she devastated her own economic potential that could have been triggered by transformation. Contrary to hope

and belief, Serbia opted for radical nationalism in the circumstances of relative well-being. Actually, it was Serbia's so-called anti-bureaucratic revolution back in 1989 that annulled her reformist bequest earned in the time of the second Yugoslavia. Serbia thus testified that she has been and remained the most conservative constituent of the second Yugoslavia.

Bearing in mind Serbia's inability to radically break with the past, and thus unblock the process of adoption of European standards of social and economic development, and speed up intra-regional and the region's integration into Euro-Atlantic organizations, the Helsinki Committee for Human Rights recommends that:

- The Serbian Legislature, the government and all national institutions should abandon the ethno-nationalistic concept that has conflicted Serbia with her neighbors and the world; keeping a concept as such alive just prolongs Serbia's (self) isolation and stands in the way of her democratic transition and reforms;
- The Serbian government should cooperate with The Hague Tribunal in earnest and put an end to manipulation that blurs the sum and substance of the imperative of facing up Serbia's belligerent past; simultaneously, an approach as such would enable the trials before the international tribunal to work for the society's moral renewal;
- In this context, the government should pass a declaration of the 10th anniversary of the Srebrenica massacre, so as to confess the crime against Bosniaks and face the public opinion with the truth;
- The government and judicial bodies should stop obstructing the trial of the accused of Premier Zoran Djindjic's murder; this implies putting an end to the campaign of the late Premier's criminalization;
- The new constitution should define the reappointment of judges, while in-service training of judicial officers should be continued;
- The government should encourage the implementation of the Lustration Law;
- The government should pursue a proactive minority policy;
- The government should foster the implementation of the Broadcasting Act and should support the RTS transformation into a public service;
- The government should recognize Kosovo's realities and encourage Kosovo Serbs to actively participate in Kosovo institutions; it should accept a dialogue with Prishtina in good faith and it should opt for a historic agreement between Serbs and Albanians;
- The government should recognize the political realities within the State Union of Serbia and Montenegro; in this context, it should endeavor to settle the problems weighting the member-states' relations, while paying heed to Montenegro's equal rights;
- The government should speed up the Army reform, so as to have Serbia meet the requirements of the membership of the *Partnership for Peace*;

- The government should cease politicizing the police that should be further professionalized and transformed;
- The government should step up the University reform in keeping with the Bologna Convention; further, it should revise elementary and secondary school textbooks in line with the standards recommended by the Council of Europe;
- By its attitude towards the Serbian Orthodox Church, the government should clearly demonstrate that Serbia is a laic state, and it should not allow the de-secularization the Church insists on;
- The government should promote relations with neighboring countries in earnest by creating circumstances propitious to concrete forms of mutual cooperation.

Recommendations to the International Community:

- Serbia should be further pressed to cooperate with The Hague Tribunal;
- The government and national institutions should be pressed to make a clear break with Milosevic's policy;
- Additional pressure is necessitated with a view to passing a law on disclosure of secret files, an Ombudsman law, a law on citizens' associations/non-governmental organizations, an anti-discrimination law, etc.;
- A long-term strategy for curbing Serbia's predominant and deeply rooted ethno-nationalism should be developed; measures should be taken with a view to securing Serbia's break with her warring and criminal legacy; the latter implies a clear-cut concept of cooperation with non-governmental organizations, the media and the civil sector in general;
- The Serbian government should be pressed to step up educational reform in keeping with the Bologna Convention;
- A comprehensive program of intra-regional, youth cooperation should be developed, so as to promote the emergence of new, regional elites;
- Law enforcement (the Army and the police) and the judiciary should be supervised with a view to accelerating fundamental transformation;
- The support to special courts for organized crime and war crimes should be continued; if necessary, providing professional assistance to prosecutors and courts should be taken under consideration;
- The process of ex-Yugoslavia's peaceful dissolution should be enabled.

I

Concept of Human Rights Denied

Proper perception of the situation of human rights in Serbia implies an insight into historical, political, social and cultural context. Though limited in scope, legal, social and political dimensions of human rights were on the agenda in the time of the socialist Yugoslavia. The SFRY was a signatory of all major international declarations and conventions in the domain of human rights. She even initiated, within CSCE, inclusion of some rights such as minority, social, etc. However, when it comes to the exercise of human rights in Serbia – an unfinished state with unfinished processes that precondition the state apparatus' attitude towards citizens – one cannot but state that Serbia has not yet defined her human rights policy. The unfinished processes relate to three levels: dissolution of the SFRY, dismantlement of the legacy of Slobodan Milosevic's warring policy and transition that is in its initial stage. The society's moral degeneration – amply used for the exercise of political and military power in the territory of ex-Yugoslavia and then in the region nowadays named the State Union of Serbia and Montenegro, plus Kosovo – brought about massive violation of human rights. Still nursed ambitions for neighboring territories weight the human rights policy. The policy the society has almost unanimously backed was based on allegedly jeopardized Serbs. Advocacy of ethnic nationalism mobilized Serbs for "defense." It is only logical that such mobilization resulted in massive violations of other people's human rights.

Serbia was pacified, but her ethno-nationalism was not neutralized. It only took a more perfidious shape in new international circumstances. Holding out for ethnic nationalism, i.e. brute determinism, actually threatens the notion of intellectual freedom. The doctrine of ethnic nationalism perceives society as an organism, i.e. a nation that is not made up of individuals. Accordingly, the Serbian society aspires not to the idea of "civil society" and "the rule of law," given that the doctrine of ethnic nationalism makes no difference between a state and a society. This is why Serbia's transition is also marked by national and religious discrimination. The bottom line is that a citizen is perceived only as a member of the predominant, state-building (Serbian) nation, rather than in the state-citizen relationship.

After October 5, 2000, Serbia was admitted to the Council of Europe. As a full-fledged member, she is obliged to comply with the European Convention on Human Rights. A minority law that was passed – true, at the level of the

State Union – is not fully implemented, as political will and social atmosphere are inadequate. With ethnic nationalism blocking proper understanding of the world, the very character of intellectual life and perception of individual freedoms are deeply affected in Serbia. Human rights perceived from ethnic angle only, undermine or negate the very concept of the universal value of human rights.

Non-governmental and other organizations in Serbia, particularly those focused on human rights, figure as the only inner mechanism that takes proactive steps to protect human rights and the rule of law, and to promote *a citizen*, rather than *ethnos*. Thus, they are stigmatized as "disseminators of evil for the sake of American and Anglo-Saxon prevalent influence." Advocacy of the concept of human rights – which only logically implies the advocacy of The Hague Tribunal – is taken for annulment of national sovereignty and, consequently, of national identity.

It goes without saying that Serbia is not the only country resistant to a new value system. However, she is, for sure, a *sui generis* case in many aspects – and primarily because she is incapable of facing Slobodan Milosević's policy and drawing a line at it. Serbia's insistence on an ethnic state concept undermines her capacity for radical changes.

When it comes to the situation of human rights in Serbia in 2004, the Helsinki Committee takes it as a wasted year in terms of compliance with the obligations Serbia was bound by its membership of the Council of Europe. Though the minority law was enacted, the Serbian government failed to take measures against perpetrators of hundreds of ethnically motivated incidents, the same as it failed to pursue a proactive minority policy necessitated by Serbia's inter-ethnic reality. Further, Serbia failed to meet its obligations to The Hague Tribunal, and sluggishly processed the accused of war crimes before domestic courts. Xenophobia, ethno-nationalism and anti-Semitism that were in full swing in 2004 mirror both the government's inefficiency and the absence of a law against discrimination and spreading of ethnic hatred. The government made no progress whatsoever in the domain of facing up the past, which is, in the Helsinki Committee's view, the backbone of both fighting impunity for war crimes, and of democratization and discontinuity with Milosević's era.

Capacity for Change and Restoration of the Old Regime

The year 2004 totally dispersed the high hopes about Serbia's transitional capacity nourished in the wake of October 2000, and laid bare the Serbian society's true potential. Slobodan Milosević's legacy turned out to be a by far harder nut to crack than expected: in 2004, this legacy figured as an almost insurmountable obstacle, as it permeated the society's basic values. Regardless of the changed constellation of regional and global power, Serbian nationalists

would not accept the defeat of the policy inherent in radical nationalism they had been leaning. Political and economic systems charted some 15 years ago, still have the upper hand. And the anachronous nationalism still influences defining of national interests. Arguments related to a new constitution best reflect all dilemmas about the future of the State Union of Serbia and Montenegro, the status of Kosovo and the attitude towards Republika Srpska. In its fourth transitional year, Serbia still lags behind. There is no telling, therefore, when she will sign the Stabilization and Association agreement with the EU. Political restoration – a process heartily followed by the actual cabinet – undermined any economic breakthrough whatsoever. The restoration of the political system of Milosević's era contradicts the proclaimed reformist policy. To all appearances, Serbia has opted for the strategy that can be labeled "reforms to begin with, democracy to ensue." This indicates that the rule of law and democracy are not on her priority list.

The first steps the Kostunica government has made were aimed at nullifying everything related to Premier Djindjić and his governance. The new cabinet went for Djindjić's overall policy and sniffed at its outcomes. While negating its predecessors on the one hand, the cabinet established continuity with the regime of Slobodan Milosević and Vojislav Seselj on the other. Launched in the wake of October 5, demonization of Djindjić paved the way for the climate leading to his murder. Except for a brief period when people were still shocked with the assassination, Djindjić was constantly demonized. This is best illustrated by the trial of his murderers. The media keep egging on the public that a witness would disclose Zoran Djindjić's ties with mafia, which would be the simplest explanation possible for his tragic end.

In brief, today's Serbia is an institutionally unfinished and inferior state, and, therefore, an inefficient one. No consensus has been reached on the strategy for development, national interests and common goals. Serbia lags behind its old and new neighbors, as her reformist course is slow-paced and inconsistent. The political elite in power neither has vigor for constituting the state and setting foundations for a new society nor has developed a strategy for shaping Serb's modern identity. On the contrary, a strategy for invigorating the most conservative and anti-European matrix is in action in today's Serbia.

Restoration of Milosević's policy and manifest feebleness of state institutions have laid bare Serbia's only indisputable continuity in the 20th century. Namely, decisions on vital political issues are not made in legal, political (and transparent) institutions, but behind the scenes – within informal centers of power. Moreover, the latter are by far more relevant than those made by legal institutions that just mimic democracy. Consequently, such decisions are not liable to accountability, given that "there is no telling who makes them." Those informal centers of power are located within the Army and the Serbian Orthodox Church, and attended by intellectuals (individuals from the Academy of Arts and Sciences, the Writers' Association, the Journalists' Association, some university professors, etc.)

A Missed Opportunity

Even after the October 2000 ouster of Slobodan Milosevic, Serbs and the international community seem to be working at cross-purposes. Apparently impressed by the enormous energy the overthrow emanated, the international community rushed to have Serbia back under its wing – the Council of Europe's admission terms were more favorable than those other transition countries had to comply with, while the EU practically unrolled a red carpet for the new, democratic government in the hope it would make a clean break with Milosevic's regime. However, what the international community failed to do was to make a strategic distinction between certain protagonists, especially between the two key ones – Vojislav Kostunica and Zoran Djindjic. As it seems, the major world players missed the point of the policy spearheaded by Djindjic: reformism and resoluteness to break up with Milosevic's legacy. Too much time was wasted on the delusion about Kostunica as a democratic leader and expectations that his *Truth and Reconciliation Commission*¹ would launch the process of facing up the recent past. As it turned out, ever since he came to power Kostunica has never condemned Milosevic's warring policy or spoken affirmatively about The Hague Tribunal. He has never distanced himself from the Greater Serbia agenda. On the contrary, he has never missed an opportunity to refer to Republika Srpska as another Serbian state, just temporarily separated from Serbia. His very visit to Bosnia-Herzegovina, in his capacity as the Yugoslav President, was planned to symbolize his refusal to recognize Bosnia-Herzegovina and Sarajevo as the state's capital. Serbia's society cannot integrate unless it draws the line at crime.

Involution and Comeback of Ethno-Nationalistic Policy

It was the Premier Djindjic assassination that laid bare the state of affairs and shattered the West's picture of Serbia, created in the wake of October 5, 2000. Therefore, understanding of the post-Milosevic Serbia implies proper perception of October 5. With Vojislav Kostunica elected successor of Slobodan Milosevic's presidency, and, later on, Premier of Serbia, the door was opened to continuity with the former regime's policy, particularly when it came to the Greater Serbia program, which implied preservation of criminal and repressive

¹ As it turned out soon, Kostunica Commission's strategy for tackling war crimes was based on relativism. Namely, it expanded the context of war crimes to the entire 20th century, the same strategy Milosevic presently uses in his defense before The Hague Tribunal.

state and para-state mechanisms. Constellation of forces was such that it prevented an insight into and drawing the line at Milosevic's legacy.

The Premier Djindjic assassination triggered political involution, overt restoration of ethno-nationalistic policy and refusal to squarely face up the past and cooperate with The Hague Tribunal. Serbia's democratic transition was thus stalled. Today's policymakers have not charted a strategy for the state and society's breakup with ethno-nationalism. On the contrary, ethno-nationalism is once again established as a predominant political ideology. This is best illustrated by ever-stronger political influence of the Serbian Radical Party that has been on the up and up ever since Premier Djindjic was gunned down, and is presently the biggest individual party in Serbia. It should be noted here that the Serbian Radical Party has not changed in the meantime. Moreover, it still clings to its warring program of the 1990s.

Not a single key issue of Milosevic's warring agenda has been questioned. Insistence on Kosovo' partition shows that the ethno-nationalistic ideology has triumphed in the Serbian society. Serbia's position on Montenegro, Vojvodina, Kosovo and Republika Srpska fuels the plan for pan-Serbian unification. Her position on Montenegro is most indicative, as it mirrors the activity of the Serbian Orthodox Church. The Church attempts to stage conflicts (even a civil war) not only in Montenegro, but also in Macedonia² that is still not treated as a foreign country. The idea of ethnic borders that defies inter-republic boundaries laid by the 1974 Constitution is intact in the mind of the Serbian elite.

Stiff opposition to lustration, de-Nazification and similar experiences inherent to transition hinders the society's integration on modern foundations that imply the rule of law and accountability. In creating spiritual atmosphere, the Serbian nationalism more and more turns to new ideological sources, to organicist, conservative thought in the first place. It turns to Nikolaj Velimirovic, Justin Popovic, Dimitrije Ljotic and to the quisling regime of Milan Nedic who has enshrined an ideology as such as a value system of his own. In this context, the Serbian Orthodox Church not only plays a crucial role, but also figures as the most authoritarian advocate.

Serbia's systematic refusal to subject its own responsibility for war and war crimes to examination, left the way open to constant glorification of The Hague indictees. Presented as national heroes, they have become so popular as to secure considerable electoral success to the political parties naming their electoral lists after them (Slobodan Milosevic, Vojislav Seselj and the like). Most prominent figures from Serbian cultural circles and intellectual elite qualify the West's requests – particularly those related to the cooperation with The Hague Tribunal – as "a special form of colonization." According to them, the West is intent to impose its "colonial democracy" on this region. A democracy as such,

² For some Serbian nationalists, Macedonia is actually South Serbia, while partition of Kosovo implies partition of Macedonia as well.

as they put it, is nothing but an artificial social system, i.e. "not a product of a country's natural evolution" and "existing circumstances and inner life." The refusal to face up responsibility also relies on the thesis that Europe "dismantles" the Yugoslavia, which she "once built."

If such tendency continues, ethnic cleansing and war crimes threaten to become landmarks of a new Serbian identity, the more so since the war is taken as legitimate means for the attainment of national objectives. Educational institutions have been boosting an identity as such: textbooks have already been permeated with "normalized" crime. The Premier Djindjic cabinet has made a breakthrough in the reform of educational system, and its move has been labeled liberal. That was the time when Serbia fully joined the European reform of higher education, based on the Bologna Declaration. With Premier Zoran Djindjic gunned down, the Vojislav Kostunica cabinet halted the reformist process in the domain of education.

Glorification of war crimes and its major protagonists such as Ratko Mladic and Radovan Karadzic has become regular practice in almost all cultural events throughout the country. Thus, Radovan Karadzic's love novel that miraculously popped up at the state-sponsored International Book Fair in October 2004, became an overnight hit. In a matter of days, all copies were sold out, while the book's promoter and publisher was guesting TV shows day in day out. Among others, influential professor at the Belgrade Law School Kosta Cavoski, who also chairs the Committee to Defend Radovan Karadzic, spoke at the book launch. A play based on Karadzic's novel is in preparation. Though this is about a literary inferior text, apart from the anyway blackballed few, no one has questioned the opportuneness and morality of the "literary" project Serbian nationalists had obviously approved and teemed up with.

Not long ago, professor at the Belgrade Faculty of Philosophy and director of the Textbooks Publishing Authority, Rados Ljusic contributed to the ongoing process of turning war criminals into heroes of national mythology. At a meeting in Gacko (Bosnia-Herzegovina, presently Republika Srpska), he listed three historic figures as pillars of the Serbian national identity: Karadjordje, General Mistic and Ratko Mladic. The state-owned television aired live the meeting. The Serbian Orthodox Church also takes a share in promoting war criminals as national heroes. Two books by Radovan Karadzic, with his blown up portraits on covers, dominate the window of the Church's bookstore in downtown Belgrade. The latest in the series of such almost daily events aimed at glorifying the aforementioned "heroes" was publication of the novel "The Iron Trench," allegedly written by Milorad Ulemek-Legija, member of the notorious *Red Berets*, executioners involved in the most obnoxious crimes. His novel was circulated in 70,000 copies all of which were sold out in a few days only. To all appearances, a "publishing enterprise" as such is yet another strategic move indoctrinating younger generations that were raised on the myth of Legija, a national hero. The novel summarizes and simplifies Serbs' defeat by attributing it to "a conspiracy of big powers that swooped down on

the Serbian Eastern Orthodoxy, particularly on Serbs, who had been the Balkan's mother after the WWI." Advocacy of heroism of Ratko Mladic et al. continued to imbue the state and society with crime even after Milosevic's ouster. Turning of Ratko Mladic and Radovan Karadzic into cult images indicates that a break with the policy that brought them about has never been made. Such state of mind in Serbia stands in the way of democratic consolidation. Not a single issue underlying ex-Yugoslav wars has been taken off the agenda. State borders are still an open question. Once the questions of Montenegro and Kosovo are solved, the minority issue will come to the forefront as a litmus test of Serbia's readiness to make a clean break with the ethno-nationalistic agenda that initiated the war in ex-Yugoslavia. Though Serbia passed a minority law in 2001 (to meet the obligations of the membership of Council of Europe in the first place), a proactive minority policy has not been developed so far. This indicates that Serbian nationalists have opted for a minimalist minority program, so as to ethnically consolidate Serbia inasmuch as possible. Aggravation of interethnic relations, particularly in Vojvodina, and their subsequent internationalization have not prompted the government to address the minority issue in earnest.³ In addition, the endeavor to have the state built on ethnic grounds precludes minorities from decision-making.

Society Steeped in Crime

Apart from defeat, identity crisis and grim legacy, scores of other war-related problems weight Serbia. This, in the first place, refers to her overall economy and governmental institutions permeated with crime. The new financial elite, bred by Milosevic's regime and tie-ins with him, obstructs fundamental transformation of the economy and, moreover, keeps Milosevic's legacy alive. Obstruction of institutional changes and legislative frame plays into the hands of gray economy, a profit-making sphere back at the time of ex-Yugoslavia as well. The wars in the territory of ex-Yugoslavia just boosted illegal businesses such as trafficking in drugs, human beings, arms, untaxed commodities (cigarettes and alcohol) and migrants. The war economy bequeathed to the so-called democratic regime a legacy of crime, which turned out to be the major problem of the post-war reconstruction. Criminal practices of the wartime grew into politicized problems of crime. The informal monopoly

³ A state constituted on ethnicity cannot resolve a minority issue in a democratic manner, given that minorities are perceived as an anomaly and threat. Denied their "share of the state," minorities, on the other hand, do not recognize the identity of the system that relies on ethnic values and interests of the majority nation, and seek a solution in various forms of autonomy and special statuses, which, in return, gives rise to doubts about their loyalty.

the most successful businessmen of 1990s gained in hookup with the then regime (especially at the time when sanctions were imposed on Serbia) still holds. Given that Milosevic had to corrupt almost the entire population in order to remain in power, anti-corruption legislation does not enjoy popular support. For, the social cost of its implementation would be too high for almost all citizens.⁴

Policies imbued with crime and politicized crime survived October 5 thanks to the symbiosis between organized crime and the state. Premier Djindjic's attempt to purge the Army and the police was brutally curbed. The Saber operation the Premier Zivkovic cabinet launched in the aftermath of Djindjic's assassination had been already planned out with the assistance of American and German experts. In 40 days only, the Saber operation rather smashed organized crime and citizens mostly applauded to it. At the same time, however, a part of the DOS coalition headed by Vojislav Kostunica, Miroljub Labus and Mladjan Dinkic launched a fierce anti-government campaign that was amply backed by the Socialist Party of Serbia and the Radicals. Scandals and affairs, massively produced to throw mud at the government, practically elicited early parliamentary elections the outcome of which laid bare Serbia's meager democratic potential. The international community actually favored calling of early parliamentary elections and deposal of the cabinet Djindjic had formed, in the hope they would result in the triumph of the Group 17 Plus (before joining the Djindjic cabinet, it operated as an expert non-governmental organization). In such a turning point in Serbia's future, the international community once again manifested its basic misunderstanding of Serbia's political scene. The elections themselves practically annulled the anyway fragile liberal trend in Serbia, and paved the way for the political comeback of Milosevic's forces that lent their hand to Vojislav Kostunica's minority coalition government.

The Police and Army "Purges" Bypassed

Djindjic's murder not only stalled reforms in Serbia, but also, though late, opened the eyes of analysts of Serbia – particularly those in the West - and particularly of the part of the international community involved in Serbia's reconstruction. Though the newly formed cabinet allegedly placed the reform of the mafia-owned security services on the top of its agenda, the "purge" has never taken place. The failure may be rather attributed to the stance taken by some politicians from the DOS coalition such as Vojislav Kostunica. Attempts to have the Ministry of the Interior (MUP) and the State Security (DB) reformed met with obstacles from the very start: mafia and numerous members of the

⁴ Most citizens had to earn their living at the black market and, therefore, were not subject to taxes. The state tolerated it in order to maintain peace at home.

secret police staunchly opposed any transformation of secret services. It is more and more evident that cleansing Serbia from corruption and crime is an uphill struggle. The involvement of MUP, and DB in particular, in criminal acts of all kinds was more than manifest in the wake of October 5.⁵ Playing on its alleged merits in Milosevic's removal, the unit for special operations, known as the *Red Berets*, managed to remain "untouchable." And it was perceived as such till the moment Djindjic decided to launch a showdown with its troopers, a decision for which he paid with his life. Once Milosevic was dethroned, the Army swiftly turned its coat. By clinging to new patrons, i.e. new authorities and, particularly, the newly elected President of the SRY, Vojislav Kostunica, it avoided a purge of senior officers. Moreover, its Counter-intelligence Service (KOS) – that has not changed its ideological profile for 50 years – remained indisputably influential. Though named the Security Agency in the meantime, the KOS is still a rigid organization resisting civil control.

Changes in the special Army services are slow-paced. For, on the account of their privileged positions, they have become part of the new financial elite. They still shape public opinion by publicizing lies and affairs through their media channels. Thus, the society as a whole has become so distorted as it is now longer capable of remorse or sense of accountability. In a way, these services have become creators of life. By constantly feeding citizens with a variety of conspiracy theories – alleged international complots against Serbs, particularly those forged by foreign intelligence services such as CIA – they have turned self-pity into the only emotion the majority of people are capable of feeling. As long as such theories are imposed on citizens, any dialogue addressing the recent past and any alternative thought will be deadlocked. Though the 2003 Belgrade Agreement on the State Union of Serbia and Montenegro provided dismantlement of the military judiciary within 6 months from the day the agreement was signed, the measure as such was taken only 18 months later and mostly due to the pressure from the international community. Actually it was the seizure of the entire circulation of the book "Military Secret" by Vladan Vlakovic (published by the Helsinki Committee) that triggered a series of protests and pressures. Army circles criticized the measure under the pretext that the dissolution of military judiciary practically erased the only judicial authority Serbia and Montenegro had in common. According to these circles, dismantlement of the military judiciary has legally smashed the entire defense system, since Montenegro's judicial procedure is different from Serbia's.

⁵ In early March 2001, new authorities discovered 623 kilos of heroin (valued at \$300 million) in the vault of the Belgrade branch of the Commercial Bank that closely cooperated with DB. Apparently, drugs were a source of finance the Milosevic's regime lived on. It was only logical that a hookup between the police and organized crime should be broken as a priority task. And it was only in the course of the Saber operation that such a job was at least partially done.

New Constitution: No Consensus Reached

The adoption of a new constitution, though a standing topic, is still not in sight. Moreover, the issue of a new constitution becomes an arch topic whenever the country faces crucial questions she lacks political will to address. It should be noted that Serbia was admitted to the Council of Europe under her present constitution and that Premier Djindjic had finalized all the reforms he had launched, as no constitutional provisions whatsoever hinder the adjustment of domestic legislation to that of the European Union. Actually, no consensus has been reached on the sum and substance of a new constitution, and no relevant public debate is underway. Given that the national elite has not given up Kosovo – as a whole, or parts of it – a new constitution cannot be drafted unless state borders are defined. As regards Serbia's internal arrangement, the issue of Vojvodina springs up the more so since the province mirrors the complexity of the minority question. Two regional issues also crop up: South Serbia and Sandzak. Both are significant not only from regional, but also from minority angle. The pattern of ex-Yugoslavia's dissolution now threatens Serbia proper. A variety of constitutional drafts presently in circulation actually reflect Serbia's provisory state. As it seems, the Serbian elite will incorporate all dilemmas about Serbia's future into the new constitution, if it is ever declared.

In its program, the Serbian cabinet neither offered a vision nor anticipated resolution of the problems such as Kosovo, the status of Serbia, a new constitution, etc. The cabinet refuses to discuss the possibility of an independent Kosovo, advocates maintenance of the State Union of Serbia and Montenegro and reaffirms its commitment to association with the European Union. In spite of numerous indications of its entropy, the Army still figures as an untouchable institution. In his parliamentary expose, Premier Kostunica neither touched on the Army nor *the Partnership for Peace*. Though he referred to the country's economy in vague terms only, his address fully emanated the protectionist trend, particularly in the domain of agriculture. The Premier announced that the main objective of the government's new economic policy was to create conditions for competitive domestic production, aimed at spurring economic activity.⁶ Actually, the government's measures were in cahoots with the resistance to fundamental reforms and economic liberalization.

In his March 2004 address, Premier Kostunica also said that Serbia, when it came to Kosovo, should firstly resolve its own status and he vehemently renounced a possibility of Kosovo's independence. He said, "Serbia will insist that UNMIK and the international community change the institutional frame for the protection of the Serbian community in Kosovo." Throughout 2004, and particularly after the March 2003 violence in Kosovo, that meant nothing but

⁶ *Ekonomist*, March 8, 2004

Serbia's insisting on Kosovo's decentralization. And the decentralization itself was meant to have Kosovo partitioned, as "the only solution guaranteeing safety to the Serbian minority in Kosovo." Referring to Serbia's policy when it came to Montenegro, Kostunica said, "Serbia will strengthen her status within the union with Montenegro by strengthening the union itself in keeping with the Constitutional Charter." The Serbian Orthodox Church and the Council of North Montenegro's Municipalities were major exponents of a tendency as such. Their activities were aimed at undermining the process leading to Montenegro's independence. Given that the State Union of Serbia and Montenegro failed to consolidate, the Feasibility Study – preconditioning the process of association with the EU – remained unfinished. Montenegro seized every opportunity to entrench its road to independence, while Serbia missed no occasion to thwart the latter's intention. However, Serbia's strategy reflected in the activity of the Serbian Orthodox Church and manipulation of Montenegrins living in Serbia nothing but lent force to Montenegro's independence front. Belgrade's aggressiveness sped up Montenegro's emancipation and individuality. The newly formed Movement for Maintenance of the Common State just factionalized the anyway divided Montenegrin opposition. Developments in Montenegro actually made the European Union change its strategy for the State Union and adopt the double-track approach.

A Set of Open Questions

The Premier Djindjic assassination practically put an end to the cooperation with The Hague Tribunal. That was only to be expected bearing in mind Kostunica's well-known position on the tribunal and the fact that the so-called patriotic bloc – i.e. the anti-Hague lobby – had once again come to power. In his aforementioned parliamentary expose, Premier Kostunica promised his cabinet would do its utmost to turn the cooperation with The Hague Tribunal into "a two-way process." He also said he would endeavor to "secure all legal, material and personnel preconditions to having the accused of war crimes tried before domestic courts, obtain from the Tribunal specific evidence against our citizens, and provide adequate assistance to all defendents standing trial in The Hague."⁷ And yet, the Serbian cabinet responded to the pressure from the West in the matter of the cooperation with The Hague Tribunal. When the USA and other Western governments announced they would cut off financial assistance, the "two-way cooperation" had to be activated. In three months only, nine indictees "voluntarily gave themselves up" to The Hague Tribunal. All of them were given the red carpet treatment as heroes sacrificing themselves for the society's wellbeing. Minister of Justice Zoran Stojkovic said that the obligations to The Hague Tribunal had to be "met in full." Referring to the state

⁷ *Ekonomist*, March 8, 2004

guarantees,⁸ he said, "Those people realized that the state backed them as her citizens. This is the first government ever that decided to help their families. That's the least we must do. This is why people finally begun to trust their state."⁹ As for Premier Kostunica, he also changed his attitude towards The Hague Tribunal, known as "the chief cook and bottle washer," to "a life-and-death" stance.

In 2004, Belgrade met with hostility the announced speed-up of the resolution of the final status of Kosovo. It interprets the very discussion of the final status as the international community's pressure, threat and blackmail. The January 2005 Report of the International Crisis Group met with Belgrade's strong criticism and expanded diplomatic action aimed at thwarting the international strategy for Kosovo's independence.

Almost insignificant and only partial, the outcome of the reform of higher education scattered, for sure, high hopes nourished in 2002 or 2003. Many take that university professors and their "cocooned mentality" are the biggest stumbling block on the road of educational reform. "The issue of reforms is at the same time the problem of adjustment to new economic circumstances that are global phenomena," according to Professor Srbijanka Turajlic.¹⁰ Neither has the state developed an adequate strategy for the reform of higher education. The staunchest critics, however, are students themselves. They consider the university conservative, while their professors insufficiently committed to their jobs and opponents to reforms. Actually, this is all about the never-ending struggle over cultural model and values: *a citizen vs. ethnos*.

The Serbian Orthodox Church crucially influences the resistance to Serbia's integration into Europe and, thus, to the concept of human rights and individual freedoms. In the Church's view, globalization is nothing but an all-inclusive method for unification that produces new totalitarianisms, presently veiled by the human rights story and promotion of individual freedoms.¹¹

⁸ In an interview with the TV B92, journalist for the NIN weekly, Dragan Bujosevic, said that as much as 500,000 euros were set aside for each indictee. The state paid Gen. Lazarevic's surrender 500,000 euros, a portion of which went to his family. According to some sources, certain businessman, Miodrag /Peconi/ Rankovic, provided the funds. Allegedly, a group of businessmen organized fundraising for other indictees as well.

⁹ *Danas*, 19-20 mart 2005.g

¹⁰ Srbijanka Turajlic, *Ekonomist*, November 8, 2004

¹¹ The Synod of the Serbian Orthodox Church, however, calls for human rights when it comes to Republika Srpska. Prompted by a statement given by the international community's high representative, Paddy Ashdown, the Synod issued a release saying, "Many were shocked – though Eastern Orthodox Serbs probably least of all – with such violation of human rights and degradation of democracy we all advocate. By his moves, the High Representative, tasked with establishment and promotion of democracy in Bosnia-Herzegovina, advocates that democracy and democratic tenets should be given up."

Accordingly, establishment of "a universal, global identity" is the major objective to be defended even by the means of military interventions.

The minority issue is among crucial challenges facing post-communist countries in search of their developmental concepts. Not all of them have addressed their minority issues in the same manner. However, all of them had to comply with the Framework Convention on Minority Rights that preconditioned their accession to the Council of Europe. As a rule, minorities' loyalty is best secured through recognition of their sense of being different, rather than through assaults. This is why developed democracies have abandoned policies of restricting minority nationalisms – they have realized that such policies were counterproductive and morally ungrounded. Recognition of minority national identities leads to democratic stability. Only limitations to majority and minority communities alike can strike a balance in the minority-majority relationship.

The triumph of nationalistic parties in the December 2003 parliamentary elections heartened nationalists and extremists. Inadequate reaction on the part of the government and some ministries (ministries of the interior and justice in the first place) aggravated the situation in Serbia and her international position. It was to be expected that interethnic relations in Vojvodina would deteriorate. For the Serbian government, that should have been a red alert – it should have reconsidered its minority policy in earnest and it should have taken concrete and long-term measures aimed at lessening the interethnic tension, and improving interethnic relations.

Anti-minority incidents in Vojvodina expanded throughout 2004, and particularly in the wake of the December parliamentary elections. As time went by, ethnically motivated violence targeting Hungarians, Croats and Roma spread to Slovaks and Ruthenians. Victims were not only people in the street, but also outstanding figures from minority communities and even diplomatic personnel. These facts cannot but weight on one's mind, the same as the attempts to banalize and trivialize physical assaults at people coming from minority communities.

When compared with the first post-October administration that, for instance, signed and ratified the Framework Convention on the Protection of National Minorities, and passed the Law on the Protection of Rights and Freedoms of National Minorities, the present time is the time of involution. For instance, the actual Serbian parliament has by far fewer MPs from minority communities than its predecessor. And, the odds that interethnic relations will further radicalize are bigger.

The March 2004 riots sped up placing of the Kosovo issue on the international community's agenda. The unresolved status fueled uncertainty among the Albanian population, given that ever since the 1999 intervention they have lived in hopes that independence was just a matter of time. Due to Serbs unreadiness to participate in Kosovo's development in the first place, no major progress has been made neither in the domain of reforms nor Serb's

integration into Kosovo institutions. In spite of manifest physical changes in Kosovo over the past five years, the Albanian population grew ever more frustrated, which, eventually, resulted in radicalization and the March violence against the Serbian minority. However, this time the international community was aware of the situation's complexity and refrained from black-and-white analyses. Its decision to accelerate the solution of Kosovo status derived from the belief that radicals on both sides would otherwise attempt to solve it by the March scenario. Partition of Kosovo along ethnic lines would figure as yet another defeat of the international community, Europe in particular.

The international community once again attempted to buy time by imposing "standards before status." However, once Serbs refused to participate in the Kosovo elections, this approach has been subject to change. For, Belgrade clearly messaged the world that it wanted not a constructive dialogue. To all appearances, this was when the international community decided to broach the final status of Kosovo without Belgrade. A decision as such, delivered via the International Crisis Group's (ICG) report, raised a great hue and cry at the Serbian political scene. Ever since, Belgrade has been trying to take a stance that would secure it a place at the negotiating table.

Belgrade expanded its diplomatic action in all directions. However, such Kosovo-related diplomacy mirrors not recognition of reality that entails an adequate solution to the Kosovo issue, but only a simulation aimed at buying time. Belgrade's position is insincere. At this point, this position reflects its incapability to sum up the effects of its past policy, which has never been given up. Belgrade's present attitude rather reflects the state of mind of Serbian nationalists, who have been rationalizing their defeat through old/new conspiracy theories. They have been nourishing the thesis about "circles in the West eager to turn the Balkans into a laboratory for some new, hybrid states and hybrid identities such as Kosovars, Bosniaks, Sandzakians." According to them, Serbia should now pursue a defense strategy "based on turning down any idea about raising the subject of a final status." In other words, the Serbian side should do nothing but insist on scrupulous and full implementation of the Resolution 1244 with a view to buying time. And all this is grounded on a presumption about "a possible change in geopolitical elements of the equation that exceeds Bosnia and Kosovo, The Hague and the future of Serbia and Montenegro."

The media matrix Serbian intellectuals and political circles, joining hands in the Greater Serbia project, have put into shape on the eve of ex-Yugoslavia's dissolution persists in various forms. The majority of the media are still engaged in hyperproduction of lies, hate speech and stereotypes.

Almost all media outlets and most of the public opinion perceive the freedom of expression as the impunity to publicize of no matter what. Seen as far beyond all other social values, the freedom of speech is actually abused. This is not only evident in scores of tabloids, but also in newspapers with long tradition and influence on intellectual circles and political and economic elites.

The politics of former regime have choked the freedom of information in Serbia for years. Thus, the public opinion – and younger generations in particular – has been either fed with false information, hate speech and stereotypes or denied information. Teamed up with the longstanding educational system based on anti-civilizational values, misinterpreted social sciences and literary stereotypes, the politics as such have opened the floodgates to the media's excessive influence. Therefore, today's media should play a crucial role in reshaping the public opinion. For its part, the public should take a critical position on the media, a stance that should be initiated by the media themselves. And a stance as such precludes the argument that any criticism of the media violates the freedom of expression.

Lack of Reformist Potential

Serbia's impotence to step up its Euro-Atlantic integration – i.e. to make a stride that implies a change in her fundamental "social code" of misconception and denial of Europe's tremendous changes in the last decade of the 20th century – indicates an awesome absence of reformist potential. The wrong choice made in early 1990s devastated her economy, broke longstanding ties with other countries, destroyed the stratum taken for "middle class" even at the time of socialism, impoverished the majority of population and brought about a massive brain drain. Serbia sluggishly takes the outstretched hand of the international factors – the EU, the OSCE and NATO in the first place, the assistance of which is crucial for any major transitional progress – willing to speed up her integration into Euro-Atlantic organizations. As long as she is not consolidated and her development adjusted to contemporary Europe's trends and values, Serbia will be standing in the way of West Balkans' European prospects. Fully aware of that, Serbia's neighbors have been taking initiatives to normalize mutual relations in keeping with European standards of cooperation and association. However, Serbia's response is once again sluggish.

Serbia's rather blurred "loyalty" to Russia still handcuffs her movement towards Euro-Atlantic processes. Influential political, intellectual and, in particular, clerical circles interpret any association with (West) Europe as a betrayal of the traditional mainstay. "At this point, our diplomacy should endeavor to maximally lessen the pressure from the outside and wait for the winds of change. That means that political odds should be such that the Anglo-Saxon factor, faced with the danger of Islamic terrorism, would be forced to cooperate with Russia," says one of them, Dragan Petrovic.¹² Moscow that practically has no ally or strategic partner in Europe other than Serbia (Serbia & Montenegro), spoonfeeds such delusions. Frustration with the outcome of the

¹² Dragan Petrovic, "The English Have Always Been Our Enemies," *Ogledalo*, December 29, 2004

winds of change that have blown over Europe in the past 15 years, leaving both Russia and Serbia losers, additionally keeps such tie-up alive.

The absence of inner support to changes and the deeply rooted resistance to transition and reforms handicap Serbia. The anti-Western position – a constant of Serbia's history – is probably at the peak now, due to new challenges and circumstances propitious to pro-European policies. Ex-Yugoslavia's dissolution laid bare Serbia's unenlightenment – a entrenched disrespect for a human being, his dignity and inner freedom. Political violence is rooted in Serbia's tradition – and this is evidenced by the stream of assassinations such as those of the former Serbian president, Ivan Stambolic (2000) and Premier Zoran Djindjic (2003). At bottom, both murders were reckonings with liberal politicians. Serbia opposes any liberal transition under the pretext of a road to progress of her own. A "specificity" as such can be summarized as "colligation" (of Serbian people) that, as a rule, negates political pluralism and an alternative offer for social development.

Today, a liberal policy should be imposed on Serbia. The Premier Djindjic assassination curbed the liberal option, while a thorough purge of his closest associates considerably weakened the Democratic Party's potential. As the new party leader, Boris Tadic, plays on populism and gets ever closer to Kostunica. In this context, arguments that further discrepancies between the policies of the two parties would play into the hands of the Radicals are at least hypocritical. All the three parties – the Serbian Radical Party, the Democratic Party of Serbia and the Democratic Party – have similar or same positions on the issues such as Kosovo, Montenegro, future of Republika Srpska and The Hague Tribunal. The Democratic Party just singles out with its support to The Hague Tribunal.

Serbia has no strength left for regional belligerency. And, as such she poses no threat to her neighbors. Nevertheless, the EU's thesis that Serbia will gradually press forward is disputable. With her actual conservative structures, Serbia is not qualified for regional partnership, political and economic. Serbia's democratic transition is viable only with the international community's helping hand, extensive economic assistance and some kind of control over her institutions – the Army, the police, judiciary and educational system. In the absence of modern criteria, nationalism is, unfortunately, the only identity the Serbian elite clings to. And this is why this elite can hardly chart a course to Serbia's future.

Left and Right Dogmatism

With Premier Zoran Djindjic gunned down, the alternative to the Serbian national program – he had given shape to and mobilized young peoples' energy for – was also wiped out. His assassination not only removed the torchbearer of Serbia's Europeanization, but also, for a time, marginalized his followers, the same as individuals and groups identifying themselves with his idea of Serbia. The attempt to criminalize Djindjic and present his murder as a mafia showdown failed to a certain extent. Now, two years later, Zoran Djindjic even more powerfully personifies his cause that, for the time being, lacks a political promoter. Though still parasitizing Zoran Djindjic's aura, the Democratic Party, helmed by Boris Tadic, rather unconvincingly pursues his policy. Once it removed all Djindjic's close associates and banned a democratic faction, the Democratic Party became responsible for Serbia's lack of an alternative at the point when she has still not managed to reach a consensus on her Europeanward policy.

Two ideologies dominate the actual political scene: Right and Left, both dogmatic and anti-modern. Both are marked by collectivism, populism,¹ anti-Western stances, anti-market economy and fundamental denial of the concept of human rights. Both have found a common denominator in the national program scientifically legitimized by intellectuals from the Left (Mihajlo Markovic, Ljubomir Tadic, Svetozar Stojanovic, Kosta Mihajlovic, Ratko Markovic and many others). After the October 2000 ouster of Slobodan Milosevic Serbia was formally no longer a communist country. That was when

¹ "When compared with nationalism, populism is, at the same time, 'a step backwards.' Populism is the fruit of the European East (not of Russia alone), and has emerged from more complex developments and trends in the environments quite differently structured than those in the West. Actually, populism emerged from a different and deficient, and, therefore, more demanding and brutal context. The bottom line is, so to speak, that populism is a product of the 'undeveloped,' Eastern or even 'small environment.' Populism is a phenomenon that is exclusively focused on 'the issue of People.' What makes populists' primary, long-term task is eradication of differences between them and the masses. Renouncement of exploiters of all sorts is only in the back seat of their agenda." Definition by Tonci Kuzmancic in the paper "Disintegration of the SFRY and Legacy: Populism, Rather than Nationalism," published in the collection of papers *Violent Breakup of Yugoslavia: Causes, Dynamics and Consequences*, ed. Miroslav Hadzic, Center for Civil-Military Relations, Belgrade, 2004.

intellectuals from the Right such as Vojislav Kostunica – whose political idol was Dimitrije Ljotic, well-known ideologist of fascism on the eve and throughout the WWII – stepped on the scene. By glorifying figures such as Nikolaj Velimirovic and Justin Popovic, as well as the so-called teachings of St. Sava (Serbian nationalism that allegedly dates back in the Middle Ages), the Serbian Orthodox Church has been in the forefront of the revival of the ideology of populism of the late 19th and early 20th century.

Both ideologies were laid bare in the aftermath of Djindjic assassination. At the same time it turned out that both were incapable of once again mobilizing Serbia for any national program whatsoever, including the idea of pan-Serb unification that has never been given up. Dejan Medakovic claims that "a national program cannot be defined at this point because of partisan disunity."

The Right and the Left alike justify their impotence by stating, "Serbia is a victim of the United States' crusades aimed at rearranging the world and establishing a new world order, based on domination and plunder. The United States has smoothly subdued all those countries that had usually, throughout their histories, capitulated to conquerors...However, Serbia turned out to be a stumbling block – Serbia with a key strategic position in the Balkans that was, at the time of the US crusades, spearheaded by capable and popular political leadership with Slobodan Milosevic at the helm." Mihajlo Markovic underlines that "Serbia has persistently maintained her sovereignty," and "following the Serbian people's enviable socialist tradition, she turned down the ideology of liberal capitalism." Markovic takes that Serbia "has found a middle road between real-socialism and liberal capitalism." For him, that was "a road leading to a mixed society, marked by market economy, but also by the state's regulation, ownership plurality, democratic political pluralism, relatively high level of social security and social care in the domains of education, healthcare, science and culture, i.e. a road leading to genuine socialism."²

Independence of ex-Yugoslav republics is still perceived not only as a deliberate dismantlement of Yugoslavia, but also as disintegration of the Serbian ethnic territory. Montenegro's independence is hindered at all costs. Academician Dejan Medakovic takes that Montenegro's separation from Serbia would be a catastrophe, given that "the historical chance of unification would be lost forever." For, as he puts it, any reunification would have to be approved by Western powers that would never give their consent to it. In his view, everything should be done to safeguard the union, no matter how operable it is at this stage, so as to maintain "the hope that, in some future processes, people would come to their senses and say no to separation." "Such bargaining with one's own territory is unprecedented," says Medakovic.³

² Mihajlo Markovic's interview with the *Ogledalo* weekly, April 28, 2004.

³ *Borba*, March 8, 2004.

Incapability to draw the line at Milosevic's warring policy and permanent emphasis on a global complot against Serbia additionally fuel her isolation and stand in the way of her genuine integration into European processes. Leading intellectuals still take that "the man under whose leadership Serbia worked her way up the most after the World War II has been given away to The Hague Tribunal."⁴ Various statements given by outstanding jurists testify to their basic misunderstanding of new international relations. For them, The Hague Tribunal is "the focus of degrading the concept of a sovereign national legislation," while the trial of Slobodan Milosevic is "a fiasco of justice."⁵ According to a group of colonels and professors, "Serbia's relations with The Hague (and the USA and NATO for that matter) are semi-colonial." Accordingly, if Serbia "extradites" the indicted generals, she "will have the opportunity to become a quisling state."⁶ They are fuming at those who voluntarily surrender, accept bargains with the Prosecution, "confess a fabricated guilt and frame their compatriots." They warn such people that rather than amnestied, they will be "bereft of honor, the only thing they still have." For them, Biljana Plavsic and Milan Babic best exemplify such an argument.⁷

Frustration and inferiority of the "patriotic bloc" are more than evident. In their attempt to keep the idea of the Greater Serbia alive, they are looking forward to a change in the constellation of international forces – what they have in mind, in the first place, is the comeback of Russia as a geopolitical power. At the same time, they feel overwhelmed with defeat and lament for their own ill fortune, as they have been deprived of their privileged positions and influence. Milorad Ekmecic thus underlines that "apart from the Synod, the Academy is the main institution of the Serbian people's unity and disunity on the globe." "The Academy is no longer an institution that hammers out Serbian spiritual future. It has disabled itself politically and mutilated itself with duality of opinion manifest at all fronts."⁸

New Pan-Serbian Program

Professor Svetozar Stojanovic (member of the *Praxis Group* and president of the Serbian-American Center in Belgrade) is the main ideologist of the union of the Right and the Left. He will be remembered for the role he played in 2004 in the rapprochement between the Democratic Party (DS) and the Democratic Party of Serbia (DSS), particularly once Boris Tadic was elected the President of

⁴ Mihajlo Markovic, *Ibid.*

⁵ *Ogledalo*, February 2, 2005.

⁶ *Ibid.*

⁷ *Ogledalo*, September 8, 2004.

⁸ *Ogledalo*, September 8, 2004.

Serbia. "Both DS and DSS are becoming aware of their shared and general interests, and, hopefully, aware that an opportunity as such should not be missed," says Stojanovic. In his view, though Boris Tadic's election plays into the hands of "patriotic-Euro-Atlantic forces," one should not underestimate "the West's actual 'contribution' to so many ballots cast for the Radicals' presidential candidate." "I suppose the West will now understand once and for all that our elections have to be won here in Serbia, rather than in Washington, London, Paris, Berlin or The Hague," he adds. When it comes to Serbia, Stojanovic messages the West, "By far more can be accomplished through unconditional and prompt support, partnership, alliance, and Serbia and Montenegro's integration into Euro-Atlantic political, economic and security structure."⁹

"It would be fatal for the former DOS to believe that, after the October 2000 coupe d'etat, its chancellorship could marginalize DSS and monopolize power," says Stojanovic. Serbia has no future, as he puts it, "without the alliance of DSS and DS; the former a right of the center nationalist-civic party, and the latter a left of the center civic-nationalist party; the former presently stronger at the state level, and the latter with more power at local and Vojvodina provincial level, but both sharing patriotic and Euro-Atlantic commitment."¹⁰

In Stojanovic's view, DSS and DS' advocacy of the State Union of Serbia and Montenegro's maintenance and prosperity considerably augments foreign support to the cause. He suggests that Serbian entrepreneurs should buy Montenegrin companies and invest in Montenegrin economy, with a view to encouraging the country's economic and other integration. He appeals to the EU to put an end to its cynical neutrality and unwillingness to arbitrate the measures to be taken, so as to make the Union workable. By working in tandem, DSS and DS strengthen Serbia's position when it comes to the resolution of the status of Kosmet and the attempts to have the "entity" arrangement of Bosnia-Herzegovina, forged by the Dayton Accords, changed through the policy of *fait accompli*. DSS and DS' strategic partnership "provides an opportunity for our public life to rid itself of scores of false dilemmas that have been chocking it for years: nationalism or internationalism; national or civil state; patriotism or cosmopolitanism; legalism or reformism; idealism or pragmatism."¹¹

Serbia can hardly attain her goal, says Stojanovic, if such interests are contrary to those of the USA. He admits that reliance on other powerful states such as Russia or China is of almost no avail, given that the two, keeping their own interests in mind, avoid any confrontation with the USA for the sake of a small country such as Serbia. "However, the people trust not those who are much too ready to succumb to foreign pressure and blackmail. Even the USA - that has relied on Slobodan Milosevic and his regime for years - has more

⁹ *Politika*, August 2, 2004.

¹⁰ *Ibid.*

¹¹ *Ibid.*

respect for politicians, intellectuals, businessmen and diplomats who would not forget collective demonization, punishment and bombardment of our people," claims Stojanovic.¹²

According to him, "the parties and politicians with Euro-Atlantic affinities alone, and lacking the patriotic dimension stand no chance with our people." He foresees that DSS, by its very nature, would develop better long-term relations with the Republicans, while DS with their rivals. As for the EU, the two parties are, in his opinion, compatible with all member states. Stojanovic takes that the USA will be less and less interested in Serbia, but never totally disinterested in her because of "its new experience of Islamic fundamentalism and terrorism, our strategic position and the West's interest in having Serbia under its wing, and its interest in regional stability." When it comes to economic cooperation, says Stojanovic, Serbia has real partners in the EU, Russia and China.¹³

Yet another figure from Dobrica Cosic's circle of closest associates, Professor Ljubomir Tadic (also a member of the *Praxis Group* and President Tadic's father) takes the same course. The widening gap between Serbia and Montenegro set afoot Ljubomir Tadic. One of the leaders of the 2001 Committee for the Defense of Equal Rights of Montenegrin Citizens, recently Tadic has been elected president of the Belgrade branch of the Movement for the Common European State of Serbia and Montenegro (Zoran Zizic leads a sister movement in Montenegro). One of the movement's objectives is to endow Montenegrin citizens outside Montenegro with the right to vote in a possible referendum on independence. The movement assembled poet Matija Beckovic (vice-president), historian Veselin Djuretic, Radovan Karadzic's brother Luka, journalist Vanja Bulic, the director of the Belgrade Zoo, Vuk Bojovic, etc. Apart from Zizic, Metropolitan Amfilohije Radovic, Dragan Soc, Predrag Popovic, Bozidar Bojovic and ex-president of the SFRY Presidency, Branko Kostic, attended the ceremony to mark the movement's establishment.¹⁴

The movement "denies Montenegrin nation, rather than Montenegrin state." Tadic claims that what prompted him to join in "were not patriotic reasons, but flagrant injustice of the so-called international community that recognized a forceful secession as a legitimate act." He is also known for his statements such as "The military defeat in Srpska Krajina and Slavonian territories wherein the Serbs have always been in the majority should be never accepted as a definite loss...These territories should not be seen as lost, given that even Germans have never taken East Germany for a definite loss. Not even in their constitution." He has also called for "saving" Republika Srpska.

"As for Karadzic and Mladic, I hope the military police protect them. Those NATO guys will have to risk losses, if they decide to persist in their

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Vreme*, March 3, 2005.

invading violence." While referring to The Hague Tribunal, Tadic names it "the squalor planned for Serbs alone."¹⁵

Position on Non-Governmental Organizations

Anti-Western stances are probably best mirrored in the attitude towards non-governmental organizations that are perceived as a liberal, cosmopolitan alternative eager to "reeducate the Serbian people." In the forefront of the campaign against non-governmental organizations are academicians and university professors – and they are amply backed by the media. The media anyway most actively campaign against leaders of non-governmental organizations: they particularly discredit and demonize those focused on human rights. Nearly all academicians and intellectuals from the "patriotic bloc" have had their say about the concept of human rights. Academician Ljubomir Tadic once said, "There are, over here, naïve and stupid people who believe in that. But, for sure, there are also those who are corrupt indeed and, in the name of that aggressive policy, act against the best interests of their own people."¹⁶

Mirjana Vasovic, professor at the Faculty of Political Sciences, says, "NGOs are informal centers of power, particularly those dealing with human rights. They make predominant political elite, i.e. para-political elite, and they jeopardize the healthy core of the political elite. They are extremely agile and aggressive. They disable an articulated political action, that is, they stand in the way of a political consensus. Our state is exposed to tremendous attacks and blows of these informal centers of power. They have not been recruited to form a natural elite, but from the circles that have been firstly privileged and then deprived of privileges. This means, as a rule, that they only keep their own interests in mind. They badmouth our people, they demur at the entire nation. The stereotypes imposed by them have had an impact on the international public... Their legitimacy derives from the values and interests they share with foreign centers of power. They are eager to reeducate, they behave as commissioners. They have taken to the 'political' woods and are now engaged in subversive activities against their own state. They are eternal admirers of someone's 'person and deeds' - adherents of informal centers of power that pursue their missions through advocacy of 'receiverships' and unparliamentarily democracy."¹⁷

Their criticism (and envy) mostly targets the grants NGOs receive from foreign donors, usually donors from the West. Consequently, NGOs should be placed under control, particularly when it comes to the reports they issue. For them, NGO activists are "marginals and intellectual bastards." Academician Dejan Medakovic says, "The so-called non-governmental organizations are

¹⁵ *Ibid*

¹⁶ *Ibid.*

¹⁷ *NIN*, May 20, 2004.

very, very active, as they have to earn their living and are paid from some funds that are not available to us."¹⁸ Yet another academician, Dragan Nedeljkovic, underlines, "Smilja Avramov has numbered 26,000 non-governmental organizations, mostly mercenary, which have been poisoning and convincing us that we are the worst people worldwide. Instead of opposing them, we've begun to accept a stand as such."¹⁹ Academician Milorad Ekmecic says, "A friend told me that the funds spent on various non-governmental organizations throughout Serbia by far exceed the budget of the official Serbian government."²⁰

According to Kosta Cavoski, professor at the Faculty of Law, "non-governmental organizations were non-governmental only when it came to Milosevic's regime, but were actually hirelings of foreign governments – American, in the first place, then European Union's and of certain European countries." "To this very day," says Cavoski, "these non-governmental organizations are financed from foreign governmental sources...all this is about non-governmental organizations that belonged either to foreign governments or to our government at the time of Zoran Djindjic. Therefore, they are not at all non-governmental organizations from the angle of Western legal and political terminology."²¹

Assaults at NGOs

Ever more frequent assaults at NGO representatives, including physical attacks, are nothing but a logical follow-up of the powerful media campaign against the non-governmental sector. Intensified over past several months, the campaign follow in the footsteps of the matrix created in Slobodan Milosevic's era – i.e. NGOs and their activists are "foreign mercenaries, militating against the Serbian people." The campaign against the Helsinki Committee for Human Rights in Serbia and its Chairperson exacerbated in December 2004 and January 2005 after the organization publicized an analysis of the print media coverage. The campaign was spearheaded by dailies *Nacional* and the high-circulation *Vecernje Novosti*. It is only natural that people "on the carpet" may turn into easy targets for a John Doe, who needs no excuse other than the stories carried in such newspapers.

Prompted by the Helsinki Committee's print media analysis, in the issue of January 15, 2005, *Nacional* carried a story bannered "Ban Non-governmental Organizations!" Actually, a reporter interviewed Srdja Trifkovic whom he introduced to the audience as the director of the Center for International

¹⁸ *Ekspres Politika*, April 12, 2004.

¹⁹ *Svedok*, July 6, 2004.

²⁰ *Vecernje Novosti*, September 1, 2004.

²¹ *Svedok*, March 15, 2005.

Relations of the Rockford Institute, USA. Trifkovic labels Natasa Kandic, Sonja Biserko and Biljana Kovacevic-Vuco "Soros' mercenaries" and says, "Supporters of the Helsinki Committee are those who accuse the newspapers uncontrolled by Soros, such as *Kurir*, *Balkan*, *Nacional* and *Vecernje Novosti* of being Nazi and anti-European mouthpieces, and claim that their editors are influenced by the diaspora." Asked by the reporter what was it non-governmental organizations concerned with human rights in Serbia-Montenegro and Republika Srpska should do but fail to, Trifkovic replies, "They should cease to exist. They should be banned. Authorities in Serbia-Montenegro and Republika Srpska should investigate the sources of their funding. Then, all organizations that are found financed by politically motivated institutions should be closed down under summary procedure."

Nacional's campaign against the Chairperson of the Helsinki Committee evokes the infamous *Politika's* column "Echoes and Reactions" that best mirrors dirty propaganda, spreading of false information and manipulated public opinion that marked the rise of Slobodan Milosevic. In the issue of January 11, 2005, *Nacional* runs a letter by certain Drago Micunovic under the headline "Who Is Sonja Biserko - A Contribution to Her Biography." The author provides scores of false information about Biserko's family and says, "As a leader of Soros' organization, the Helsinki Committee, she has been given the opportunity to boundlessly spit out insults about the people she hates the most - Serbs." In the issue of December 25, 2004, *Nacional* carried a commentary titled "Sonja Biserko Whips the Serbian Media: Creatures and Their Dummies." The commentary run instead a news story dealing with the launch of the Helsinki Committee's print media analysis, accuses Biserko of "objecting publishing of the pictures showing the crimes committed against Serbs."

In a story headlined "Domestic Communists-Globalists Poison America" run on December 29, 2004, *Nacional* claims that Daniel Serwer, director of the Balkan Institute of the United States Institute of Peace (USIP), "in his capacity as Clinton's Balkan branch of CIA, created a powerful network of influential agents in the Balkans." Quoting anonymous sources, the paper says that Serwer's "people" were in the backstage of "the latest demonization of the Army of Serbia and Montenegro, while Serwer, "Clinton's close associate" who was "together with Soros and Sonja Biserko in the USIP non-governmental organization" outdoes himself to carry out the scenario of keeping Serbia within post-Kumanovo borders."

Provoked by the aforementioned media analysis, the *Vecernje Novosti* daily launched a series of articles the message of which was about the same as *Nacional's* - foreign mercenaries, militating against the interests of Serbian people. This was the bottom line of the story bylined by the newspaper's columnist, Zeljko Vukovic in the issue of December 12, 2004. Under the headline "Sonja Never Has It Enough" Vukovic writes, "What unites Sonja Biserko and her comrades in arms from brotherly structures is the urge to hang on to their posts by their fingernails." "Ten-odd years ago," says Vukovic, "they

began to demonize the Serbian people for a good pay and a false reputation in the world." "Their bosses have harnessed them to propaganda machinery and promptly promoted to few 'good Serbs' tasked with being daily and publicly ashamed of their 'genocidal and criminal people.' Serbs or not, they have been hired as Serbs by vocation," concludes Vukovic.

The article "Three Ladies of the Inquisition," craftily presented as a personal stand of some Mirko Stamenkovic, *Vecernje Novosti* run in the issue of December 27, 2004, questions the transparency of three non-governmental organizations and asks, "Why are they not obliged to respect the same laws applied to legitimate political parties? Who are those world financiers and what is the amount of the funds they allocate to the organizations led by those three ladies?" The author refers to Biljana Kovacevic-Vuco, Natasa Kandic and Sonja Biserko.

In the issue of November 25, 2004, *Nacional* carries a front-page banner "They Intimidate the Serbian People in Vain" and photos of three chairpersons of NGOs in Serbia, Natasa Kandic, Biljana Kovacevic-Vuco and Sonja Biserko, and ITCY Main Prosecutor Carla del Ponte. A subtitle quotes, "Only mercenaries would not accept that The Hague Tribunal is at death's door and has lost the legitimacy the common mentors had vested in it." The story itself refers not to the persons portrayed on the front page, but generally deals with "The Hague Tribunal's action aimed at softening the Serbian public about extradition of four generals and carried out by Soros' people and other mercenaries."

The story titled "Chairpersons of Non-governmental Organizations, The Hague Tribunal's Most Diligent Associates" and bannered "Carla's Errand Girl, Sonja Biserko" (*Nacional*, the issue of December 11, 2004) pinpoints that while cross-examining historian Slavenko Terzic, witness for the Defense in the trial of Slobodan Milosevic, Prosecutor Geoffrey Nice has several times evoked opinions of Sonja Biserko and historian Latinka Perovic. Without quoting any source whatsoever, the story claims, "Sonja Biserko's brother was killed in action as a member of the National Guard, Tudjman's para-military troops, which had committed heinous crimes against Serbs." Firstly publicized by the *Svedok* weekly, the same lie has been amply exploited by other media as well.

Anti-Semitism

Anti-Semitism raised its head in Serbia when Milosevic came to power. Time was when the predominant stereotype about an international conspiracy justified the inefficiency of his policy. As a rule, conspiracy theories imply "shadow rulers," i.e. powerful Jewish circles intent to subdue the world - a stereotype pervading the entire anti-Semitic literature. Belgrade writer Filip David takes that one should be by far more concerned with the fact that "various forms of anti-Semitism, as well as other racial and ethnic intolerance

are not prosecuted." According to David, that equals "a judicial scandal."²² Radoslav Ratkovic, president of the Society for the Truth about the People's Liberation War, calls anti-Semitism "a disease of the extreme nationalism."²³ However, sociologist Stjepan Gredelj warns that anti-Semitism is not a novelty in Serbia's history. "Something that is nowadays swept under the carpet should not be forgotten. In the time of occupation and Nedic's regime, Serbia was the first country in Europe that was *Juden Frei*, meaning liberated from Jews, this way or another. It should not be consigned to oblivion that we did have our mini Auschwitz for Jews throughout Serbia. So, anti-Semitism has always been latent over here. However, fueling anti-Semitism in 21st century when, according to the last census, there are some 3,000 Jews in Serbia is sheer lunacy," says Gredelj.²⁴

Anti-Semitism has been on the increase ever since October 5, 2000, and particularly after the December 2003 elections when an extremely rightist coalition came to power. Anti-Semitism has been spread in various forms throughout 2004, the same as hatred for minorities. The Federation of Jewish Communities in Serbia and Montenegro issued the following release:

"Apart from graffiti 'Death to Jews' and the like, letters that threaten death and anti-Jewish stories in the media, publishing of Anti-Semitic books is in full swing. Book fairs, bookstores and even street vendors continually offer new editions of the banned *Protocols of the Elders of Zion*. To attract readers one of the book's publishers had the word FORBIDDEN printed in red majuscule on the covers. Not long ago, the IHTUS-Christian Book Publishing House that has issued tens of anti-Semitic books translated and published *Jewish Ritual Murder*, a reading reiterating the centuries-long accusation that Jews murder Christian children and use their blood to make the Seder bread. The books issued by this publisher negate death camps, gas chambers and the Holocaust, while glorifying Adolf Hitler as a great visionary whose era is still to come. Some of the same publisher's books were displayed on a shelf labeled "We recommend" in the Belgrade City Library and only taken off when readers protested. The anti-Semitic brochure *Serbian People in Jews' Claws*, issued by the Zabalji-seated *Serbia's Blood and Honor* Publishing House is being circulated in Novi Sad and other towns in Vojvodina."²⁵

A delegation of Serbia and Montenegro failed to attend the memorial marking the 60th anniversary of the liberation of Auschwitz that assembled leaders from all over the world. This indicates that not only the political establishment, but the society as a whole have, in a way, mentally isolated themselves from the world. When the movie *Hitler's Last Days* was screened at

²² *Gradjanski List*, March 23, 2005.

²³ www.slobodnaevropa.org March 30, 2005

²⁴ www.slobodnaevropa.org March 30, 2005

²⁵ Press release issued by the Federation of Jewish Communities on February 24, 2005, the Jewish Overview bulletin No. 3, March 2005.

the Belgrade cult film festival, FEST, the audience applauded at the sentence Hitler uttered before committing suicide, "The only thing I've really managed to accomplish is the final solution to the Jewish question." Emergence of a website naming Belgrade Jews, including some NGO leaders, also indicates that anti-Semitism has raised its head in Serbia.

The latest in the series of anti-Semitic incidents took place on March 22, 2005, when posters calling for boycott of the TV B92 appeared all over Belgrade, along with anti-Semitic graffiti on the wall of the Jewish Cemetery and inside the buildings housing the Helsinki Committee for Human Rights in Serbia and the Humanitarian Law Center. The graffiti on the Jewish Cemetery messaged, "Defy the Zionistic, October 5 occupation!" "B92 - Jewish television!" "Jewish parasites, get out of Serbia!" "We want freedom, rather than Jewish harness!" and "Serbia to Serbs!" The graffiti were accompanied by drawings of the "four S" symbol and the Star of David.

The posters showing the B92 sign within the Star of David quoted, "Boycott the B92 for its anti-Serbian activity, fatal influence on the Serbian youth, advocacy of Kosovo's independence, support to drug addiction, homosexuality and other diseases coming from the West, and advocacy of a multiracial, new world order!" The authors of the posters identified themselves as National Guard (*Nacionalni stroj*). Graffiti with similar message were found on the wall of the Rex Cinema in the Jewish Street.

Within the campaign against growing anti-Semitism, launched by eight non-governmental organizations, on March 21 at the Republic Square in Belgrade citizens were called to sign the petition "Stop the Vow of Silence!" Thus graffiti targeting the Helsinki Committee run as follows: "Sonja Biserko, Jewish pawn and humble servant of the Jewish world order," "Serbia to Serbs" (along with the "four S" symbol) and "B92 = the Star of David (symbol)." The graffiti targeting the Humanitarian Law Center carried about the same text.²⁶

Similar messages and graffiti appeared throughout Serbia. Several building and institutions in Negotin such as the town's Technical Engineering School were practically covered with graffiti saying, "For white future, for our race and our nation!" The Star of David was crossed off. Out of a number of political parties active in the town, the Civil Alliance of Serbia alone voiced its protest.²⁷ Not a single Jew lives in Sandzak since 1972. Sasa, 25-year old Serb from Novi Pazar, says he does not know anyone who is Jewish. "All non-governmental organizations are Jewish," he said, adding, "I would expel them all from Novi Pazar, as half the world is under their thumb. Why should I tolerate their Jewish branches in my town?" Elvis, a young Bosniak from Novi Pazar, says many of his acquaintances hate Jews, as they usually treat them as

²⁶ www.b.92.net, March 23, 2005

²⁷ *Danas*, March 25, 2005

enemies of Islam. Elvis says, "I often listen to their argument, and it seems to me that I've begun to share their views."²⁸

"False Emperor Scepan Kis" by Nebojsa Vasovic that recently came out of print, surprised readers by its attempt to deny Danilo Kis as one of the most prominent contemporary writers in Serbia. It is not by mere coincidence that the book targets Danilo Kis who was not only Jewish, but also an internationally recognized author. Vasovic claims that Kis "have renounced Serbia and Serbian literature" and "would never make his career as a writer in the West, unless he was Jewish." Vasovic's clear-cut intention is to repudiate Kis as "domestic author." Over his imaginary dialogue with Kis, he asks the latter to speak out about Jews' cooperation with Nazis and those who have "profiteered" from Nazism and Stalinism. Published at the peak of Serbian Nazism, the book is obviously meant to purge the Serbian culture from "foreign" influence.²⁹

Anti-Semitism in Serbia today goes more for the groups (NGOs) and individuals who are seen as promoters of capitalism and the concept of human rights, intent to ruin the identity of the Serbian people. Apart from being deeply rooted in the Serbian Right, the present wave of anti-Semitism splashes onto certain world figures such as Gen. Clarke, Madeleine Albright, Richard Holbrooke, George Soros, Vaclav Havel or Elie Wiesel – called "trailblazers of the demonization of the Serbian people" – as well as various non-governmental organizations sponsored by George Soros and NATO states' administrations.

According to Serbian nationalists, anti-Semitic graffiti and posters that have recently appeared all over Belgrade were a product of an anti-Serbian campaign, aimed at "presenting Serbs as racists on the eve of the negotiations on the final status of Kosovo, racists who should be punished by seceding Kosovo – where the Albanian minority makes the majority population – from Serbia."³⁰ Many bookstores in Belgrade sell a variety of anti-Semitic books. A shelf with anti-Semitic literature is even to be found in the popular bookshop, *Stubovi Kulture* (Pillars of Culture), owned by the Serbian parliamentary speaker, Predrag Markovic.³¹ Responding to scores of anti-Semitic incidents, Belgrade's eight non-governmental organizations have launched a campaign under the slogan "Stop the Vow of Silence," demanding, among other things, passing of an anti-discrimination law.³² Citizens' showered criticism on many activists throughout Serbia, who began the petitioning on March 21 (the International Day against Racism).

²⁸ Blic, March 25, 2005

²⁹ NIN, February 2, 2005.

³⁰ *Ogledalo*, March 30, 2005

³¹ *Ibid.*

³² The Youth Initiative for Human Rights, the Lawyers' Committee for Human Rights, the Humanitarian Law Center, the Civic Initiatives, the Women in Black, the Belgrade Circle and the Helsinki Committee for Human Rights in Serbia.

Culture Follows the Nationalistic Matrix

By pursuing a fatal policy at the end of the 20th century, Serbia experienced a historical paradox – as she carried out a nominally statehood project shaped by the anachronous, warring concept of the Greater Serbia, Serbia acted contrary to her strategic interests. Thus she entered the third millennium devastated not only economically and politically, but also culturally.

That was only a natural follow-up of the country's rapid impoverishment, practical disappearance of the middle class as a pillar of cultural development, isolation and separation from neighboring and other countries. Lagging behind global trends, Serbia turned into fertile soil on which provincial self-sufficiency and system of quasi values flourished. Aggressive nationalism and populism – marking Milosevic's totalitarianism – could not have provided an ambiance favorable to authentic, free-minded and modern creativity the society would adequately valorize and support. The ruling ideology proclaimed myths for history and, consequently, skimmed off and even forged tradition, and stigmatized cosmopolitanism by labeling it an "anti-people" value, and globalistic and European decadence. As in any totalitarianism, collectivity – marked by blood ties – was proclaimed a by higher value than an individual. However, culture is in the first place a field of individual creation and acceptance.

Of course, squadrons of artists and other cultural partisans made a part of Milosevic's propaganda machinery and voluntarily joined the scheme for imposing a new national identity. A considerable part of Serbia's cultural elite, concentrated in the Serbian Academy of Arts and Sciences, the Writers' Associations and other major institutions, crucially contributed to the circumstances that brought about Milosevic, strengthened his regime and determined the course of his policy. Later on, the same "elitist" stratum hypocritically distanced itself from Milosevic. For them, Milosevic's war failures and departures from the initial nationalistic program had been true disappointments. On the other hand, those people had realized that much of his opposition had been indeed committed to the ideas Milosevic had used to homogenize the nation. Only those who had no other way to protect their personal interests – i.e. high offices and easy access to the state budget, arbitrarily managed by the ruling clique – remained fully faithful to Milosevic.

It is a crying shame that only a small circle of artists and other actors of the cultural scene, mostly those from the so-called alternative sphere, have been brave and willing enough to take a critical stance about Milosevic's regime. The others mostly justified their inertness and cowardice by claiming that art and culture were autonomous and beyond politics, while they themselves were not prone to conveying politicized views through art. The Serbian cultural public of 1990s only sporadically expressed solidarity with colleagues in sieged and cannonaded towns or publicly condemned destruction and plunder of cultural

heritage in Dubrovnik, Sarajevo, Vukovar and other places the Yugoslav People's Army and Serbian para-military troops had turned into fields of battle. Rare individuals who publicly condemned these crimes were excommunicated from the Serbian culture and even literally expelled from Serbia. As punishment for their "treasonable activities," some are, to this very day, subject to taciturn proscription and almost conspiratorial disregard (Mirko Kovac, Bora Cosic, Bogdan Bogdanovic, etc.). Falsity of cultural and artistic circles' proclaimed "disgust" with politics and political engagement was fully revealed during NATO intervention when institutions, artistic societies and individuals were practically competing in boosting the nation's patriotism and morale.

The post-October 5 authorities have neither clearly manifested their readiness to make a clear break with Milosevic's distorted value system nor attempted to create a social ambience propitious to launching a serious public debate on cultural elite's accountability in the past ten years. Some progress has been made, particularly when it comes to reestablished communication with the world and appointment of new people of indisputable professional integrity and managerial skills to high offices in some state-run cultural institutions (Branislava Andjelic-Dimitrijevic - Museum of Contemporary Art, Sreten Ugric - National Library of Serbia, Tatjana Cvjetanin - National Museum, etc.) And yet, the post-October regime not only lacked energy for thorough changes in the domain of culture, but also failed to place such changes on its list of priorities.

Continual Ruin of National Cultural Institutions

Further ruin of national cultural institutions marked the year 2004. Actually, executive power was either incapable of or unwilling to cope with the problems accumulated over years and thus secure adequate conditions for functioning of at least major state-run institutions. Humidity that threatens to destroy literary stocks of the National Library, dilapidated technical facilities of the National Theater that jeopardize very lives of stage performers, dysfunctional air-conditioning system in the Museum of Contemporary Art because of which paintings have to be removed to storages in summertime - all these made news stories that hardly ever attracted the attention of the general public chronically poisoned by tabloids' petty politics, affairs and scandals.

By disregarding these problems, the Serbian government demonstrated its uncivilized attitude towards culture and testified that it was not up to good governance. Ljubomir Brankovic, head of the National Library storage, says, "The library is jam-packed and we are panic-stricken as there is no place to store the books and protect them from water that is dripping all over. One hundred and fifty buckets protect the whole library. In one month only, over 1,000 books were destroyed and had to undergo the program of conservation.

We live in fear whenever it rains or snows heavily, and we fear mold might ultimately ruin all the books."

The entire staff of the National Library blames the contractors working on the Vracar plateau. They take that the contractors, only concerned with having the works over in the shortest possible while, treated the National Library as if it was the St. Sava Temple's adjoining facility, and turned a blind eye to the blueprint of the library the librarians had warned them about.

Gordana David, secretary of the National Library, says, "While the plateau was under construction, jackhammers and other heavy machines were rampaging at our door, cracking the library's walls and very foundations. They recklessly demolished our lightning rod system, tore down the video surveillance and ruined hydrants. Thus the library has been left, for some time, without a fire protection network." She managed to attract the attention of the Serbian Ministry of Culture's only when she presented a dripping wet book by Ivo Andric to the Deputy Minister.³³

The year 2004 was the year of strikes of the employees working for subsidized cultural institutions. However, their demands related to employment conditions were not taken seriously by the general public, let alone the relevant authorities. Actually, the ravenous state budget actually contributed to cultural retardation. This is probably best illustrated by the Ministry of Finance's total disregard for movie distributors and projectionists' well-grounded and reasonable demands for lower taxes on movie tickets. And, Serbia's provincial backwardness is probably best illustrated by the fact that, in the 21st century, she can be labeled a country with almost no cinemas (only five or six cinemas throughout the country meet modern European standards). In 2004, cinema-goers were fewer even than in 1999. Only Serbia and Estonia have imposed the highest taxes on movie tickets. The income thus budgeted by the state is absolutely negligible when compared with the losses caused by the piracy boom apparently tolerated by the state.

Dragan Jelicic, program editor of the *Tuck* Distributor, says, "Audiences decreased by 70 percent. We believed that the state would curb the gray market through adequate legislation. As it turned out, taxes apply only to us who run legal businesses. Street vendors throughout Serbia offer pirate disks almost for kicks and even policemen buy from them. There are tens of questions crying out for the government's response. Why does it tolerate something that is prohibited all over the world? Why does it not implement the laws it has passed itself? Why is it unwilling to take 30 million euros cinematography would add to the republican budget in normal circumstances? Why it does nothing about the threat of having the country placed on the 301 list and preventing American sanctions? Once they got similar warnings, the Chinese literally bulldozed pirate disks. Why is this country eager to leave 20,000 people working for the industry jobless? What foreign investor would be so stupid as

³³ *Blic*, "150 Buckets Defend Treasure," November 24, 2004.

to invest into a product that is being stolen from him in the streets? Piracy violates the European Convention on Human Rights. All the promises the state has ever made simply vanished into thin air. Piracy has taken over the market, 90 percent of all segments of cinematography are in the hands of invisible people steeped in organized crime, a business by far more profitable than arms and drugs trafficking. According to the Interpol, all that money is funneled into terrorism."³⁴

Hardly anyone has expected the Vojislav Kostunica cabinet to shape a course for a well-planned, Europe-like cultural policy. Ever since the government was formed, the Ministry of Culture and Media – monopolized by the Serbian Renewal Movement under the "coalition agreement" – has been barraging the public with bizarre information, to put it mildly. Minister Dragan Kojadinovic decorated the Ministry with a wax statue of the Chetnik leader, Draza Mihailovic. Let alone the problematic ideological message of an act as such, the fact that the very "piece of art" is nothing but the cheapest possible kitsch sticks out like a sore thumb. The Minister's choice, therefore, speaks for itself about how much he is up to his task.

Minister Kojadinovic appointed Bora Djordjevic his adviser. Known as a bandleader of the Riblja Corba rock group, Djordjevic has been attracting public notice, over the past 15 years, by his extremely chauvinistic stands (he used to call Slovenians and Croats "Vienna's horse tenders") and as a founder of a political party he named the Party of Ordinary Drunkards. The Minister is also "renowned" for his scandalous and clerico-fascist statement in the wake of the fire catching the Hilandary Monastery on Mount Athos. He said that workers who were not adherents of the Serbian Eastern Orthodoxy, and Albanians, in particular, should not be engaged in the reconstruction of the damaged monastery. Namely, Kojadinovic was deeply concerned with the fact that Greek building companies were hiring Albanians from Kosovo and Albania given that they figured as cheap labor force. Albanians, as the Minister put it, could subvert the reconstruction and, consequently, only those who "believe in Serbian sacred edifices and know how much they mean to the Serbian people" should be recruited for the job. The Minister gave this disputable statement during his visit to Zrenjanin, where he opened a photo exhibition dedicated to the Hilandary Monastery and titled "A Lament for a Beauty Lost."³⁵

The Hilandary incident was seized as a most welcome opportunity for spreading pathetic nationalistic discourse throughout Serbia. A discourse as such was notably fueled by the state and the state-run cultural institutions. The Hilandary fire was connected with demolition of Serbian monasteries and churches in Kosovo during the March outburst of violence. An epidemic

³⁴ *Glas Javnosti*, "Film Mafia More Powerful than Drug and Arms Traffickers," February 2, 2005.

³⁵ Danas, "Kojadinovic: Only Believers of the Serbian Eastern Orthodoxy Should Reconstruct the Monastery," April 20, 2004.

outbreak of humanitarian exhibitions, concerts, performance and other manifestations, fundraising for reconstruction of the Hilandary or Kosovo churches, overwhelmed Serbia. As it turned out, promotion of fierce nationalistic and chauvinistic rhetoric and advocacy of the nation's homogenization – spearheaded, like on a number of similar occasions, by the so-called cultural elite – was by far more important than the fundraising.

For instance, at writers' meeting the Prosveta Publishing House organized to protest over the violence against Serbs in Kosovo, Academician Nikola Milosevic said, "Many reporters and politicians from the West strike a balance between the tribal pogrom of the Serbian population in Kosovo and the torching of mosques in Belgrade and Nis. However, the fact that over the past three years 116 Serbian Orthodox churches have been demolished in Kosovo and, then, another 30 in last couple of days, is not the only disparity. The disparity here is that perpetrators have been prosecuted and put on trial in Serbia, while no one has been in the dock for all the crimes committed in Kosovo so far. And the disparity here is that, unlike Metropolitan Amfilohije who squarely confronted perpetrators in Belgrade in the attempt to prevent them from committing a criminal act, no religious leader of Kosovo Albanians have never acted in such or similar manner."³⁶

Participants in the meeting also claimed that "ethnic Albanians in Kosovo are mentally disordered and should be quarantined" (Ljubica Miletic), that "we have all been born in Kosovo and our birth certificates have been issued in Kosovo" (Radoslav Bratic) and the like.³⁷

Individuals daring to display inadequate enthusiasm for the common cause – i.e. fundraising for Hilandary and Kosovo monasteries – risked to be pilloried in an orchestrated hunt and stigmatized as unpatriotic people. This was what Ljiljana Cetinic, director of the Museum of Yugoslav History, went through. Taking the advantage of the political ambience, former (dismissed) curator of the Museum, Slavica Stevanovic, launched a media campaign against Ljiljana Cetinic by accusing her of hindering humanitarian auctions aimed at assisting Kosovo monasteries. Slavica Stevanovic said, "Ever since 1999, while the bombardment was still on, people from the Museum have been planning to collect pieces of art and sell them at humanitarian auctions, so as to help reconstruction of damaged monasteries and cultural monuments in Kosovo. To justify her politically motivated appointment – in which Dragoljub Micunovic had a final say – the newly appointed director, Ljiljana Cetinic, has locked up all the collected pieces of art under the pretext that their authors were 'followers of the former regime' who defended our bridges at the time of NATO intervention. Hypocritically and meanly she plays with the suffering of the Serbian people in the territory of Kosovo and Metohija, now that she proclaims the photo exhibition, dedicated to the Hilandary Monastery, a

³⁶ *Glas Javnosti*, "My House Is Not on Fire," March 24, 2004.

³⁷ *Ibid.*

humanitarian action. She just did it to sweep under the carpet the commentaries and facts about her deeds and misdeeds."³⁸

Pathetic, self-advertising public lament for Hilandary and Kosovo monasteries comes in the same package with the mainstream clericalization of Serbia. Scores of artists and directors of cultural institutions have set their heart on this prevalent tendency, heartily fueled by many high officials, political parties, the media, etc. With such people shaping public opinion and promoting the Church as the final measure of the worth of a society, it is only natural that constructors of the St. Sava Temple treat the neighboring National Library, a secular institution, as "the Temple's adjoining facility."

The fact that several book fairs and saloons named after religious holidays such as "Christmas," "St. Sava's" and "Easter" are held in Belgrade each year is also indicative. Organizers of cultural manifestations boast that they have the Patriarch's blessing, while the aforementioned adviser to the Minister of Culture, Bora Djordjevic, publicly condemns the fact that the album titled "Roots of the Serbian Eastern Orthodoxy," issued by the Legends band, "has been taxed as kitsch, though it has the Patriarch's blessing."³⁹ It goes without saying that a serious music critic - and Patriarch Pavle is not a music critic, for sure - would never deny that the music played by the Legends is kitsch.

The arrest of organizers of the Novi Sad *Exit* Summer Festival was among the biggest culturally-politically motivated scandals that broke out in Serbia in 2004. The *Exit* festival is indisputably the most significant cultural project launched in Serbia over past years. The festival itself - attracting scores of young people from all over the territory of ex-Yugoslavia - has messaged the international public that, with Milosevic's regime gone, Serbia changes its mien. From the very beginning, the *Exit* has been sending such clear-cut, pro-European and politically liberal message.

Organizers, Dusan Kovacevic and Bojan Boskovic, were taken into custody for suspected misconduct and forged IDs. They were not allowed to defend themselves while free under the pretext that they could influence witnesses. They were arrested on June 7, 2004, less than a month before the festival was due to open and at the time the presidential campaign was in full swing. Very soon after the arrest the public became aware that this was all about a revenge staged by conservative political forces. The festival itself was firstly organized in the summer of 2000, i.e. on the eve of Milosevic's ouster, with the purpose to motivate young people to go to the polls and contribute to Milosevic's dethronement.

The president of the Novi Sad branch of the Democratic Party of Serbia, Dejan Mikavica, said "I am pleased with the arrest, as it indicates a final, radical and resolute showdown with the people who have profiteered under the cover of the festival." According to him, it was "an open secret" that local and

³⁸ Glas Javnosti, "Locked up Humanism," April 8, 2004.

³⁹ Glas Javnosti, "Combating Stupidity," April 3, 2004.

provincial officials were using the *Exit* for their selfish interests. "Leaders of the League of Vojvodina's Social Democrats and the Democratic Party have schemed to turn a public manifestation into a reliable source of their finances."⁴⁰

Actually, two political concepts were fighting tooth and nail over the festival. Responding to Mikavica, Nenad Canak, president of the League of Vojvodina's Social Democrats, said, "The political police have actually never left Novi Sad, they have just kept a low profile for a time. We pay dearly for having attempted to do something without informing those who go to church and pray, rather than work. These two young men are guilty of not torching mosques and demolishing Novi Sad, while those who actually did it are still at large. They are bothered with good things in Novi Sad. Should we all move out in order to avoid arrests? Arrogance as such will not be tolerated this time, and someone will have to pay for it."⁴¹

And yet, the most malign event that marked Serbia's cultural scene in 2004 is probably best defined by the phrase, "Crime guarantees best-sellers." Books by Radovan Karadzic and Milorad Ulemek-Legija were literally smash hits. The one written by Biljana Plavsic was not such a howling success, given that she had been stigmatized as traitor for pleading guilty before The Hague Tribunal. In 2004, two volumes of Karadzic's novel "Wondrous Chronicle of Night," a novel by Milorad Ulemek-Legija "Iron Trench" and the first volume of Biljana Plavsic's memoirs "I Testify" saw the light of day.

Few voiced their criticism of the fact that one of the two most famous Hague fugitives became a famous writer overnight. Slobodan Kostic, journalist for the Radio Free Europe wrote, "As if The Hague Tribunal's indictments for genocide and crimes against humanity were nothing but a chance misunderstanding to be settled any minute now, Karadzic has been writing novels, memoirs and comedies ridiculing the international community and incumbent Serbian leaders. Moreover, his writings are not published in Montenegro where he was born, or in Bosnia-Herzegovina where he lived, but in Belgrade where they are meticulously printed by his own minister of information at the time of the war, Miroslav Toholj... True, memoirs of the minister of armaments and Hitler's personal architect, Albert Speer, used to be a best-seller in the post-WWII Germany. But the fact that, before his book was published, the main architect of the Third Reich had already served his 20-year imprisonment to which he had been sentenced by the international tribunal makes all the difference."⁴²

News stories informed the general public that rehearsals of Radovan Karadzic's play had begun in the Belgrade Theater. In an interview with Kostic, writer Vidosav Stevanovic minutely defined the sociocultural climate ravaging for authors with reputations such as Karadzic's by saying, "If such books by a

⁴⁰ *Dnevnik*, "Mikavica: I Am Pleased with the Arrest," June 8, 2004.

⁴¹ *Dnevnik*, "Guilty of Not Torching Mosques," June 8, 2004.

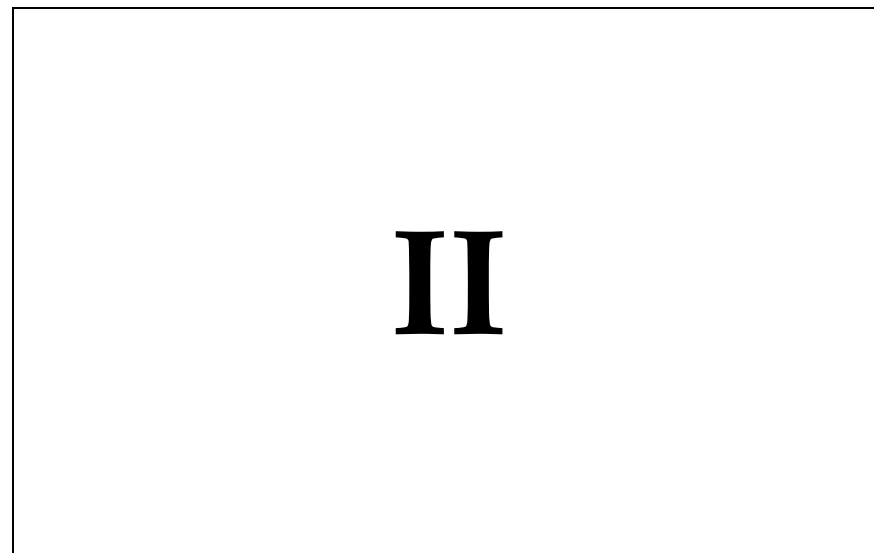
⁴² *Radio Free Europe*, December 12, 2004.

man as such are published in Belgrade, it means there is a favorable climate – both political and psychological. The project in which Radovan Karadzic participated has not vanished, it is still much politically alive, particularly in the minds of some people such as Vojislav Kostunica. And many other politicians in today's Serbia think alike though some keep their views to themselves. Judging by all visible signs, they have not given up the project that – though defeated – has been put off until some future, "more favorable" time, as they put it. And when you put things together, you see that this town that really used to be a different place has become fertile soil for the books written by the man you are at a loss for words when trying to qualify. Interestingly, books by Radovan Karadzic are published nowhere else but in Belgrade. They are not even published in Bosnia where he seems to be hiding, or in Republika Srpska that is a product of his criminal project. Even there such books are not published, let alone plays staged. Many factors over there would raise a great hue and cry about it."⁴³

Karadzic's "Wondrous Chronicle of Night" was short-listed for one of the most prestigious literary awards in Serbia, the Vital Award (the sums paid to winners by far exceed those bestowed upon the winners of the NIN magazine's annual prize for the best novel). Members of Vital's jury, Novica Petkovic, Radovan Vuckovic and Jovan Delic included Karadzic in the elite literary circles.

The book by Milorad Ulemek-Legija was a serious competitor to Karadzic's literature. The novel by the first accused of the murder of Premier Zoran Djindjic is sold at kiosks as most attractive merchandise (guesses about the real author of the book are the talks of the town). One of the biggest publishers in Serbia, Narodna Knjiga, issued the book.

The Serbian public welcomed Dobrica Cosic's "Kosovo," published by the Novosti Company, as the cultural event of the year. The book – actually a collection of Cosic's articles, letters, documents from his personal archives, and excerpts from his diary published for the first time – was meant as an opportunity for the "father of nation" to publicize his position on the "final solution" of the Kosovo question. The information about as many as 1,500 copies sold on the Book Fair's very first day illustrates how much Serbia still hungers for Cosic's ideas and proposals. The sellout testifies that Cosic is still a grey eminence of Serbian politics – a fact by far more intriguing than his well-known advocacy of Kosovo's partition.



II

⁴³ Radio Free Europe, December 12, 2004.

The Serbian Orthodox Church and De-secularization

Apart from having become an unavoidable factor in the decision-making processes on all fundamental issues of the Serbian society, the Serbian Orthodox Church (SOC) plays a decisive role in resisting the integration of Serbia into Europe and accordingly the concept of human rights, even the promotion of individual freedoms themselves. The SOC perceives the globalization processes as a method for an overall unification leading to a new totalitarianism, masked by the rhetoric of human rights¹ and promotion of individual freedom. All this, according to the SOC, is aimed at creating a "universal global identity" which is being defended even by military interventions. By such a perception of the international community, the SOC focuses its critique on the minority in Serbia which advocates integration into Europe. The SOC qualifies this minority as "aggressive, using revolutionary methods" and denounce it for terror especially in the sphere of "creating personal and collective identity", namely the social area in which the aspirations of the SOC are most pronounced and have the greatest strategic importance. Similarly, the writer and academician Dobrica Cosic, also criticizes the actual global tendencies as "an ideology of totalitarian democracy, human rights and globalism".² A systematic and all-encompassing questioning of the secular principle, as the foundation of the new era, represents a long-term strategy on which SOC works together with the nationalistic elite, the military as well as part of the state authorities. On the occasion of a meeting with the representatives of "traditional" Christian Churches the Serbian president, Boris Tadic, stated: "Even if the Church is not a part of the state, given the actual political context we live in, the Church unquestionably represents part of the

¹ However, when the subsistence of Republika Srpska is in question, the Synod of the SOC does not hesitate to invoke human rights. Referring to a statement of the High Representative for Bosnia and Herzegovina Peddy Ashdown the SOC stated that "many were appalled, Orthodox Serbs maybe the least, by its violation of human rights and humiliation of democracy we are advocating. The High Representative, whose duty is to establish and develop democracy in Bosnia and Herzegovina, acts in a way which demonstrates an abandoning of democracy and democratic principles".

² *Glas javnosti*, February 8, 2005.

society and it should be one of the decisive factors in many vital issues pertaining both to individuals and the society as a whole."³

SOC is not a mere religious organization but also a leading national institution devoted to national unity. Accordingly, it perceives its own action as historical mission. At the time when the Serbian nationalists formulated their national program the SOC simultaneously announced its own. In one of the elaborations of this program by the theologian Mitar Miljanovic and published in *Glas Crkve* (Christmas issue for 1991)⁴, the national or patriotic agenda consists of: the national history of Serbs; Kosovo; World War Two with a focus on remembering the concentration camp Jasenovac; remembering World War One; the issue of the Serbian national culture; the SOC and its social status and historical role; the value system of the Serbian people; the cult and the status of the churches dedicated to Saint Sava, founder of the SOC. This document promotes SOC as the guide of the Serbian people in times of transformation of Europe, stating that "SOC has always believed to have a mission to lead the Serbian people and evaluate their culture and history." Judging by the activities of the SOC, this program is still valid. Since the state program is defeated, the role of the SOC at this moment is not only to mark the Serbian ethnic territories but to sustain the illusion of their unification as well.

In view of the fact that the SOC has always had a very important role in creating the national consciousness of Serbs, on one hand, and the actual overall identity crisis, on the other, the role of the SOC and its extraordinary engagement in the profiling of the new Serbian national identity is not unexpected. This explains its very impertinent engagement in all other social spheres, including the reform of educational system. The SOC was the fiercest critic of the educational reform undertaken by the Government of Prime Minister Zoran Djindjic and internationally evaluated as very liberal and pro-European. Indeed, the SOC itself took the stand that an educational reform was needed, but in the opposite direction from the one that Djindjic's government had taken, namely towards the reinforcement of traditional and conservative values, which would preserve, in the surge of globalism, what the Church believed to be the Serbian identity.

According to the interpretation of the SOC, Serbian national history relies almost exclusively on the SOC, which constituted the Serbian nation as a testamentary community of Serbs gathered in the everlasting implementation of St. Sava's testament (beginning of the 13th century). This testament had its continuity from the saint Nemanjic family, over the saint families of Lazarevic, Brankovic and Petrovic, up to Saint Nikolaj (Velimirovic) and Saint Justin (Popovic) and their followers. As opposed to them, there also exists an extra-testamentary history of the Serbian intellectual elite marked by a rejection of the inherited and the founding of a new basis of national identity.

³ www.b92.net, news on March 11, 2005.

⁴ Cited according to *Balkan Idols*, Vjekoslav Perica, Oxford, University Press, 2002.

The modern cultural pattern in 19th and 20th century Serbia relied on those individuals in culture and politics whose stronghold was not Saint Sava's testament but the values of the modern era.⁵ The key personality of that orientation was Dositej Obradovic, whom SOC accuses of "abandoning Saint Sava's testament in favor of the spiritual strangeness of the West". The key personality of that orientation was Dositej Obradovic, whom SOC accuses of "abandoning Saint Sava's testament for spiritual strangeness or the West". According to SOC this was "the first spiritual, anti-Saint Sava and anti-testamentary revolution in the history of the Serbian nation", since Dositej initiated the process of westernization akin to Protestantism, as well as a process of total negation of the national and of self-alienation. In his doctoral thesis, Radovan Bigovic wrote that "Dositej beholds Serbian theology through the prism of French enlightenment, while Nikolaj (Velimirovic) examines it through ancient theological tradition. The purpose of Dositej's critique is to give priority to the French philosophy of enlightenment over Orthodoxy, which makes him different from Nikolaj whose goal is to articulate and restore authentic Orthodoxy within his nation". (*Od Svecoveka do Bogocoveka - Hriscanska filozofija Vladike Nikolaja Velimirovica, Raska skola*, Belgrade 1998, p. 108).

SOC also assumes that the linguistic revolution of Vuk Karadzic established a new spiritual trend, "interrupting and for long disabling the ancient connection of the Serbian nation with its mythical roots". This began by the fall of Vuk Karadzic "under the domination of Jernej Kopitar and Austrian cultural politics". According to SOC the political revolution of Svetozar Markovic, together with the cultural revolution of Markovic's political follower Jovan Skerlic represents the advent of foreign political taught in Serbia and installment of foreign cultural standards through a ruthless rejection of Saint Sava's enlightenment and culture. The Serbian culture thus "became entrapped by exclusively European value standards." What SOC questions the most is the fact that Skerlic related the destiny of democracy in Serbia to "the eradication of patriarchal conservatism", the outcome of "the struggle against aggressive powers of religious tyranny", believing that "democracy in Serbia will either be European or will not exist at all".

Through the spiritual, linguistic, political and cultural revolutions Dositej, Karadzic, Markovic and Skerlic prepared "the arrival of the communist sect in Serbia", and then also "the communist revolution" which ruined the

⁵ Mirko Djordjevic believes that Saint Sava should be separated from his cult (Svetosavlje) since it has nothing to do with Saint Sava. The issue is a political instrumentalization of St. Sava, since Svetosavlje is being presented as a pure nationalistic ideology. Nikolaj Velimirovic created the impression that Svetosavlje can be reduced to Serbian nationalism. However, the Middle Ages know nothing about the category of nationalism. In the absence of real arguments, in his lecture delivered in 1937 Velimirovic offered the explanation that Svetosavlje in the 12th and 13th century was so heavenly that nobody had ever understood it, except the great furer Adolf Hitler, what Velimirovic gave him credit for. ("Kaziprst", *Radio B92*, January 29, 2005.)

national character and identity of the Serbian people. This led Serbia to "a radical historical dissent from the Serbian testament and to the climax of extra-testamentary Serbian history". The fact that the "communist cultural policy recognized these four revolutionary names as its direct precursors and founders" is an argument for the statement that the four revolutions have been "the ideal spiritual background for the emergence and operation of the communist sect".⁶

This commitment of the SOC is essentially contrary to Europeanization of Serbia, which at this moment represents a true challenge for the Serbian national elite. Leading Serbian nationalists strongly support the orientation of the SOC, publicly promoting the SOC as the only institution "integrating the Serbian people". The historian Srdja Trifkovic aggressively advocates the thesis that the Serbs must be prepared for the revision of their defeat, because "if the psychology of Europeanization the way it is now being carried out in Brussels prevails", very soon "the Serbs will erect a monument on Terazije in remembrance of the victims of Srebrenica". Trifkovic believes that a de-nazification is being prepared for the Serbs pretty much like the one imposed on the Germans, which was itself warranted by the crimes committed by Germany. As for Serbs, however, it will be imposed on them on basis of a made-up postmodern story which they should first believe in themselves and then behave accordingly. Trifkovic believes that the de-nazification substantially damaged the German nation by destroying its identity. He states that owing to the de-nazification and the loss of identity, the nation of Beethoven and Wagner for the last half a century has not given a single composer worth mentioning, while "the imposed complex of collective guilt for Auschwitz metamorphosed into a collective loathing for all forms of national identity, cultural heritage and tradition. In view of the fact that they are spiritually castrated, alienated from their ancestors, it is no wonder that many young Germans are seeking a way out in various forms of suicide, from drugs to conversion to Islam. The same is being prepared for Serbs."⁷

The Church and Crime

The SOC never dissociated itself from the war crimes committed in Croatia, Bosnia and Herzegovina and Kosovo. Although the SOC claims that one should dissociate oneself from all crimes, it also believes that among "all the war crimes committed in the Balkans in the 20th century, where the Serbian people suffered the most, only the 'Serbian' crimes are singled out", which is then turned into "an ideology of de-nazification, sentencing the Serbian nation

⁶ Bosko Obradovic, *Pravoslavje*, "Sedam revolucija u srpskoj kulturi", November 1, 2004.

⁷ Srdja Trifkovic, radio broadcast "Kaziprst" on *Radio B92*, January 29, 2005.

to a deprivation of its right to have a historical voice". The SOC believes that "the ideology of Serbian crimes" is being used for a civilizational and value excommunication of the Serbian people as immature for the global family. The SOC believes that "a geopolitical interest of breaking down a great and important historical nation on the South-East of Europe" is in question. Considering that it is hard to deny the crimes committed in the last decade of the 20th century, *Pravoslavje* suggests that the investigation of "Serbian crimes" should start with the post war secret service (Udba) and the victims of communist terror after 'the liberation of 1944'. The search for the connection with the Second World War has the function of shifting the responsibility for the recent crimes on the communists, since it is being said that "there is a clear continuity of Udba's criminal structures that created 'paramilitary formations'". *Pravoslavje* emphasizes that "we must never accept that the crimes of the Udba are Serbian crimes. The ones who are responsible for these crimes are Udba, communism and atheism".⁸

The Church and the Reform of the Educational System

Bearing in mind such a resistance to Europeanization, the resistance of the SOC to the reform of the educational system carried out by the government of Zoran Djindic, that is, the minister of education at that time Gaso Knezevic and his assistant Tinde Kovac-Cerovic, becomes understandable.

In its criticism of their reform, the main target of the SOC was the liberalization of the educational system and the placement of students in the focus. The main objection was that this reform turned the school into "an experimental polygon where the ideas of the new left-liberal ideologists can be tested. These people don't even dream that the classroom is a place for learning."⁹ This is why the SOC sided with the government of Vojislav Kostunica in the destruction of the reform of the educational system led by the former government, objecting that, among other things, "the minister Gaso Knezevic and his assistant Tinde Kovac-Cerovic were even removing old books and textbooks as out-of-date".

The SOC strongly supported the educational policy of Kostunica's government, namely the minister of education, Ljiljana Colic (from the Kostunica government), and fiercely reacted to her removal from office. The SOC points out that the minister was replaced only because she "dared to bring to an end the reform of the educational system led by Gaso Knezevic, a monstrous scenario for the destruction of the education and the upbringing of our children". The SOC pointed out that the creators of the "monstrous scenario" were upset because the minister Colic suggested that the icon of Saint

⁸ *Pravoslavje*, February 15, 2004.

⁹ *Pravoslavje*, November 1, 2004.

Sava be placed on the official website of the ministry, to show who is the ideal of the Serbian educational system, and because she opted for the reinforcement of religious instruction in schools. She had the courage to organize the Ministry of Education of the Serbian Government on a national, rather than an international basis. She also dared to question the almost 150 years old cult of Darwin, which lies, deformed and far away from the Darwinian original, as the "law of the stronger", in the foundations of all the European godlessness in the last two centuries (Nietzsche's and Nazi cult of super-human, struggle of the classes of Marx and the communists, the soulless acquisition of capitalism, the American neo-colonialism...). That is why the blow to Darwinism hurts more than anything else affected by the process of the reform of the educational system, because the transformation of this dogma and ideology into just one of many theories dismantles the whole ideological system that was built upon it, and that many generations of our intellectuals live on".¹⁰

Among other things, the SOC advocates the stand that "the model of culture nourished by monasteries should gain its place in the overall system of modern democratic culture, a thing that is completely in accordance with European trends of the pluralism of cultures."¹¹

The Church, Kosovo and Europe

The issue of Kosovo sharpened the attitude of the SOC towards Europe more than any other issue. That is why Kosovo is strongly present in the anti-European rhetoric, especially when its final status is concerned. The SOC, together with the government of Vojislav Kostunica, advocates the stand that Kosovo should remain in Serbia. Patriarch Pavle and the SOC appealed to the Serbs from Kosovo not to participate in the Kosovo elections in 2004, despite the pressure exercised by Europe and the US. Patriarch Pavle even wrote a letter to Kostunica and Tadic, on the occasion of the Kosovo elections, in fear that they might give in to foreign pressure. He says, "in the name of the Lord, do not demand from what remains of the persecuted and martyred Serbian people in Kosovo and Metohija to vote for that government! Do not demand it from them, whoever may be asking or forcing you! Because our recent Assembly, after an affirmative stand on the participation in elections, immediately posed a crucial question to all those who advocate unconditional participation of Serbs and other minority religious-ethnic communities in the forthcoming elections: 'In which state of the world can you ask people to participate in the elections under the conditions of deprivation of, not only elementary security and basic human rights, and even the right to move freely,

¹⁰ *Pravoslavlje* October 1st 2004

¹¹ *Pravoslavlje* March 9, 2004

but the right to life itself... Is our consent needed for our doom, long-lasting and final, whichever?"¹²

The SOC believes that Kosovo has the capacity to renew the nation and that is why it is not strange that the SOC is the only visible institution in Kosovo after the NATO intervention, while bishop Artemije is accepted as the only real political representative of Serbs in Kosovo. However, as the international community decided to solve the final status of Kosovo without the participation of Belgrade, given its destructive role, the Serbian top state officials decided to remedy this situation as much as they can and return Belgrade to the negotiation table. It is in this context that the visit of the president of Serbia, Boris Tadic, to Kosovo in the middle of February 2005 should be perceived. However, this time, once again, he missed the opportunity to address the Albanians, especially when he was in Pristina, which basically represents the continuation of the disregard of the Albanians as equal partners.

The SOC revives once again the comparison of Serbs and Jews, and treats consequently Kosovo as the "Serbian Jerusalem". The first to make such a comparison was the writer Vuk Draskovic, addressing the writers of Israel back in 1985: "Every inch of Kosovo is Jerusalem for the Serbs: there is no difference between the suffering of the Serbs and of the Jews. The Serbs are the thirteenth, lost and the unhappiest tribe of Israel".¹³

As the EU is becoming more and more the crucial factor in solving of the Balkan crisis, there are more and more warnings that Europe should be perceived with reserve. Thus the bishop Atanasije Jeftic warns the Serbs that "not everything that flies from Europe is to be eaten. Let us first see which is that Europe, is it maybe the Europe that wants Kosovo to be taken away from us now."¹⁴ They tell us: "If the Serbs want to go to Brussels, they should give up Kosovo. We are returning the ticket, we don't need Brussels and a pass to such a Europe we have to sacrifice Kosovo to. We must remain ourselves on our own soil. If someone can't stand this, then he should not poison those around him, he should not spread his defeatism and hopelessness amongst the others, because they themselves are hopeless, lost, soulless and without conscience. We are not like that."¹⁵ The SOC considers *The Partnership for Peace* to be negative as well, because the army would lose its national identity. Atanasije Jeftic points out that: "this West is forcing us into some clichés like *The Partnership for Peace*, while waving a stick at the same time. They should let us die in our provincialism, we do not want the happiness they are offering us."¹⁶

Europeanization is perceived as a renunciation of identity. The bishop of Hercegovina and Zahumlje, Grigorije, claims that the Serbs are "once again

¹² *Ogledalo*, October 20, 2004.

¹³ *Nasa rec* No.373, Middlesex, England, November 1985.

¹⁴ *Vecernje novosti*, March 8, 2004.

¹⁵ *Pravoslavlje*, December 15, 2004.

¹⁶ *Vecernje novosti*, September 3, 2004.

threatened as a nation, because we feel that we are asked to give up ourselves. As if we were told: 'Give up yourself - your identity, history, culture, and we will then consider whether we are going to accept you or not. And even then not everything is certain, this distrust towards us still remains.' The 1999 NATO intervention remains a traumatic point that is exploited, especially in the context of European and transatlantic integrations. The bishop Grigorije admits that the NATO intervention led to the downfall of Milosevic, but still emphasizes that the Serbs are a nation "bombed and ostracized by the world, a nation that is permanently being asked to accept us as its most merciful brother. This world intruded among us brutally, despite the fact that in the times of the most terrible communist isolation we had a resistance towards it and sympathies for the world that was beyond it. And, look, this world is bombing us... And as a result, the Milosevic regime, as the last attempt of the continuation of communism, falls. The consequence of bombing was the arrival of democracy,... But we can not neglect this bombing. Bombing is, by itself, an aggressive, brutal, inhuman, painful act."¹⁷ The SOC even initiated the beatification of the three year old Milica Rakic, a victim of the NATO bombing.

Anti-Europeanism and anti-laicism of the SOC can, as well, be perceived through its negative attitude towards the new EU Constitution, because the Constitution avoided to name Christianity as the foundation of European civilization and culture in its preamble. The SOC points out that "it seems that Europe does not need Christianity, one of the two pillars on which it built itself and became what it is. Unnecessarily and foolishly, Europe is renouncing its parents in the name of some laicism that never brought any good to anyone. It seems that Europe is not coming to its senses. It is running from itself into its own, already visible doom". The admission of Turkey into the EU is problematic to the SOC, because that would substantially alter its Christian character. Even more unacceptable is the stance of one of the representatives of the EU, who, during his visit to Belgrade said that "The Church, regardless whether it is an Orthodox, Roman Catholic or Protestant religious community, or some other, must obey to the laws of the European Union".¹⁸

Attitude Towards Other Eastern Orthodox Churches and Religions

The attitude of the SOC towards its neighbors is best reflected through its attitude towards other churches, particularly Orthodox, like the Macedonian and Montenegrin. Since the army was pacified by NATO and prevented from further direct actions in neighboring countries (apart from the activities of the

¹⁷ *Pravoslavlje*, January 1-15, 2005.

¹⁸ *Pravoslavlje*, July 1, 2004.

Military Intelligence Service - KOS), the SOC took over the role of the integrative factor of the Serbian people.

The SOC has always denied the borders set up by AVNOJ, which is reflected in its attitude towards the 1991-1999 wars. Namely, the SOC considered the fight of the Serbian nation as legitimate and supported the war goals in Croatia, Bosnia and Kosovo, as well as the aspirations towards Macedonia and Montenegro. The bishop of Backa, Irinej, believes that "the ideology of Yugoslavism was a self-deceit" and that "Serbia has been sacrificed for the sake of Yugoslavia". This attitude was more than explicit during the preparations for the celebration of the bicentennial of the First Serbian uprising and the creation of the Serbian state. The bishop Irinej believes that the First Serbian uprising was unable to achieve all of its goals because the Ottoman Empire was still strong, and that it was thus not possible to liberate and unite all the Serbian people in a free country, "which must have been, beyond any doubt, their hidden dream and ultimate goal". He also believed that Serbia stood for a long time as the Piedmont of unliberated Serbhood.¹⁹

The Serbian nationalists and the SOC, when talking about territorial aspirations of the Serbian state, always go back to the year of 1918, and even to the times before the creation of the Kingdom of Serbs, Croats and Slovenians. This is not by chance, for the SOC is always heating up the argumentation that Serbia, had it not been united into Yugoslavia, would have gained all the Yugoslav territories except Slovenia and parts of Croatia from the international community. The main ideologist of the renewed national project, Dobrica Cosic, says that he also, "never recognized the borders set up by AVNOJ", and that he was advocating "the plebiscite, with the right of the people to self-determination", and not of the republics, because the borders set up by AVNOJ are "communist, provisory, because they are ethnically, geopolitically, economically and communicatively unfounded (except for Slovenia)". He also advocated "the democratic principle of self-determination and peaceful separation". He demanded equal rights for the Serbs in Croatia and was ready, as he himself says, to "give the same rights to Shiptars in Kosovo",²⁰ as this principle for him was universal. This way of formulating the right to self-determination led to conflict, for according to it Serbs outside Serbia would have the same right to self-determination throughout former Yugoslavia, excluding Slovenia - that is, in Croatia, Bosnia and Herzegovina, Montenegro, Kosovo, and finally, Macedonia.

The denial of the Macedonian Orthodox Church (MOC) fits into this pattern. The conflict with the MOC marked the entire year 2004, although the issue is a several decades long rift following a ecclesiastical-popular convocation held in Ohrid in 1958, when the decision was made to "restore the old Macedonian-Ohrid Archdiocese" with borders that corresponded to the

¹⁹ *Pravoslavlje*, February 14, 2004.

²⁰ Dobrica Cosic, *Looljenje vetra*, Samizdat b92, Belgrade, 2001.

borders of the Republic of Macedonia. In 1967 full independence of the MOC was proclaimed which the SOC never accepted despite the fact that Yugoslavia in the meantime dissolved and Macedonia became an independent state. SOC defends its stance from canonical positions, and thus Patriarch Pavle warns that "rift leads to spiritual devastation", while the right to autocephaly of the MOC is being persistently disputed by the SOC, since, in the words of the Patriarch Pavle, Macedonia is a "communist creation". A many decades long confrontation reached its peak last year, when the MOC decided to rebuff the attempt of the SOC to replicate, by returning an exarch to Macedonia, the ecclesiastical situation in which the MOC would have the same position in relation to the Archdiocese of Ohrid as the Montenegrin Church in relation to the Metropolitanate of Cetinje. In Macedonia this has been perceived as a meddling into internal affairs both of the church and the state.

Back in 2001 the SOC signed in Nis a declaration envisaging the restoration of the Ohrid Archdiocese in place of the MOC, but the Synod of the MOC denied this declaration. Besides the highest prelates of the SOC the declaration was signed by three Macedonian bishops, which the MOC understood as an attempt of some sort of a coup against the MOC. Despite the decision of the Synod of the MOC, the clerics that signed the declaration realized their intent with the argument that within the MOC there "are clerics with a Latin quasi-clerical consciousness", and that the officials of the MOC "are betraying God, which means the truth, and those who betray God will immediately betray the people of their own nation, and even their mother who gave them birth".²¹ In Macedonia these statements of Patriarch Pavle were understood as a signal to the "schismatics to start with the implementation of the prepared scenario" which was a "creation of the secret services" and a specific "crusade of the SOC aimed at Macedonia". The declaration of the canonical unity of the Archdiocese of Ohrid and three monasteries, and the migration of thirty monks and nuns under its auspices, caused great discontent in Macedonia. The secretary of the Eparchy of Skoplje, Kosta Stanoevski, announced that the fathers who left the monasteries will be persecuted by the "church and the state" which soon happened. The arrest of exarch Jovan on grounds of "inciting hatred and division"²² led to a diplomatic offensive of the SOC which marked the previous year. The head of the MOC Archbishop Stefan and the top officials of Macedonia reacted to the aggressive behavior of the SOC but left some place for dialogue, noting that "SOC has to understand that MOC has its own head and its Synod which Serbia and Montenegro persistently denies". They also challenged the agreement of Nis and condemned the manipulation of "ordering a twenty-four years old youth as a bishop in Macedonian Eparchies"²³. The Macedonian parliament supported by

²¹ "Strah od opasnih scenarija", *Danas*, January 17-18, 2004.

²² Ibid.

²³ "Duzni smo da razgovaramo", *Vecernje novosti*, January 18, 2004.

acclamation the autocephalous status of the MOC, thus transferring an ecclesiastical dispute to the level of interstate relationships. In the case of Macedonia the standpoint of the state top officials can be hardly dissociated from the one of the church. Namely, by establishing the Archdiocese of Ohrid the SOC essentially worked towards the denial of the Macedonian national identity. On the occasion of his arrest, the exarch Jovan accused the MOC of "a low level of Christian life and faith" pointing out that "no one can call them a diocese any more. Because they have humiliated themselves, as well as their schismatic organization which they call the MOC."²⁴

The attitude towards the Montenegrin Orthodox Church is even more aggressive, because Montenegro has always been perceived as a Serbian land and the seat of Serbian nationalism. The support to SOC and its strategy of obstruction of Montenegrin independence comes from the Montenegrin minority in Serbia, especially several academicians such as Ljubomir Tadic and Matija Beckovic. The tandem Amfilohije-Beckovic has, for almost fourteen years, been tirelessly organizing "spiritual academies" all over Montenegro, celebrating anniversaries of the abolishment of Montenegrin independence and the like. Amfilohije is the "informal leader of the Serbian opposition in Montenegro, as well as the National party. United with tribal assemblies, led by Amfilohije, the parties of the Serbian block are turning Montenegro into Iran. Because Amfilohije is nothing else but the ayatollah of the Serbian Montenegro."²⁵

This behavior provoked reactions on the part of many Montenegrin intellectuals, such as, for example, professor Milenko Perovic who states: "Although I am an atheist I share the belief of many people in Montenegro that the restoration of the Montenegrin Church is not only an act of historical justice but also a necessary condition for the suppression of Greater-Serbian nationalistic appetites towards Montenegro. The main driving force of these appetites is the local bureau of the Serbian Orthodox Church. Sooner or later it will have to give back everything that it has plundered from Montenegrin people".²⁶

On the other hand, the head of the Montenegrin Orthodox Church, Metropolitan Mihajlo emphasizes that "the SOC clergy in Montenegro does not display a minimum loyalty toward the Montenegrin state", and believes that they will be "directed towards this rather by the rule of law than by an internal emancipation of the SOC which presupposes its rejection of clericalism, clericalism, anti-secularity and the, way back in 1872, condemned ethnophiletism". He believes that the SOC cannot "get rid of its re-feudalized inquisitory consciousness which strives to subordinate everything beyond itself

²⁴ "Jaci posle torture", *Vecernje novosti*, February 2, 2004.

²⁵ *Monitor*, January 21, 2005.

²⁶ *Monitor*, July 2, 2004.

into slavery and abolish in the humane sense."²⁷ The Montenegrin Orthodox Church believes that an independent Montenegro compliant with the standards of human rights and freedoms would inevitably create the conditions for a just restitution which would enable the Montenegrin Church to realize its property rights, taken away by force through the liquidation of the Montenegrin state and church after the Assembly of Podgorica. The Montenegrin Orthodox Church declared that it is also open to a possible change of the calendar, since, according to the opinion of the Metropolitan Mihajlo, the acceptance of the new calendar would lead to a rapprochement of the Orthodox and the Catholics.

By signing the Agreement on mutual interest with the Republic of Croatia, the SOC acquired a defined legal status in Croatia. The Bishop of Dalmatia Foti believes that this is "very important, since this agreement guarantees free operation of the SOC mission in the Republic of Croatia: the return of the property of the SOC, religious instruction in schools, visits to believers in hospitals, prisons, and barracks. A project for aiding the restoration of important cultural monuments has also been initiated."²⁸

SOC reacted negatively to the accelerated process of emancipation of the Vlachs in Eastern Serbia, and especially to the fact that after half a century a holy service was held in the Romanian language. The bishop of the Romanian Orthodox Church, seated in Vrsac, consecrated the bells in the temple of the village of Malajnica near Negotin. Besides, after half a century a holy service was held for the first time in the Romanian language. A reaction of the SOC followed immediately by way of the Bishop of Timok, Justin, who warned that this had been done without his knowledge and that thus the ecclesiastical-canonical order has been severely violated.²⁹

The Attitude Towards Vatican

From the beginning of the conflict in the ex-Yugoslavia, Vatican was perceived as part of the international conspiracy that toppled Yugoslavia. During the war in Bosnia and Herzegovina, especially during its ending, an important opening between Vatican and the authorities in Belgrade took place. It was the first time these authorities established a regular communication with the Holy See. The minister of Foreign Affairs at that time, Vladislav Jovanovic, visited the Vatican in March 1995 and met with Archbishop Jean- Louis Toran. On that occasion he asked of the Holy See to intervene in the international forums towards the recognition of the FRY. The pope John Paul II also received Vladislav Jovanovic. After that, the first visits of Monsignor Vincenzo Paglia from the Vatican community "Saint Egidio" followed. Monsignor Paglia played

²⁷ *Monitor*, January 14, 2005.

²⁸ *Pravoslavlje*, January 1-15, 2004.

²⁹ *Blic*, December 5, 2004.

in 1996 the role of an intermediary in the contacts that Belgrade had with the political leaders of the Kosovo Albanians, and the signing of the agreement about the normalization of the educational system in Kosovo. This agreement was signed by Slobodan Milosevic and Ibrahim Rugova in September 1996. However, this agreement never became effective, and the further development of events in Kosovo changed the relationship between the two sides completely.

Despite the tensions between the Orthodox and the Catholic Church, the contacts with Vatican are regular, although little is known about that in the public. In June 2004, a delegation of the Serbian Patriarchy and of the Faculty of Theology from Belgrade spent some time in Vatican, when an agreement was signed on the inter-faculty exchange of students and professors. However, Amfilohije Radovic and Irinej Bulovic, who were supposed to lead the delegation, did not go, probably to avoid speculations in the public. This is the first agreement of such a nature that the Vatican signed with an Orthodox church. This agreement is in the spirit of ecumenism. After the fall of communism, the Vatican turned to the East. However, only Moscow and Belgrade remained untouchable for the Vatican. This agreement opened up the possibility of the pope's visit to Belgrade, which he had always emphasized as his great wish.³⁰ However, the Patriarch Pavle reiterated, during a press conference held in November 2004, that the pope's visit to Serbia was unwelcome and that the decision of the Saint Synod on this matter was negative.³¹

This attitude of the SOC is determined by the attitude of the Russian Orthodox Church towards Vatican, which has "tense relations with the Roman-Catholic Church, provoked by a number of hostile steps taken by Vatican". The formation of four Roman-Catholic bishoprics in Russia, two in Kazakhstan, and the placement of two bishop chairs in the traditionally Orthodox regions of Ukraine are in question, which was perceived by Moscow as the factual creation of a parallel ecclesiastical organization.

Tensions towards the Catholic Church are present in Kosovo as well. The Council of the Saint Synod of Archpriests on Kosovo and Metohia, on its session in December 2003, took the stance that the operation of the Roman-Catholic Church in Kosovo is ever more anti-Serbian and anti-Orthodox, and accused Ibrahim Rugova of trying to draw the pope himself into his plans for the secession of Kosovo.³² Such an attitude towards the Catholic Church fits the thesis about the role of the Vatican in the breakdown of the SFR Yugoslavia, and now in the destruction of the union of Serbia and Montenegro.

³⁰ *Nacional*, June 13, 2004.

³¹ *Kurir*, November 16, 2004.

³² *Pravoslavlje*, January 1-15, 2004.

The Church and the Law on Religious Communities

Although the constitutional principle of separation of the church and the state is still in force, the endeavor of the SOC to contest it is ever more aggressive and effective. In the meantime, it has a distinctively privileged position in comparison to other religious communities. Also, beginnings of legal violation of the principle of religious freedom and freedom of consciousness exist, as well as of the principle of religious equality (for example, religious instruction is introduced in state schools; furthermore it is allowed only to those who belong to one of the seven explicitly listed, so called "traditional" or "historical" churches).

The last version of the Draft of the Law on Religious Communities best reflects the attitude of the state both towards the SOC and other churches and religions. Article 8 of the Draft of the Law provides for "the honored primacy of the SOC which is reflected in its historical and natural right as well as the self-taken duty to represent before both domestic and foreign public authorities the common rights and mutually agreed attitudes and interests of all religious organizations. Such a provision represents a flagrant violation of the principle of equality of religious communities proclaimed in Article 27 of the Charter of Human and Minority Rights, since it puts SOC in a privileged position referring to concepts outmoded already a century ago, such as the "historical right".

However, the Draft of the Law expresses not only the tendency to place the SOC above other churches and religions, but also to place it above the state itself. Thus, Article 4 prescribes that "the ecclesiastical-legislative and judicial-disciplinary power in religious organizations belongs to these organizations, i.e. to their competent bodies provided by their statutes, decrees, that public authorities accept and are not allowed to exert influence on the application thereof." It is also envisaged that the public authorities are obliged to offer appropriate administrative and executive aid in the enforcement of final decisions and rulings by the competent organs of religious organizations. That means that religious organizations (namely the SOC) not only have right to adopt their constitutions, statutes and other acts that need not at all be in compliance with the constitutional and legal order of the state, but also have the judicial-disciplinary power to adjudicate and punish. The state is under the obligation to enforce their decisions, as the decisions of the regular courts. Thus the first version of the Draft of the Law provided for "an immunity for acting clerics and prelates in the same way as for the members of parliament and judges" (Article 17), which was later removed from the text, only after a vigorous reaction of the international and domestic nongovernmental organizations.

Further equation of the state and church is visible in the part of the Draft of the Law that pertains to social rights of acting clerics and various financial benefits granted to the Church by law.

The draft provides for "the health, social and retirement insurance of 'acting clerics' of all ranks to be remunerated from the state budget". This means that all citizens, including those without confessional determination, will be forced to contribute to this budget. Among these clerics are also monks and nuns who, by their own choice, renounced the earthly and devoted themselves to the spiritual life. Besides, it remains unclear how will the number of acting clerics, having the right to this kind of insurance, be determined. Also, the Draft prescribes that the principle of positive discrimination will be applied to small religious communities, although there is no explication of what this concretely means. This issue will probably be regulated by a decree.

The draft has a number of provisions that provide for various privileges, such as budgetary contributions of the state to the church, the unrestrained profitable activity of religious communities, numerous tax benefits, including tax exemption on the trade of immovable property. Article 60 which provides for tax exemption on the trade of immovable property puts most inappropriately religious communities, especially the SOC, which owns 90 percent of everything this Article of the Law pertains to, in a highly privileged position.

The tendency of favoring the SOC and "traditional" churches by this law is visible in the provisions and conditions for the establishment of a new organization and its entry into the register. Among other things, 1000 signatures of potential members of age with their personal numbers and addresses are required. Apart from the high number demanded, the believers – founders have to give their personal data, which is not provided for even by the Law on the establishment of political parties.

As reasons for the deletion from the registry, only incitements of racial, national and religious hatred are listed. However, other forms of hatred are not listed, such as, for example, hatred against ethnic groups, homosexuals or other personal characteristics of citizens.

The Attitude Towards "Sects"

The SOC recognizes only seven churches, same as the Law. This attitude towards religious freedom (guaranteed by the Constitution) results in practice very often in the treatment of other religious communities as sects, with an unconcealed support of the SOC. Taking into accounts that sects, due to a continuous campaign, have a rather negative connotation, the operation of churches and religious communities not recognized by the SOC and the Law is extremely impeded.

According to the official data from the Ministry of Faith, there are about 320 sects on the territory of Serbia. Out of this number, only 64 are registered, while many others function simply as civic associations. According to the data

from the census published in 2002, the number of members of "untraditional" religions rose from 5333, registered in 1991, to 18.768, ten years later.³³

The incident that occurred at the beginning of the fall 2003, when 80 graves were desecrated in the Catholic graveyard in Novi Sad, was attributed to a group of Satanists. The case was never solved, which left enough space for speculations as to who the perpetrators were: speculations ranged from a group of hooligans to "Serbian nationalists". This initiated a media campaign against the sects. There were other incidents as well, like the one related to the sect named "Sanatan" the house of which was burned by the villagers. The goal of the Orthodox sectology, as it is stated in *Pravoslavlje* is not to create confusion, but to "help a man find his way and make his choice in the sea of information, semi-information and disinformation". Further on, it says that "the Orthodox sectology is a scientific, but not a value neutral discipline". It points out the following: 1) Orthodoxy, as the basis of Serbian spirituality in these parts, has something to say about 'spiritualities' that are, as surrogates, offered to the contemporary man; 2) The teachings of the Church, its experience and practice, are a solid foundation for the evaluation of new religions and sects; 3) Orthodoxy is at greatest danger from the operation of sects on our soil and in Russia; 4) To know one's own faith is to be shielded against delusions masked as 'new truths'; 5) The basic rule of orthodox soberness, according to deacon Andrej Kurajev, a contemporary Russian apologist, is as follows: "When you enter the church, you take off your hat, not your head".³⁴

Zoran Lukovic, a police captain and an contributor to *Pravoslavlje*, defines a sect in the following way: "A sect is any social group that, regardless of its way of registration, its form of organization and the number of members, treacherously abuses knowledge, ignorance or a situation of weakness of individuals, resulting in physical or psychological consequences for the individual. This means that sects take advantage of someone's ignorance, illness, weakness, loneliness, old age, youth, etc." The definition of sects is very wide and is often applied to other groups that the ruling circles disfavor. For example, in 2002, a graffiti saying "Sectarians, get out of Serbia" appeared on the door of the Helsinki committee. Among others, sects include (national or international) groups that perform "experiments on the brain, genetic engineering, human organs trading, prostitution, human, arms and drugs trafficking, and in these times work on the human psyche". Captain Lukovic sees the solution to the problem of sects in "defining the criminal act of disturbing public order, but qualified for a religious object, prescribing sentences for unqualified doctors and mental manipulation. A law should be passed on religious communities and civic associations, because all these informal groups are sects if they perform sectarian work."³⁵

³³ *Pravoslavlje*, October 1, 2004.

³⁴ *Ibid.*

³⁵ *Ibid.*

The Church and the Bicentennial Celebration of the First Serbian Uprising

For Serbian nationalists the bicentennial of the First Serbian uprising was an occasion to emphasize the glorious past, rather than to make a historical balance, and thus face the calamitous consequences of the national politics at the end of the 20th century. Despite of this fact, it is safe to say that an awareness was shown that "the Serbs are losing faith in themselves after all great catastrophes", which brings "resignation and desperate unreasonable actions". However, the national elite once again turns towards the past. It strives, in the moments of the "lowest national depression, when it appears that the dusk of Serbhood has arrived, when everyone has betrayed and is betraying us, assaulted and is assaulting us, reviled and is reviling us", to direct the younger generations towards the "glorious past" when Serbs, as few other people, have been "glorified and celebrated for their courage and art"³⁶. The SOC plays a special role in the glorification of the Serbian medieval state and thus revives "the medieval mentality of religiousness" which allows for only "one generic, religious and possibly regional proto-identity". A sophisticated strategy of the construction of a new identity has been elaborated, which not only bypasses the recent past, war and war crimes, but also pushes Serbia away from contemporary European values and norms. In his public appearances, the Patriarch Pavle condemns the crimes in general, but always bypasses the concrete crimes committed by the Serbs. Even more, the SOC bookshop windows in Belgrade display the photographs of Radovan Karadzic and Ratko Mladic. Not a single Serbian priest ever mentioned any of the Serbian crimes, not even those already proved by The Hague. The SOC and Patriarch Pavle have even been the initiators of two declarations in 1996 and 1997 asking that the proceedings before the Hague tribunal against Radovan Karadzic be dropped. The declarations were signed by the most prominent Serbian intellectuals and other high profile individuals. Besides, the Serbian Orthodox Church, the Greek Orthodox Church and the Russian Orthodox Church awarded a medal to Radovan Karadzic for the defense of the Orthodox faith. There were even a proposal that Radovan Karadzic become a saint of the SOC. It is well known that the priests of the SOC often met with Zeljko Raznatovic - Arkan who contributed considerable donations to the SOC, especially for the restoration of the churches in Kosovo. Arkan once declared that "his supreme commander is Patriarch Pavle".

Through the glorification of the Serbian people, the SOC suggests the thesis about its goodness, since, as the bishop of Zahumlje and Herzegovina

³⁶ *Pravoslavlje*, February 2, 2005.

Grigorije states: "A nation with such monasteries and churches, such icons and other sacred things, cannot be bad".³⁷

SOC boycotted the official celebration of the bicentennial of the First Serbian uprising, because of the concept of the celebration, questioning, before all, the composition of the Organizational Committee, which included, among others, professor Zarko Korac and many other members of the Djindjic or Zivkovic government. The SOC and some members of the Serbian Academy of Sciences and Arts believed that the committee is composed of people who "have absolutely no relation with the First Serbian uprising". Academician professor Dejan Medakovic writes in *Pravoslavljje* that "people who have a mondialistic approach to history, who unwillingly pronounce the word national and who have done everything to shift the celebration towards some sort of a folklore celebration" are sitting in the committee. Medakovic also believes that this committee is intellectually incapable of carrying out such a "responsible task" and that it has been composed "according to a political key which is an ancient communist method".³⁸ The academician Vasilije Krestic also writes in *Pravoslavljje* that this committee "banalized and vulgarized the celebration", and that DOS missed the opportunity to derive a moral from the past "for our people in such a moment of crisis".³⁹

Essentially, the stumbling block between the Government and the Church was the role of the Karadjordjevic family in the celebration. The church, as the great admirer of the monarchy, deemed it logical that Aleksandar Karadjordjevic be the head of the Committee for the celebration of the anniversary of the uprising, led by one of his ancestors. The SOC also believed that, given the role of the clergy in the uprising, the eparchy of Sabac, on whose territory the best part of the uprising took place, shouldn't be bypassed, and that thus the host of the celebration should be the bishop Lavrentije.

For those reasons the SOC was present on a parallel celebration. Namely, under the auspices of the SOC a spiritual academy, which was not part of the official program, took place organized by the "Dveri Serbian Assembly Association" group of students. Prominent representatives of the Army and the Church took part in this celebration. The message sent from this academy, which differed by its contents from other similar celebrations, was that future Serbia should be a clerical monarchy encompassing all territories lost in ancient and recent wars. University professor of history and director of the Institution for the publishing of textbooks of the Republic of Serbia, Rados Ljusic, a member of the DSS, took part in this academy and referred to the original idea of Karadjordje and Saint Petar of Cetinje that "the Serbian state encompasses three lands: Serbia, Montenegro and Bosnia and Herzegovina"⁴⁰. One of the

³⁷ *Vecernje novosti*, February 23, 2004.

³⁸ *Pravoslavljje*, February 15, 2004.

³⁹ *Ibid.*

⁴⁰ "Kruna, mac i mantija", *Vreme*, February 19, 2004.

messages was that we must not "forget the war events from 1991 until 1999, the officers, soldiers, volunteers, who gave their lives for the defense of our nation and its ancient fireplaces. These marvelous people, known and unknown, have something to stand up with before Karadjordje, before Milos, before God and the nation".⁴¹

The speech of Bishop Atanasije Jeftic was directed to Europe with the message: "Gentlemen, who came to pay us a visit with the tanks in 1914: Europe! Who came in 1941: Europe! Who came to us in 1991: Europe! Is this Europe? Two more centuries are we going to liberate ourselves from such a Europe: we shall have more uprisings to come".⁴²

The Church and Society

In the post-communist phase, the SOC became the bearer of post-communist ideology, that is, nationalism. It is perceived as "the protector of national values, and very often as the guarantor of national existence". The historian Mihajlo B. Petrovic states that the SOC has always been a cultural and quasi political institution building and expressing the ethos of the Serbian nation to the extent that the nationality and religion merged into one: the Serbian faith. Such a role of the SOC has little to do with religion or ideology, or for that matter, faith or beliefs".⁴³

Essentially, the SOC has a goal, that it has already achieved to a considerable degree, to introduce into the educational system a program that would strengthen the nationalistic ideology, patriotic historiography and ethnic customs. The SOC insists that in education, the Orthodox perception of the world must at least be equal with the secular, and that Orthodox values must necessarily be taken into consideration during the realization of social projects that concern the interest of a larger number of individuals.

The SOC strongly reacted to every objection regarding its politization and its unacceptable meddling in social issues. As a result, the journal of the SOC, *Pravoslavljje*, snubbed at the so-called *new atheists*, who unlike old atheists "allow religiousness which is never asked for an opinion, which never interferes with social values, relations and the social order. Today, religions are allowed, but it is inadmissible for them to step out of the realm of private religiousness". Following this way of thought, the SOC, in its own words, "is not advised to interfere with the social life of the people she emerged from and for whose spiritual and physical survival she is directly responsible".⁴⁴

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ Cited according to "Balkan Idols", Vjekoslav Perica, Oxford, University Press, 2002.

⁴⁴ *Pravoslavljje*, February 15, 2004.

In some cases, the SOC used bizarre occasions for the renaissance of its dominant role in social life, as, for example, in the case of the "Sausage fair" in the village of Turija. Although the "Sausage fair" was traditionally held annually, for the first time in 2004 the bishop of Backa, Irinej, strongly condemned the intent of the organizers to hold this popular entertainment during the days of the Easter fast. Since the preparations have been underway for some time, the local residents refused to cancel the "Sausage fair". The SOC reacted with threats, and went as far as to threaten that religious services will not be held any more in the local church. In his letter to the organization board, the bishop Irinej voices: "If the 'Sausage fair' nevertheless takes place during the first week of the Honorable and Great fast, the doors of the porch of the temple in Turija will remain closed, and the bells will ring the death bell every fifteen minutes". In this letter, he appeals to the Orthodox believers to "stand up in the defense of the sanctity of the fasting and protect the faith and tradition of our honorable ancestors".⁴⁵ This incident is another illustration of the abusive methods that the representatives of the SOC, even of the higher rank, resort to, in their attempt to dominate social life. Regardless of the religious-culinary connotations of this incident, the publicist Mirko Djordjevic believes that this is "an act of brutal threat and violence over the freedom of human conscience. And this freedom is the holiest of all holy things, according to the teachings of Christ". Djordjevic asks a question: "Who will control millions of people whether they are fasting or not. And should we organize a "God's militia" to go around public places, and peek into people's houses?"⁴⁶

The Church and the State

The SOC, which openly plays the role of a para-political organization, has its own political ideology. The pillars of this ideology are "populism" and "the gathering spirit". It is from this kind of ideology that the negative attitude towards the multiparty system originates. This is why the SOC says that the multiparty system represents "the evil spirit of party divisions within the already unharmonious Serbian people". The vice of partisanship, directly opposed to the Christian gathering spirit, grew into impartial national interests, civic party wars and leads to the inevitable breakdown of the community. The SOC believes that political changes can happen only in two mutually complementary ways: 1) on the outside, the monarchy, as the principle of rule, is the only one that brings the state rein to the unlimited games of party interests; 2) from the inside, religious instruction and church life as the foundations of operation within our nation, are the preconditions for the appearance of a new generation of Serbian politicians. The ideals of a Serbian

⁴⁵ *Nin*, March 4, 2004.

⁴⁶ *Politika*, March 5, 2004.

politician should be the gathering spirit and agreement, not division and petty fighting, vanity and leadership.⁴⁷

Monarchy is also supported by part of the Academy of Arts and Sciences that is close to the SOC. Matija Beckovic, academician, believes that "the establishment of a parliamentary monarchy would mean the end of the ideological and party state". He emphasizes that the crown is an institution of the Serbian state dating back several centuries, and that all the institution Serbia ever had, evolved during the monarchy. Monarchy was not abolished by the Serbs, he says, "but was taken away from the Serbs by lawlessness and bloodshed. This is how Serbia differs from states that used to be monarchies and then opted, in some legitimate way, for the republic." He approaches the issue of monarchy "as a monarchist issue in the least, but mostly as ethical, metaphysical, mystical. This question, besides its earthly, has its heavenly side".⁴⁸

The case of bishop Pahomije is still shattering the SOC, which is trying, through state institutions, to hush up or at least postpone the criminal proceedings against him. The bishop Pahomije is accused before the Municipal court in Vranje "of sexual abuse and harassment of a minor through the abuse of official capacity". However, the press published a number of articles stating that the Security-Information Agency of Macedonia and part of the Ministry of Foreign Affairs are behind these accusations. They also stated that 9000 EUR were spent for the defamation of the SOC. At the same time the paper *Vranjske novine* is blamed for publishing a text on January 9, in which underage boys accused bishop Pahomije.⁴⁹ As the relations with the Macedonian Orthodox Church and state were already disturbed during 2004, due to the arrest of the exarch Jovan, these kind of accusations through yellow press, with the support of the SOC, of course, where an attempt to hush up the Pahomije case, which the public of the region of Vranje obviously still insists upon.

The Church and the Public

The SOC has its own radio station *The voice of the church* in Sabac, Valjevo and Belgrade. This station covers two thirds of Serbia and part of the Republic of Srpska with its frequencies. It is broadcasting programs of religious and moral contents 24 hours a day. An abundant publishing activity also exists⁵⁰. The SOC has its representative in the Broadcasting Council.

Bishop Profirije deems it necessary that "the church has its own media, television and radio stations to the possible extent, because then we will not be

⁴⁷ *Pravoslavlje*, December 15, 2004.

⁴⁸ *Pravoslavlje*, November 1, 2004.

⁴⁹ *Inter-nacional*, March 29, 2004.

⁵⁰ *Pravoslavlje*, January 1-15, 2005.

in the position to continually react to various defamations, various assaults, various observations of the Church and its life, maybe sometimes given in good will, but not accurate enough, and very often wrong. We would have the opportunity to actively promote the values of the Gospel, the values of the Church."⁵¹

Conclusions and Recommendations:

In the vacuum that was created after the collapse of socialism and its values, and the identity crises which was thus provoked, in most of the post-communist countries the church gained an important role. This role is expressed through a unique influence on the process of the construction of a new cultural model, especially through the rehabilitation of certain values that were marginalized under the communist rule. However, in the case of Serbia, the Church goes further than that. With the support of the state authorities, after the October 5 change, the SOC has systematically and often very aggressively, been engaged in the de-secularization of the society, and even the state. In the absence of a liberal option, the SOC is achieving worryingly successful results. The SOC advocates a strong homogenous Church and a strong nationally homogenous state and is working on "the project of radical changes of the state union and the secular society". The SOC is acting ever more often as the intermediary between the citizens and the state with the intention to gain the position of the state church. In this endeavor the SOC has the aid of the Ministry of Religious Affairs which is merging more and more with the Ministry of Education to form one Ministry.

The activities of the SOC have nowadays a dual meaning. Firstly, it is constantly feeding the fiction of the Serbian nationalists that the unification of "all Serbian lands" is possible, without hesitating to encourage and even provoke conflicts to achieve this goal. This is most vividly witnessed by its activities in Montenegro and Macedonia, which the SOC, as well as the Serbian nationalism on the whole, considers to be Serbian lands.

Secondly, using its great influence on wide social strata gained during the last two decades, as well as its ever more obvious tendency to institutionalize its relationship with the state, especially after October 5, 2000, the SOC is promoting, with great success especially among the young population, the cultural and political values that are not only conservative and retrograde, but directly opposite to the basic postulates of modern civilization.

The SOC, as well all as other religious communities, should play a role in the post-conflict restoration of the society. Their role in eradicating the fear, mistrust, intolerance and hate speech would be especially important. This task is not possible without the ecumenical spirit.



III

⁵¹ *Pravoslavlje*, October 15, 2004.

The Army of Serbia and Montenegro Tones Down At Snail's Pace

Disintegration of Yugoslavia can be understood only if insight is given into an important role which the Yugoslav People's Army played in that process. The Army determined the character of war, and by all appearances, the character of the new state of Serbia too. Modernization of Serbia shall to a large extent hinge on its ability to modernize its army, and that process entails its thorough de-politicization and riddance of the Communist era mindset. In parallel with the foregoing the civilizing of society is needed. The army's dominant role is demonstrated by the fact that it installed to the top political positions, first Slobodan Milosevic and, later, Vojislav Kostunica. Moreover that army's dominant role is still unchallenged. The foregoing is best illustrated by the concerted efforts made by Vojislav Kostunica and the army top leadership to amnesty the army from the war crime and any other war-related responsibility. Judging by the public mood, the army is still most highly rated and trusted institution, though that trust has been steadily eroded in the wake of Topcider garrison incident in which the two soldiers had died.

In communist systems the army had invariably been the mainstay of the authorities. The fact that the Communist Party had a "leading role" in the society, thanks to the prevailing concept of "democratic centralism" and political control, impacted a special character of civilian-military relations. The Yugoslav People's Army was one of the pillars of the new Yugoslav state. That, essentially, political army since its inception relied on the revolutionary ethics of "brotherhood and unity". Its political role in the 50's was very important, and in some periods, even of paramount importance. Due to such a background and track record transformation of the Army of Serbia and Montenegro is a painfully slow process. Namely much resistance is put to such a comprehensive overhaul by the military, political, academic and clerical circles.

The main hurdle to the army transformation is its self-perception as the key factor of preservation of the state union of Serbia and Montenegro. Due to technical backwardness, the army stubbornly resists any downsizing, for it tends to see its large size as an advantage with respect to enemies equipped with state-of-the-art weaponry. For the Serb nationalists enemies are all countries making up the North Atlantic Treaty Organization. Serb nationalists

are aware of poor military capability of Serbia. According to them "the West in collusion with the corrupt Serb politicians by force destroyed and sidelined the army ...and moreover affirmed desertion as the loftiest moral category among the Serbs, thus morphing them into people with predominantly defeatist mindset."¹

Army itself is by and large aware of its inferior position, both in financial and moral terms. The 2004 analysis of combat readiness of the Serb-Montenegrin Army testified to the foregoing: " *the most necessary* level of combat readiness, functioning of the army command system and its unity have been preserved" and "at this moment of time the combat readiness of the Army of Serbia and Montenegro rests mostly on its manpower." The army is very disgruntled by the fact that its budget has been curtailed.

To challenge that government's move it keeps repeating that "development of society is not possible without development of the army's defense capability". At the same time the army floats the following opinion: "if it were up to people, the necessary funds for the army would be found, like so many times in the past."²

In order to understand the army conduct at this moment of time, one must understand its mindset, forged by an age-old tradition of popular bowing to that institution and a veritable, across-the-board veneration of its social role.

Integration of the Region Into the Collective Security System

While the Serb strategists adhere to the old defence concept, the one dominant in the mid-twentieth century, the concept of the international security underwent revolutionary changes after the collapse of the bipolar world, and notably after 11 September 2001. That revolutionary transformation was propelled by an accelerated technological progress, information revolution, technology proliferation and an ever-widening gap between the rich and the poor.

In this time and age more importance is attached to security than to the military capability. Security is a much-wider concept gauged by different parameters, notably: incompetent authorities, corruption rate, organized crime, porous borders, arms-, human-drugs- and illicit goods-trafficking, illegal migration, ethnic and religious conflicts, proliferation of weapons of mass destruction, shortage of natural resources (notably, water), and terrorism. Such a fundamental alteration of the security concept entails a reform of military doctrines and changes in military-civilian relations.

¹ *Ogledalo*, 9 June 2004

² *Vojska*, 10 March 2005

Madeleine Albright thus defined that concept: "Only a system of collective security may rule the world in which weapons of mass destruction and ethnic and religious wars produce large number of refugees, enormous economic dislocations, unacceptable violations of human rights, ecological catastrophes, and mindless killings and mutilations of millions of civilians."

However there are still numerous hurdles to putting in place the concept of collective security in the Balkans. Key hurdles are the following: existing territorial and ethnic problems, isolation, international crime and refusal of foreign interference. In those terms destabilizing points are: Serbia and Montenegro, Kosovo, Bosnia and Herzegovina and Macedonia. Those flashpoints resulted from an incomplete process of disintegration of Yugoslavia and undefined borders of Serbia, that is, undefined status of Montenegro and Kosovo. That is why the Balkans regional stability hinges so much on democratic transformation of Serbia. Non-effected break with the Milosevic era legacy and policy, threatens to continually generate instability in the region.

If the Balkans region fails to opt for integration, it is likely to remain within the zone of chaos. For if the state stops functioning, so will its borders. If the state collapses, organized crime shall take over the reins of power. Loss of monopoly over power, leads to suspension of the legal state. Then privatized violence and private profit take the center-stage, as it has already happened in the Balkans region. According to the new security priorities, zones of chaos threaten not only their neighbours, but EU proper. That is why chaos must be "colonized" by international institutions, while that process in turn reduces exclusivity of sovereign state, which criminalized elites in the region frequently invoke.

Kosovo is a key challenge to the Balkans stability, notably because of its unresolved status. Though the ouster of Milosevic removed the danger of Serbia's renewed military control over Kosovo, the incumbent authorities still harbour similar, covert aspirations, thus increasing Albanian rightful suspicions. Discontent is growing on both sides: Albanians fear Belgrade's intent to divide Kosovo, while Albanian extremists increasingly manifest their resolve to cleanse Kosovo of its minority population.

Long-standing freeze of Kosovo status, due to other key concerns of the West, led to the implementation of the new Kosovo policy-"Standards before status". Belgrade's perception of Kosovo is extremely negative, as it is post-NATO intervention strategy, pursued mostly by Nebojsa Covic. Belgrade's strategy consisted in preventing participation of Serbs in Kosovo institutions, undermining the international engagement, and demonization of Albanians. The Serb policy of segregation and enclavization of Kosovo was successful. Now Belgrade is shaping its proposals for the resolution of issue of Kosovo status in line with the thus-achieved reality on the ground.

After the March unrest, the international community announced that resolution of status of Kosovo would be tackled in 2005 and 2006. That led to new realignments on both Albanian and Serb side. The October 2004 publishing

of Dobrica Cosic's book "Kosovo" (30,000 copies of that book have been sold out to date) aimed to herald the new position of Belgrade, that is, its exclusive stand that Kosovo had to be divided. In his book Cosic anew floated his exclusively racist views on Albanians: "Currently albanized Kosovo and Metohija, in view of the inherent anthropological features of Albanians, a sudden, ideologized and corrupt Islamization, social structure characterized by non-productive society and high energy-charged organized crime – is the most fertile soil for reproduction of fundamentalist terrorism and those militants combatting for Al Qaida and other goals. It is in a pragmatic interest of the international community to resolutely crush the existing destructive and terrorist potential in Kosovo and Metohija and make possible the revival of Albanian society on democratic and civilized postulates, including, full implementation of the respect of civil liberties and human rights of the Serb and other peoples. But similar civilizing endeavours of foreign factors in Kosovo to date have yielded meagre results".³

That confusing, and racism-tinged claim aims both to degrade the international community and to justify a wrong, 30-year long Kosovo policy of Belgrade. By highlighting anthropological features of Albanian people, instead of resorting to a sensible revision of its wrong policy, Belgrade through Cosic's book once again tries to justify its war campaigns in Bosnia and Herzegovina and Kosovo.

Re-Shuffle in the Top Military Body

Attempts to effect the army reform, one of the conditions for acceding to *Partnership for Peace*, were unfolding under conditions burdened by both recent past and an obsolete defence concept. That reform presupposes also dismissal of cadres perceived as Milosevic cronies or stooges, and those army officials who put up the stiffest resistance to the changes and Serbia's accession to *Partnership for Peace*.

The Supreme Defence Council, at its twentieth session (23 December 2004) presided over by President of the State Union of Serbia and Montenegro, Svetozar Marovic, "relieved of his duties Head of Chief of Staff of the Army of Serbia and Montenegro, Colonel General Branko Krga, due to his imminent retirement"… and "appointed to the position of Head of Chief of Staff, Dragan Paskas, Major General, former Commander of the Novi Sad Corps".⁴

Although General Krga, similarly to his predecessors, in his capacity of the first man of Chief of Staff, has not left his mark on the defence system of the State Union of Serbia and Montenegro. But his mandate and his manner of

³ *Vecernje novosti*, 2003

⁴ At that session the newly-appointed Head of Chief of Staff was promoted to the rank of Lieutenant Colonel.

command shall be nonetheless remembered as "Krga's era" because of a terrible and mysterious incident in October 2004 in which two soldiers of the Guard Brigade lost their lives in Belgrade's Topcider garrison.

That fatal incident happened two months before Krga's retirement. It also provided him with an opportunity to act professionally and responsibly under the then circumstances and hand in his resignation. Such a gesture would have been necessary because the incident caused quite a stir among otherwise inert and indifferent general public. Moreover it would have cushioned a plummeting credibility and popularity of the army. But the army reacted wrongly, in its age-old manner. First it tried to hush up the case, and then got embroiled in attempts to manipulate the public opinion. Military investigating judge assigned to "the case", Captain Vuk Tufegdžić with the expert team, kept supplying the public with investigation findings, tantamount, to allegation that the two soldiers killed each other.

Branko Krga – Eminence Gris

The army did not live up to expectations of part of public opinion that Branko Krga would resign and thus mollify alarmed general public, soldiers serving their military duty and their families. Chief of Staff instead issued one informal information declaring that the legal and military regulations in force and the army practice did not recognize the institute of resignation. Had Branko Krga then resigned, that gesture of his would have raised many issues, notably those relating to operations of the military intelligence and secret services. In his numerous interviews and statements⁵, Branko Krga tended to portray himself as a person devoted to the reform process, professionalization of the army, democratic control over the army, co-operation with NATO and accession of Serbia and Montenegro to *Partnership for Peace*. However, in practice, Branko Krga, acted –otherwise. He obstructed changes even where they were possible, notably in areas of establishment of democratic control over the army, alternative military service, and re-organization of some units. But it turned out that the army reform was slow and clumsy, in consequence of deeply rooted traditionalism among the military circles and notably among the top, decision-making, brass.

⁵ On average he gave interviews every forty days during 2004, and made statements every 15 days. See for example weekly *Vojska*, double issue, 01 – 08. January 2004; then issues of 4 March 2004 and of 3 June 2004; *Nedeljni telegraf*, 16 June 2004; then *Army*, of 16 September 2004; *Vojska*, of 21 October 2004, etc.

Branko Krga, in view of his professionalism and education,⁶ must have been aware of the ongoing global changes in the military-political processes. Hence his opposition to fundamental changes in the army may be interpreted as opportunism and bowing to the Serb nationalism strivings.

The second, important thing he did during his mandate was to declare null and void the sacrosanct principle of "heavy retaliation", used by the army in civilian-military relations. In other words in the past every complaint against and objection to the army was proclaimed as "an attack on the army" and followed by a "heavy retaliation" campaign with all the means possible and available. However, in his public relations Branko Krga adopted a different style: he simply ignored any criticism of the army. Reportedly has never assessed any verbal or written criticism of the army as "an attack". Only twice he reacted differently: in the Topcider case and in the case of the ICTY indictments against Nebojsa Pavkovic and Vladimir Lazarevic. Namely he then warned the public that indictments against "Kosovo heroes" could, cause, at least a revolt in the army because "judging by the command responsibility, we could all be indicted."

Having taken the office of Head of Chief of Staff, Branko Krga (with backing of the then Defense Secretary, Boris Tadic) abolished the institution of the military spokesman. Added to that he reduced the influence of Department for Morality and editorial board of weekly *Vojska* (a military magazine tasked with staging media-bashing campaigns against those who dared to criticize the army.). "Serb patriots," notably the most radical nationalist, a retired Colonel General Milan Simic⁷, Head of Department for Morality during the Pavkovic era, used to accuse General Krga of lack of patriotism, for having as a spokesman ("the famous Serb patriot") Colonel Dr. Svetozar Radisic. Branko Krga, then took on the role of spokesman, and did the job more successfully than Colonel Radisic, judging by his exposure to the media.

Krga easily reached agreement with Boris Tadic, the then Defense Secretary and thanks to their nearly identical views "the reform team" was swiftly set up. Later he had also a smooth co-operation with the new Defense Secretary, Prvoslav Davinic, for Davinic's generals and advisers did the bulk of his job, while he more or less took on the role of an extra, by downsizing his official duties only to communication with the media. Regardless of the fact that Chief of Staff was at least formally part of the Defence Ministry, at least during Krga's mandate it still wielded all levers of power, notably those relating to the work of the military security services-intelligence and counter-intelligence ones-later renamed –agencies.

⁶ His career was very gradual. He started off as a low-ranking YPA security officer, then became Head of the Second Department, that is, of the Intelligence Services of the Yugoslav Army. He was also a military attaché in Prague and Moscow.

⁷ A columnist in the Belgrade tabloid *Svedok*.

Blagoje Grahovac, security adviser to President of Montenegrin Parliament, Ranko Krivokapic, suggested that "Branko Krga be relieved of his duties because of his "obstruction of the army reform", and his "former role as Milosevic's military stooge". Boris Tadic, the then Defense Secretary, retorted that "Krga manifests his pro-reform stand and mind-set."⁸ However Blagoje Grahovac persisted in his demand throughout 2004, and notably after completion of the *Draft Defense Strategy of Serbia and Montenegro*. That demand for Krga's resignation was backed by the Foreign Secretary of the State Union of Serbia and Montenegro, Vuk Draskovic. After publication of the book *Vojna tajna*⁹ (*The Military Secret*) Vuk Draskovic also had the moral right to demand Krga's resignation.

However, that Draskovic's demand was sharply attacked by representatives of the Democratic Party of Serbia (for example, President of the State Union's parliament, Zoran Sami), and representatives of the Socialist Party of Serbia. Dusan Bajatovic, for example, stated that "Vuk Draskovic has other things to do, so he'd better leave Krga in peace."¹⁰ Branko Krga was often mentioned in the book "Vojna tajna"¹¹ ("Military Secret"). Namely the book disclosed his prominent role in the "processing" of the then opposition and even in plans to assassinate Vuk Draskovic. Due to continuing, mostly international, pressure that Krga be replaced, the pressure much in evidence throughout 2004, the Defense Ministry and the Supreme Defense Council were compelled to respond, by launching continually and in small doses the news of his "imminent, that is late 2004 replacement, at the time when he reaches his legally prescribed retirement age and the right to- a regular pension."¹²

New Chief of Staff

Election of Krga's successor to the post of the Chief of Staff was uncertain until the 23 December 2004 session of the Supreme Defence Council, notably because of lack of eligible candidate satisfying both Serbia and Montenegro and fitting into the personnel combinations of the army. Until then Belgrade had a decisive role in the process of election and appointment of Heads of Chief of Staff, while Podgorica in that process played only a second fiddle.

Major General Dragan Paskas, commander of the Novi Sad Corps was in fact a haphazard choice. The foregoing is best attested to by an official communique issued after the said session, in which only scant biographical

⁸ *Vecernje novosti* 7 September 2003, Boris Tadic interview.

⁹ The book contains transcripts from the Supreme Defence Council session.

¹⁰ *Danas*, week-end issue, 3-4 July 2004

¹¹ Vladan Vljakovic, *Military Secret, I and II part*, Helsinki Committee for Human Rights in Serbia, Belgrade, 2004.

¹² *Glas javnosti*, 24 August 2003; *Danas*, 5 July 2004

data¹³ were given: "Dragan Paskas was born in Backi Gracac, municipality of Odzaci, in 1951, he completed all military schools, he is married and has two children." Later journalists "ferreted out" more interesting details (some dailies¹⁴ reported that he was born in a village near Sombor, and not as the official biography stated in the village Backi Gracac, municipality of Odzaci!); that he is "of Serb nationality" "of Christian Orthodox religion", that "his patron saint is St. John", that "he has a 53 m2 apartment in Zemun, which he got from the army", that "he likes Danube"¹⁵ etc.

In his first official statements Head of Chief of Staff announced that the army "would be downsized to a smaller, more efficient, professional, superbly equipped and trained, and well-integrated military organization" (since the Pavkovic era similar statements were sporadically issued from that top military post, and also by the Defense Ministry, the Supreme Defense Council). Paskas also proclaimed as one of his key goals "accession of the Army of Serbia and Montenegro to Partnership for Peace during my mandate".¹⁶

Since mid-2004 political and military (active and retired) "experts", in charge of the "personnel issues" urged that Krga be replaced. The names of the following top brass officers were circulated as his possible successor: Lieutenant General Milomir Miladinovic, Deputy Head of Chief of Staff for the Ground Forces; Vice Admiral Mihailo Zarkovic, Deputy Head of Chief of Staff; Lieutenant General Milan Zaric, Head of Military-Security Sector and one of the Assistants to Head of Chief of Staff; Lieutenant General Mladen Cirkovic, Commander of Pristina Corps.

Those names widely featured in the Belgrade media as the top contenders for the said post, but then, suddenly, the two generals, previously considered outsiders, suddenly emerged as very serious contenders: Major General Dragan Paskas, Commander of Novi Sad Corps and Zdravko Ponas, Head of Department for International Co-operation, in the Defense Ministry.¹⁷ Although a circle of candidates was relatively wide, according to reliable information, political-military prime movers in Belgrade had already opted for Vice Admiral Mihailo Zarkovic as General Krga's successor. In an interview to a Belgrade tabloid, Branko Krga himself, when queried by a journalist, admitted the following: "There is a possibility of appointing a Montenegrin to the post of Head of Chief of Staff, if such an agreement is reached and if the Defense Security Council takes such a decision."¹⁸

¹³ *Vojska*, 30 December 2004, page 3

¹⁴ for example, Belgrade daily *Politika*

¹⁵ *Politika*, 16 January 2005

¹⁶ Ljiljana Milisavljevic: "Love Danube ", *Politika*, 16 January 2005

¹⁷ *Vecernje novosti*, 6 December 2004 (those names were circulated at the drawing-room parties.)

¹⁸ *Nedeljni telegraf*, 16 June 2004

Speculations about appointment of Mihailo Zarkovic were closest to the truth, until it was leaked that he declared himself of Montenegrin nationality (therefore he is certainly "Milo Djukanovic's loyalist and crony"), and admitted that "under the political circumstances that post is not so attractive". But, according to our information, the political-military establishment of the state union, notably its Belgrade headquarters, wanted to strike the right balance and have instead of a "Serb Head of Chief of Staffs", "a Montenegrin one". It seemed that Belgrade was even willing to accept even a man who proclaimed himself not "a Serb from Montenegro", but "a Montenegrin, of Montenegrin, descent", equally respected in the coastal and mountainous areas, and not considered a blind follower of Belgrade's policy.

To date all previous Heads of Chief of Staff were representatives of Serbia and of the Serb descent, notably: Zivota Panic, Momcilo Perisic, Dragoljub Ojdanic, Nebojsa Pavkovic and Branko Krga. To meet the principle of "equality", Montenegrins were accorded in succession the post of Defence Minister: Pavle Bulatovic, Slobodan Krapovic and Velimir Radojevic. However it bears mentioning that the three aforementioned ministers were "Serbs from Montenegro" and not Montenegrins. After NATO intervention the Defense Secretary was the Army General Dragoljub Ojdanic, and Head of Staff was Colonel General Nebojsa Pavkovic. Both were Serbs. While the FR Yugoslavia existed (possibly unit mid-2004), the Defense Ministry was servicing the Chief of Staff as a mere logistical support outfit.

When the FR Yugoslavia was transformed into the state union of Serbia and Montenegro, Serbia (with support of Podgorica) got both top positions in management and command of the armed forces of the state union. Defense Minister was then Boris Tadic, and Head of Chief of Staff was Branko Krga. After incorporation of the Chief of Staff into the Defense Ministry, the former became only "an expert body" of the latter. Boris Tadic was succeeded by a Serb, Prvoslav Davinic, whose position is currently precarious, because of his failure to live up to expectations of the nationalistic headquarters in Belgrade.

The aforementioned data indicate that Belgrade is not willing to renounce its sway over the army. Relatively unknown general Dragan Paskas, originally from Lika, shall most probably leave its mark on the reform of army and defense. But because of absence of prerequisites for a fundamental transformation, it may be expected that the army reform would evolve along the lines traced so far. For conservative political forces who prevail in the political scene of Serbia, the reform is a marginal matter. For them it is important to see "whether the new Head of Chief of Staff shall be able to maintain the army's strong and unified organization." Those forces thus share the opinion expressed by a retired General Milen Simic, namely that "if the

army resists many attempts to break it up or dismantle it, chances for fragmentation of the Serb national territory shall be considerably lessened".¹⁹

However it still an imponderable whether General Dragan Paskas fits into that "patriotic" scheme, though informal circles stress his "Serbhood" and "Christian Orthodox faith." Moreover chances for effecting the changes in the mind-set of the top brass and making them more reform-minded are minimal.

Belgrade military analysts²⁰ think that the new Head of Chief of Staff of the Serb-Montenegrin army would "continue the army reform". Some of them even maintain that "reforms depend on the state leadership, and not on Head of Chief of Staff", while others think that "the new Head of Chief of Staff has only one choice, that is, to resume the army reform... the only imponderable is the depth and quality of that reform." Third group of experts are of opinion that "Paskas may even accelerate the reform process", while "the fourth group of analysts underscore "that an added sense of urgency made them select such a young man for the top military post." On the other hand the reform may lead to rapid weakening of the army, and not only in financial terms, and thus affect both the state and society.

Army Reform Fails

In mid-2004 General Branko Krga stated that "an imminent adoption of the Defense Strategy of Serbia and Montenegro would pave the way for further re-organization and transformation of the Serb-Montenegrin Army. Council of Ministers has already adopted the Decree on the Fund for the Army Reform, and drafts of acts on the military industry and on peacetime operations are soon to be certified. The foregoing is a major breakthrough in the process of reform. Once those documents become legally valid, a comprehensive reform of the army would proceed at full throttle."

B. Krga added that "Chief of Staff did not wait for adoption of the said documents, but, within the framework of its prerogatives hastened to introduce major changes on tactical plane, for example, disbanding of 21 units with the ranks of brigades and platoons with a view to effecting more rational engagement of human, financial and financial resources."²¹

Similar explanations featured in all Krga's interviews given in 2004 (and in statements made by the Defense Minister Prvoslav Davinic). Namely both of

¹⁹ Retired general and an orthodox Serb nationalist, Dr. Radovan Radinovic, in his texts and public statements, continues to espouse that thesis. Widely considered, "an indisputable expert of military science" he still holds professorships in the top military academies and schools.

²⁰ Zoran Dragisic, Aleksandar Radic, Milorad Timotic i Filip Svarm; *Danas*, 27 December 2004, in the column "Questions - answers".

²¹ *Nedeljni telegraf*, 16 June 2004, B. Krga interview

them underscored that the reform would be reflected in downsizing of the army, re-organization on tactical plane and in technical aspects. The cited stand clearly indicates that the reform of the army and the whole security sector (though the latter is barely officially mentioned) focuses on changes in the military organization.²² Key overhaul of the army is however not possible without economic, political, and legal transformation of the state and society.

Reform of the army, defense system and security sector was sluggish in the course of 2004, because of lack of readiness of the Serb-Montenegrin military and political elite to embark upon fundamental overhaul thereof.

Prior to any army reform the civilian authorities should clearly define: a) goals and quality of reform; b) program of reform c) human resources potential and financial resources d) method of reform e) duration of reform f) costs of reform. Adde to that any reform exacts making of the war balance: a) why has the army waged recent wars? b) for which strategic political and war goals? c) which crimes have been committed? d) human and financial losses in the wars.

Making of such a balance could not be expected from the Milosevic regime due to its direct involvement in disintegration of Yugoslavia and army²³. But, the incumbent authorities don't seem to be either willing to make that step. Vojislav Kostunica, as President of the federal state, toed the line of his predecessor, notably in the sphere of management and command of armed forces and secret services.

In view of Belgrade's long-standing monopoly over the armed forces, in any serious army analysis the role of Prime Minister of Serbia, that is of Vojislav Kostunica, has to be discussed. Similar to Milosevic, V. Kostunica in 2004 played a double game: under international pressure he publicly declared his support for processes leading to EU membership (including professionalization and "democratic and civilian control of the army") and compliance with international obligations (including co-operation with the ICTY)²⁴; while privately he was engaged in revival of the Greater Serbia project.²⁵

Such a strategy of Belgrade, exacted "a strong army". Head of Co-ordinating Centre for South Serbia, Nebojsa Covic in mid-November 2004, in front of the TV cameras, thus explained that need for "the strong army" : "Serbia must have a strong army, not as a threat, but as an argument in diplomacy."

²² Zoran Vucinic: "Comprehensive changes are necessary", *Politika*, 18 May 2004

²³ S. Sikavica: "Abuses of the Yugoslav Army in wartime and peacetime", in "The Triangle of the State-Wielded Force", page. 15; Helsinki Committee for Human Rights in Serbia, Belgrade, 2001.

²⁴ V. Kostunica: "We are stronger than ever", *Danas*, 22 November 2004; "Kostunica Unwilling to Arrest the War Crime Indictees", *Danas*, 24 November 2004. according to news agencies Beta and Sensa; "Government of Serbia Faces the Most Serious Test", commentary, *Danas*, 26 November 2004.

²⁵ L. Perovic: "Return of Highway Bandits", *Danas* 13 August 2004; Milutin Mitrovic: "Everything is the same, only poverty is on the rise", *Republika* 1-31 December 2004.

According to the majority of leading military experts,²⁶ the army's technical inferiority with respect even to neighbouring countries may be compensated by its size and "qualities of Serb warriors". Such line of thinking is obviously behind a slow down-sizing of a big army of the state union, which since early 2003 numbers 78,000 soldiers.

Advocates of the thesis of "the strong national army" in 2004 were favoured by the following developments: strained relations between Serbia and Montenegro (Belgrade wants to keep Montenegro in the state union²⁷), the March unrest in Kosovo and escalation of crisis in South Serbia.

Opponents of reform underscore that "the Yugoslav army outsmarted NATO generals... in collusion with their puppets and stooges they are now bent on breaking it up because of their inability to forgive that slight." Due to all the foregoing "all the generals who deserve to be glorified by this country as heroes in the defense of Kosmet and the whole territory of Serbia are instead sent to the Hague, as hardened criminals, to 'prove there their innocence'". By resorting to the conspiracy theory in explanation of the Kosovo and Bosnian rout, the Serb nationalists are trying to rationalize an obvious defeat and convince the general public that "we are faced with such a development because of our most favourable geo-strategic position", and "because our territory is in fact at important geo-political crossroads... many, mostly hostile and enemy armies used to pass through our territory... which made us wary of enemies and bred a great resistance to them".²⁸

Defense Minister P. Davinic announced that "NATO bases shall be stationed in our territory... to act as a defense umbrella." The conservative block thus responded to the "news": "America and NATO are not interested in having such bases in our country or to use them for any future campaign towards the East... what they are interested in is getting rid of the army which could in any situation upset implementation of their strategy". Therefore, according to principal exponents of that block, "the army faces total sidelining and reduction to an insignificant, protocolar size... they are interested in the army of a size which would allow it to 'lend', when necessary, to occupational forces several thousand soldiers"²⁹.

Opponents of reforms see all the recent changes in the army (notably its down-sizing), especially subordinatation of Chief of Staff to the Defense Ministry, as "acting upon foreign dictates... for it is certain that the model of the army shake-up was first conceived and then imposed by foreign generals and officers, as our apartchiks in the Defense Ministry, including the Defense

²⁶ Radovan Radinovic, Bosko Todorovic, Ljubisa Stojimirovic, Milen Simic, Milovan Drecun, Mile Bjelajac, Dragan Simeunovic...

²⁷ Zoran Sami: "State Union of Serbia and Montenegro is the Only Solution", *Politika* 29 August 2004.

²⁸ *Ogledalo*, "Departure of Generals", 16 February 2005

²⁹ *Ogledalo*, "Major Army Re-Shuffle", 16 February 2005

Secretary proper, don't know what a battalion is, let alone can explain the difference between the ground forces or operational ones... consequently in that whole plan they obviously ignored our generals and officers".³⁰

Reform of the army in 2004 evolved within a very narrow framework, but our generals presented their modest achievements in transformation of the defense system of Serbia and Montenegro as "great success". Furthermore those modest results were seen by opponents of the reform as "the final stage of sidelining of the army... due to which our state shall be like a house with an unfenced yard".³¹

Defense Strategy

General strategic platform in normal states defines the framework within which a security structure of societies and states is conceived.³² That platform should also include principled guidelines of the defense system, the place and role of armed forces in that system, and primarily the role and place of the army as the linchpin of all armed forces.

Before adoption of that strategy, such principles of security of the state and society are discussed at various expert and scientific levels, with some participation of the general public exponents. After those discussions the document is forwarded for adoption to parliament as a "strategy of national security".³³ According to the theory of warfare technique and skills, "the strategy of national security" is the "oldest", that is, the most general document in the hierarchy of strategic-doctrinaire documentation.³⁴

But such a procedure was not applied by the state union of Serbia and Montenegro, for that state union is in the process of disintegration. Similar thing happened with the Federal Republic of Yugoslavia, which was formally

³⁰ *Idem*

³¹ *Idem*

³² Dr Sreten Cupic: "Public Discussion on Strategic Platform", *Politika*, 1 April 2003

³³ Adjective "national" in the term "strategy of national security" in developed countries has a political significance, while in the case of the State Union of Serbia and Montenegro and the newly-emerged countries in the territory of former Yugoslavia, has an ethnic connotation or meaning. Hence that adjective is perhaps the least suitable considering over prevailing circumstances. It seems that in view of those circumstances the most suitable adjective would be the state security strategy.

³⁴ Dr Radosav Suljagic: Groundwork of warfare technique theory in Serbia", *Novi glasnik* no. 3, July- August 1993, pages 87 - 94, published by the Publishing-Journalistic Centre "Vojska".

Dr Bozidar Forca: "What after D-day", *Vojska*, 9 December 2004

Dr Radovan Radinovic: "At play is dismantling, and not reform", *Svedok*, 19 August 2003

maintained as a whole, under pressure of the Yugoslav Army. This is one of the reasons behind absence of the national security strategy, defense strategy and military doctrine, both in the FRY and later the State Union of Serbia and Montenegro.

However both the FRY and the State Union of Serbia and Montenegro had the Act on the Army of Yugoslavia, that is the Act on the Army of Serbia and Montenegro, the Act on Defense, and the accompanying regulations. Boris Tadic, in his capacity of the Defense Minister, used to say: "We did not have the necessary documents for 50 years."³⁵ In fact he was wrong. In the former Yugoslavia in force was the Strategy of Armed Struggle (considered by the domestic expert a wrongly construed term, and as such "outdated"³⁶), while the conceptual principles of general people's defense and social self-protection were outlined mostly in program documents of the League of Communists and in the constitution-related regulations. Added to that in mid-90's *Institute for Warfare Technique and Skills*³⁷ conceived a version of a military doctrine, but that version was never made public. Only in late 90's after "a brilliant victory over forces of the NATO aggressor", a story about so-called Milosevic - Pavkovic's military doctrine was circulated. But that was only a propaganda move.

Draft Defense Strategy

Since a fundamental reform of the army and defense system was not feasible without the aforementioned documents, the defense strategy was for the first time discussed by military circles when General Pavkovic accepted the new President Vojislav Kostunica. More concrete discussion began after B.Krga was appointed Head of Chief of Staff. But it was in fact more seriously deliberated after adoption of the Constitutional Charter.

Chief of Staff and Defense Ministry's expert team had already started working on elaboration of the strategy. In September 2003 generals offered to "the expert public" the first version of the Draft document, called by some, "strategy of national security", and by others "the national strategy." Some experts even referred to it as "the defense strategy" and others named it "strategy of defence and security".³⁸ Although the Constitutional Charter

³⁵ Dr Mitar Kovac: "Theoretical basis of the SRY doctrinaire documents in the sphere of defense" the paper presented at the Military Science Symposium, held in late 2001 in the National Defense School.

³⁶ Mr Bozidar Forca: "Contribution to the Military Doctrine", *Novi glasnik*, January - March 2003, page 6.

³⁷ That institution was renamed on several occasions. When it was operational within the framework of the High Military Schools Centre, it used to be called a Centre for Studies of Strategic Research.

³⁸ S. Sikavica: "Strategy of national (in)security", *Ekonomist magazin*, 19 January 2004.

mentioned "strategy of defense"³⁹, the aforementioned terminological confusion can be by and large explained by the instability of the State Union of Serbia and Montenegro.

The foregoing prompted strategists of "the patriotic block" to harshly criticize authors of the Charter, the Defense Ministry, that is, all institutions and individuals adhering to the Western standards. Radovan Radinovic, one of the most influential military strategists, said that "those who formulated the text on prerogatives of the state union and security issues were totally ignorant of the defense and army matters... and thus sowed the seed of new discords". He mentioned that "such mishandling is best seen in the stand on the strategy of national defense and in the provisions relating to the roles of the Defense Ministry and Chief of Staff... in fact therein only the Defense Ministry is mentioned (...)"⁴⁰

Miroslav Lazanski, a military analyst, also offered to authors of the Strategy his good services and indicated the following "(...) Minister Davinic said that the new security policy of Serbia and Montenegro was based on assumptions that there would be no more world wars, and that our security concepts would be elaborated accordingly... A piece of advice to those who draft the Strategy of our defense and take decisions on the security policy of Serbia and Montenegro: it should not be based on mere assumptions, for every normal country plans and conceives its defence and security policy on potential challenges to its security in its neighbourhood. Despite its NATO membership, Slovenia in its Defense Strategy envisaged an armed defense of its territory in a regional conflict."⁴¹

Responses to that strategy indicate that a militant approach still prevails. Some urge a dominant position of Chief of Staff with respect to the Defense Ministry, which would enable it to have a final say in all key defense and military organization issues, but would also keep it beyond any democratic control. Some think that the Draft Defense Strategy should underscore the combat readiness of the armed forces as the army's mainstay, or "the key role of armed forces ever ready to respond to any hostilities from neighbouring countries."

On the other hand Minister Davinic underscored the qualities and values of that strategic document. Such a praise was understandable in the light of the fact that the Draft Defense Strategy ⁴² was put together by experts from the Ministry and Chief of Staff. Ministar Davinic also pointed out the following: "(...) It is true that the reform has been heralded since October 2000, but we lost

³⁹ Constitutional Charter of the State Union of Serbia and Montenegro, article 55, paragraph 2.

⁴⁰ Radovan Radinovic, interview to *Svedok*, 19 August 2003

⁴¹ Miroslav Lazanski: "Market and Army", *Politika*, 22 September 2004

⁴² At the staff meeting the Defense Minister glossed over the Draft Defense Strategy and forwarded it for further elaboration, 7 May 2004; *Vojska*, 13 May 2004

a lot of time in the process of constitution of the state union. It was *de facto* created a year ago, and only now we have answers to some key questions, notably, to the one if we shall have one or two states, and to the one if we shall have one or two armies. Since the April or May resolution of those issues, several things had been done. Firstly, during a lengthy discussion on our ultimate goals, to idea to join the Euro-Atlantic integrations prevailed. In parallel during discussion on challenges to our national security we deduced that we faced no threat of a big war, and regional conflict, but rather threats of terrorism and organized crime (...) This means that the army we had been building during the cold war no longer matches our needs, hence the need to implement reforms (...) Davinic went on to note: "Our Defense Strategy which reflects concrete results of our thinking, has been nearly completed, and is it be deliberated by the federal parliament once the Committee for National Security is constituted."⁴³

Attempts to Manipulate Draft Strategy

Analyses of military matters clearly point out that dissolution of former Yugoslavia has not yet been completed, and that relations between Serbia and Montenegro are still subject to changes. The foregoing has a major impact on taking key strategic decisions, including the formulation of a military doctrine. Minister Davinic should be aware of all the shortcomings of the Constitutional Charter, notably in relation to the army and defence. Namely the wording of the Charter is very vague as regards all the key military documents.⁴⁴ The Charter failed to touch on some key points impacting the Defense Strategy, notably, the exact structure of the union, its size, borders, demographic structure and similar.⁴⁵ That additionally explains why the Strategy could not be drawn up earlier.

Defense Strategy prepared and adopted by the state union could provide only virtual replies to those issues. Aside from politicians and generals, some military experts⁴⁶ did their best to explain that the said Strategy "was not a haphazard produce of the ruling clique." In fact one could say that the strategy resulted from a very strained negotiations between the two member-states. During those negotiations, at least Belgrade was guided by the idea to turn that

⁴³ Prvoslav Davinic: interview to weekly *Vreme*, 15 April 2004

⁴⁴ Constitutional charter was adopted at separate sessions of the Chamber of Citizens and Chamber of Republics of the Federal parliament, held on the same day, 4 February 2003.

⁴⁵ The fate of relations between the two member-states is uncertain. Contrary to Davinic's claim it is more certain that instead of one state, there shall be two states, that instead of one army, there shall be two armies, and that in view of such a political denouement, the new defense strategy could not be adopted.

⁴⁶ For example, Colonel Dr Bozidar Forca in the essay "What after D-day", ran by weekly *Vojska*, 9 December 2004

strategy into an important tissue connecting tightly the member-states of the union.

During the spring months of 2004 the Belgrade military-political elite, notably its experts from Chief of Staff and Defense Ministry, heralded the Strategy as a key prerequisite for the reform of the military-security sector. Podgorica political establishment acted inversely, by asking Svetozar Marovic, President of the State Union, to withdraw the Draft Defense Strategy from the agenda of 15 June 2004 parliamentary session, because of "a controversial provision relating to (mis) use of the Army of Serbia and Montenegro."⁴⁷ In fact contested was the definition that the security of the state union of Serbia and Montenegro may be threatened by "an armed revolt, as a specific form of armed conflict, and motivated by secession of a member-state". The provision implied that the Serb-Montenegrin Army could and would be used as "an armed instrument against such form of threat to the security of the state union."⁴⁸

Svetozar Marovic acknowledged the Montenegrin protest by making it clear that the Draft would not be deliberated by parliament until a controversial provision is either struck out or re-formulated to become acceptable for Montenegrins. Belgrade media barely mentioned that "quake" in Podgorica. The provision was in fact a throwback to Milosevic era, that is, the then attempts by Milosevic to discipline Montenegro by misusing the army, notably air force officers at Golubovci airport and the Seventh battalion of military police. The controversial formulation in the Draft Strategy obviously indicated the future role of the Serb-Montenegrin army in preventing independence of Montenegro.

Information Bureau of Chief of Staff responded to Podgorica's accusations by a poorly worded communique,⁴⁹ while General Ljubisa Jokic, Head of the Military Cabinet of the State Union, stated that the entire misunderstanding "was due to a re-typing error."⁵⁰ In view of the fact that the Draft in such a shape was certified by the sessions of the Supreme Defense Council and Council of Ministers, the said manipulation considerably tainted the reputation of the said institutions.

Montenegrin Department for Defense in early March 2005 presented its own program of development of the Montenegrin defense system, envisaging the existence of of the Montenegrin army. Head of that department Borislav Lalevic stated that the said program, envisaged as its basic defense elements, the institutions of the state of Montenegro, namely the army of Montenegro and civilian defense. He explained that the program's strating point was the

⁴⁷ "Forgive us if we bombard you", Blagoje Grahovac interview to Podgorica *Monitor* 18 June 2004; "Ilija Despotovic: "Defense of defense", S. Sikavica: "Reform of strategy"- *Ekonomist magazin*, 28 June 2004

⁴⁸ Idem

⁴⁹ Idem

⁵⁰ Idem

assessment that "In absence of threats of military challenges and dangers Montenegro should adjust its defense system to the anti-terrorism and anti-organized crime combat, and management of industrial crisis and misfortunes and natural disasters emergencies." He also announced that "a military contingent in Montenegro should be reduced by 2010, with respect to a total population,... so that it should number 600- 1100 soldiers".⁵¹

Final Version of Strategy

At its session of 18 November 2004 Parliament of the State Union of Serbia and Montenegro adopted the *Defense Strategy*.⁵² Contents of that much-heralded document of only 3.5 pages of A4 format, are very disappointing.

That document comprises the Introduction, 6 chapters and Final provisions. In the Introduction it is said that the Strategy, added to what is written in the *Constitutional Charter*, expresses "interests and possibilities of member-states and Serbia and Montenegro", "a trend in international, security integration", "readiness to respond to contemporary risks, challenges and security threats", and stems from "new relations between member-states, and democratic processes within them, and their efforts to adjust to global relations in the world."⁵³ However the text of the whole document fails to indicate the true nature of "new relations between member-states", how those relations impact the security of the state union, and a strategic response by the defense system to such threats.

The second, introductory paragraph, expresses "orientation of the state union towards "membership of the the international, security structures... primarily the Partnership for Peace Program"⁵⁴. Orientation towards NATO membership, is envisaged only if "it is approved by democratic will of citizens in a related referendum". Behind that formulation lurks the stiff resistance of the most conservative part of army, who oppose even membership of the Partnership for Peace, by resorting to the argument that "such a membership would imply our possible war with Russia" (*Svedok*, R. Radinovic).

The first chapter titled "Security Environment" - with sections "Global security", "Regional security" and "Security of member-states and of Serbia and Montenegro" contains the following formulation: "Problems of European security are mostly marked in the region of South East Europe. The regional

⁵¹ *Vecernje novosti*, 2 March 2005

⁵² Integral text of Defense Strategy published as a supplement to weekly *Vojaska* 2 December 2004

⁵³ Defense Strategy, first paragraph of Introduction

⁵⁴ Idem, the second paragraph of Introduction

security is additionally jeopardized by an inherited instability and the transition-related problems."⁵⁵

That formulation clearly indicated the security perception of the military block, who is, by the way, most responsible for the situation in the region. They equitably apportioned the responsibility between all the countries in the region. The text of the first chapter contains the following formulation : "A complex geopolitical and geostrategic environment of member-states, that is of Serbia and Montenegro, may cause new crisis in the future and actions by negative internal factors, which could consequently affect the union's security."⁵⁶

The term "geo-political and geo-strategic environment" is utterly vague. However stormy reactions of Montenegro indicated its disagreement with the following stand: "Armed revolt, as a specific form of armed conflict motivated by an anti-constitutional and forcible striving to change borders, may jeopardize the security of member-states, whose territories make up Serbia and Montenegro".⁵⁷

Next to the formulation "military risks, challenges and threats" there is a following sentence: "In defence from the aforementioned and other military risks, challenges and threats, the force, in keeping with principles of international law, would be used (...)", and "the armed resistance to military forms of threats to security of Serbia and Montenegro shall be carried out by the Army of Serbia and Montenegro".⁵⁸

In view of such a role of the army, it remains unclear whether any other armed formation, notably the armed forces of the state union, would take part in that "resistance".

In the third chapter listing "the vital, security interests" of the state union and member-states, one absurdity emerges. Namely in the Defense Strategy of the State Union its survival was not marked down as the vital interest of that union. Hence the whole defense strategy becomes senseless if the survival of the state-union of Serbia and Montenegro is not its priority security interest.

In the fourth chapter "Responses to challenges, risks and security threats" there is the following formulation "In implementation of the established policy of Serbia and Montenegro in the area of defense, in keeping with the common policy and interests of member-states, there shall be responses to risks, challenges and threats".⁵⁹ In view of the fact that the defense policy of the state union has not been defined, that is, "established" by a single official document, that formulation rings hollow and is devoid of any substantive meaning.

⁵⁵ Defense Strategy, Chapter "Security environment", section 1.2. "Regional security"

⁵⁶ Idem, section 1.3. "Security of member-countries Serbia and Montenegro"

⁵⁷ Idem, second chapter, section 2.1. "Military Challenges, Risks, and Threats"

⁵⁸ Idem

⁵⁹ Defense Strategy, Introductory part of the fourth chapter, "Responses to challenges, risks and threats to security"

From a wealth of "basic orientations" we single out the following: firstly, that "Serbia and Montenegro and member-states are oriented towards the respect of and compliance with commitments stemming from the Dayton Peace Accord, and secondly "they shall resolutely honour the UN Security Council Resolution 1244."⁶⁰ A reference to those two documents indicates the intention to preserve the *status quo* and illusion about unification of "the Serb countries".

The Strategy, however does not bind the member-states or the state union to respect the UN Security Council Resolution on Co-operation with the ICTY. The latter reflects the military top leadership negative stand on the ICTY and lessens the value of the said document.

"Final provisions" underscore that: "The Defense Strategy is the basis for the reform of the defense system and army, periodic definition of the joint policy of defense and elaboration of doctrinaire, normative and other documents related to the defense area".⁶¹

Sintagm "periodic definition of the joint defense policy" is one among the many which necessitates an additional explanation. Maybe it shall become less vague once the *White book of defense*, announced long time ago, during the mandate of Boris Tadic, comes out of press. According to the then announcement it should explicate strategic principles.

It is indisputable that the Strategy was made with hefty ambitions. It contains many principles which *per definitionem* belong to the realm of the national security strategy.⁶² It was clearly done with some intentions. It is not surprising that the defense Strategy makes no mention of recent past, as one of the important starting points in conceiving such an important document.

That Strategy also fails to mention individuals, that is, citizens. It is in contrast with the international trend, that is an increasing transformation of states into open societies conceived as communities of citizens with common interests.⁶³ In the aforementioned process a reliable measure of security of the state and society is the level of safety and security of a citizen as an individual, regardless of his/her nationality, religion and race.

⁶⁰ Idem, section 4. 1. "Basic orientations"

⁶¹ Defense Strategy, "Final provisions"

⁶² See: Dr. Bozidar Forca "On Defense Strategy of the State Union of Serbia and Montenegro, *Vojska* 9 December 2004

⁶³ Dr Miroslav Hadzic: "Security Guidelines of the FR Yugoslavia", Centre for the Anti-War Action - Political team, Beograd, 2000.

Technical Capability of the Army of Serbia and Montenegro

General Picture

According to evaluation of some Croat military experts, the total value of the Yugoslav People's Armyw property on the eve of Yugoslavia's disintegration, was \$ 70 billion. Croatia currently lays claim to \$ 10 billion.⁶⁴

In early 2004 Belgrade media have "positively assessed" communique of Chief of Staff that the Serb-Montenegrin Army in the course of 2004 would scrap much of its over-utilised and obsolete combat hardware, including 210 tanks of T-55 type i 300 cannons of various models and calibers.⁶⁵ That data was important only because Chief of Staff presented it as a kind of a special achievement within the Army's reform.

In late January 2004 similar news was disclosed by the Serb-Montenegrin Defense Ministry and Chief of Staff. Namely they announced "the new campaign of destruction of outdated, light arms and weaponry, ammo, and other combat equipment in the renowned military-technical-experimental centre near village Nikinci, in area of Sabac."⁶⁶ According to the communique that process "was backed by the US donation worth \$ 800,000". The said news caused much speculation among officers, politicians, and military-political analysts as to how much could be earned from sale of the combat hardware considered the "surplus one". Namely many of them thought that it would be a great pity if the tanks ended up as scrap iron, instead of being sold on the international arms market.

Those speculations were in fact an expression of intentionally harboured illusion about supremacy of the YPA's weapons. In reality even the poorest countries are not interested in that old iron. However that illusion continued to be fed even in early 2005 by many dailies. Thus *Danas* of 11 February 2005 carried a headline: "Over 200 tanks and 300, 000 rifles to be sold". Added to that the army has also very old vehicles and other, outdated technical equipment. Some military publications⁶⁷ for example disclosed that in late 2004 in the automobile-training centre in Bela Crkva a "Tam 4500" vehicle produced in 1952, was still actively used. It was also made public that a spade produced in

⁶⁴ Information aired during the prime time Radio Television Serbia TV news, at 19.30h, on 26 February 2005

⁶⁵ Miroslav Lazanski: "Farewell to the arms", *Politika*, 9 January 2004

⁶⁶ S. Sikavica: "Parade u Nikinci", *Ekonomist magazin*, 9 February 2004

⁶⁷ *Vojska*, 13 January 2005; General-major Milan Sunjevaric, Head of Department for Research, Development, and Production of Weapons and Military Equipment of the Defense Ministry, according to BETA news agency, stated on 20 January 2004, that the "military industry of Serbia and Montenegro during 2004 would earn about \$1.5 million through destruction of surplus armament weapons."

the United States in 1944 was still used by "a number of recruits"⁶⁸ in the Zajecar Infantry Training Centre throughout 2004.

It is more than obvious that the Serb-Montenegrin Army has obsolete combat hardware. Other facts attest to the foregoing statement. In April 2004 all dailies in Serbia and Montenegro carried a dramatic statement of the Commander of the Airforce Corps, Major General Vladimir Starcevic:

"The current situation in our War Air Force is objectively-alarming (...) I can maintain with all certainty that we need our Air Forces. When we compare security challenges of Hungary and our country, we must say that ours are greater, in view of our environment, neighbours, situation in South Serbia, in Kosmet (...) However Hungarian air forces are being modernized thanks to the country's membership of NATO. Therefore any country which wants to become a member of NATO, can achieve that aspiration only if it has modern and efficient War Air Forces(...) Which is the worst consequence of our last, very difficult, 15 years? Due to our restricted conditions, we have gradually reduced the number of sorties of our pilots. Hence, now we have young inexperienced pilots not sufficiently trained to become training staff, to inherit those whose careers are ending. Currently that is our most salient problem (...)"⁶⁹

At the same time the Serb-Montenegrin Army announced a public sale of three transporter planes *An-26*, three jet transporter planes *Jak-40*, eight transporter choppers *Mi-8*, six choppers *Gazela*. Added to that on sale were one *Mig-21*, seven *Orlovi*, two *G-4*, one *Jastreb* and one school plane *Utva-66*.⁷⁰ That is, nearly two complete "mixed" squadrons.

On that occasion a military analyst Miroslav Lazanski wrote: "(...) For the army it is a good occasion to get rid of partly outdated hardware and at the same time to earn some money (...) "⁷¹ In connection with the surplus of that air force hardware, Lazanski mentioned also the Surcin Air Forces Museum:

"(...) As regards the size and quality of exhibits, that museum fares better than all the War Air Forces of the newly-emerged states in the territory of former Yugoslavia, barring, of course those of the State Union of Serbia and Montenegro (...) "⁷² According to some expert evaluations, the YPA generals brought as their dowry to Serbia between two thirds and three fourths of the total warfare/combat hardware of the Yugoslav People's Army. That was even admitted by General Veljko Kadijevic.⁷³

⁶⁸ Idem; we could not detect how many soldiers were hiding behind the sintagm "a number of recruits"

⁶⁹ *Vojska*, 8 April 2004

⁷⁰ *Politika*, 25 April 2004

⁷¹ M. Lazanski: "An opportunity for private businessmen", *Politika*, 25 April 2004

⁷² Idem

⁷³ V. Kadijevic "My views on disintegration", especially pages, 133-134, 141-142, 148-165.

Deputy Defense Minister, Lieutenant General Dr. Ivan Djokic, lamented: "Our aircraft are so old and over-utilised so we should ponder the purchase of new fighter planes. But that is a state, and not a military issue (...) "⁷⁴

Commander of the Anti-Aircraft Force Corps, Major General Mirko Tomovic in his interview to weekly *Vojska* bragged about the wartime heroic feats of his formation: "(...) In this part of the world we are the only country which verified its system and organization during the war in 1999 (...) "⁷⁵ But that statement was not grounded in reality, firstly because during those developments the anti-aircraft system of the Yugoslav Army was impotent in the face of NATO missiles and aircraft, and secondly during that campaign the Yugoslav anti-aircraft system was nearly totally destroyed.

In view of a poor state of economy of the state union, it is not very likely that such an outdated and over-utilised air force hardware can be revived (even *Mig-29* were forcibly grounded in April 2004). Hence Major General Tomovic offered an alternative: "Perhaps we should rent or lease aircraft (...) Our main goal is not to lose the currently trained pilots and lose the training continuity. For if we lose supersonic aviation and pilots of those planes, we shall also lose our primacy (...) "⁷⁶ The same story was reiterated during the analysis of training of the two corps which used to represent the elite formations, or the elite nucleus of the Yugoslav army, that is of the Army of Serbia and Montenegro.⁷⁷

The aforementioned examples indicate the Army of Serbia and Montenegro is well-equipped in technical terms. But, as the military and political strategists are aware of the foregoing, they do their utmost to preserve Serbia's "primacy as the most respectable military force in the region" by slowing down the reduction of the manpower of the Army of Serbia and Montenegro. Thus they maintain the illusion that the size of armed force and "qualities" of its soldiers may compensate the technical inferiority.⁷⁸ But a series of killings in the army in late 2004 and early 2005, resulting in a sharp fall of army's popularity, indicated how difficult it was to maintain the said illusion.

Only when the army, that is, its professional servicemen, assume full responsibility for the criminal role of the Yugoslav People's Army and its misuses, that institution shall be able to experience a genuine catharsis and to fundamentally transform itself. But the following statement by Ljubisa Stojimirovic, one of the best Serbia's generals, denies the possibility of such an outcome: "The model of Yugoslav disarmament lasted five years, from the 1991 'Blitzkrieg' in Slovenia to the 1995 Dayton Peace Conference. That blood-drenched model, applied to achieve creation of new national or civil states and

⁷⁴ General Dr Ivan Djokic: interview to *Vecernje Novosti* 29 November 2004

⁷⁵ General Mirko Tomovic: interview to weekly *Vojska*, 12 August 2004

⁷⁶ Idem; Caveat: general's reference to primacy is probably related to the armies of the newly-emerged countries in the territory of former Yugoslavia.

⁷⁷ S. Markovic: "Struggle for survival", *Vojska*, 10 February 2005

⁷⁸ That issue shall be extensively discussed in a special section of this report.

new armies, remains for all the Balkans peoples and Europe a very tragic and stark, historical warning! Had anyone been able to foresee 'the road shunned by all' than instead of "armed people" we should have had defenceless citizens."⁷⁹

Dislocation of the Military Hardware From Montenegro to Serbia

In September 2003, General Blagoje Grahovac, at the time a military adviser to the Serb-Montenegrin President, Svetozar Marovic, embarked upon a sharp polemics with the then Defense Minister, Boris Tadic and his collaborators. According to the Montenegrin media, the row was over the Defense Ministry's decision to "directly cinch a deal on the sale of warships and missile system to a Middle East country."⁸⁰ The Ministry immediately denied those allegations by maintaining that the decision on sale of "a surplus of warships" had been taken by Tadic's predecessor, Velimir Radojevic.

That polemics was exacerbated by the disclosure that in those shade deals during Radojevic's mandate were involved some generals who had gained notority at the time of "Orao" scandal, that is, the illegal arms sale to Saddam Hussein. That scandal tainted the reputation of both the army and Serbia and Montenegro, because it coincided with the final phase of the US showdown with Saddam Hussein.

But the sale of warships was halted due to non-adoption of the Act on Property of the State Union. Sales of about 50 warships of the War Navy of the Serb-Montenegrin Army -reduced to one corps-shall remain a major issue until the identity of the main beneficiary thereof is determined. According to Blagoje Grahovac, "the most rational solution would be to reduce the War Navy to several units of coastal guards equipped with several patrol boats."

In mid-summer 2004, after dismantling of the 60th Independent Missile Unit of the Anti-Aircraft Corps, stationed in the Montenegrin territory,⁸¹ the Montenegrin side initiated a sharp polemics. Most vocal in that polemic was Blagoje Grahovac, who, in his capacity of a military adviser to the President of the Montenegrin parliament, Ranko Krivokapic, accused the command structure of the Serb-Montenegrin Army of alienating the Montenegrin property under the "pretext of the army reform." However the Defense Ministry rejected the General's allegations as "unfounded" and maintained that the "said operation" was the only possible part of the army reform, in view of absence of doctrine-related documentation, legal provisions, the funds necessary for more serious enterprises in that sphere and a comprehensive program of overhaul.

⁷⁹ Retired General Lj. Stojmirovic: "A path shunned by all", *Vojska*, 26 February 2004

⁸⁰ Podgoricke vijesti, 13 October 2003; *News magazin*, 22 October 2003

⁸¹ S. Sikavica: "Transport with political background", *Ekonomist magazin*, 6 September 2004

The Ministry's communique also indicated that "by effecting organizational-mobilization changes in its formations, the Army of Serbia and Montenegro is trying to put in place a more efficient and rational defense system and step up the combat readiness of its units" and "within the framework of those changes in 2004 we disbanded or reformed several tactical formations in Montenegro in line with our operational needs, and the need for additional recruitment and modernization of means of war technique. Due to shortage of funds all those operations were effected single-handedly by the Army of Serbia and Montenegro (...)"⁸²

Despite its confusing wording, the communique clearly indicated that such operations leave the Montenegrin sky unprotected. Hence the statement by the Commander of the Anti-Aircraft Corps, General Mirko Tomovic that "the gap in the AAC system may be closed by manoeuvres of "the cannon technique" and "easily transportable missile systems" did not sound convincing.

The second accusation by Podgorica was even more serious. Namely the military transport columns which transported the dismantled hardware to corresponding locations in Serbia, were reminiscent of columns travelling from North-Western republics to Sumadija and other "Serb ethnic territories" in the 90's. Secondly, the Montenegrin experience was cautionary: the Army of Serbia and Montenegro and the Defense Ministry were not even nominal owners of the military property. Notwithstanding that the Defense Ministry in late 2002 gave to Montenegrin-Coastal Area Mitropolitan Bishopry half of the attractive resort "Ostrva cvijeca" in exchange for a rocky terrain.

Dismantling of the said unit and transport of its hardware (outdated missile systems) proved the thesis that the army in Montenegro operated on two "combat levels" : a) on the first, principal level, that army was still a cohesive factor of the State Union, a and consequently a strong argument in advocacy of those political factions both in Belgrade and Podgorica that " a strategy of unification of all Serb countries must be revived" (for those factions the Union between Serbia and Montenegro is the least important common denominator; b) on the second, auxilliary level, in case of parting of the ways between Serbia and Montenegro, the combat systems of that army considered to be in a good shape, shall be "magically" relocated to Serbia.

Military Industry

Until mid-2004 there were many protests of workers of the military industry of the state union. Most massive were the protests of 3,600 workers of Weapons Plant of Kragujevac "Zastava".⁸³ It was difficult to check their allegations that some other "special-purpose" plants, notably Valjevo "Krusik"

⁸² *Ekonomist magazin*, 6 September 2004

⁸³ Z. Radovanovic: "Trade-union 'Zastava weapons' accuses the Serb-Montenegrin Defense Ministry of "ruining the plant", *Danas*, 1 June 2004

and Cacak "Sloboda" received "hundreds of millions of dinars" while Kragujevac "weapons-makers" got only –"petty cash." According to unofficial information such an ambivalent stance of the Defense Ministry, stemmed from the fact that some generals were members of executive boards of some factories, obviously, to the mutual benefit.

The key argument of Kragujevac protesters was that in mid-2004 the "Weapons Plant" produced an automatic rifle *M-21*, of caliber 5.56, in keeping with NATO standards, and that its qualities were much-praised even before its testing. In other words, they maintained that the Defense Ministry was not interested in that new product. To appease the situation in Kragujevac, the Defense Minister, Prvoslav Davinic, in mid-August, visited the "Weapons Plant." In his talks with disgruntled workers he stressed that "in the past two or three years we were toying with the idea of either shutting down some military industry facilities or converting them. But we discarded that line of thinking and reached a political decision to keep alive all those important, special-purpose facilities... (...)"

"Essentially we think that our military industry products should be exported in an organized way and not randomly. Namely the Army of the State Union and all relevant factors of that union shall organize a good export campaign, that is, try to sell our product either through co-operation with different firms, or by giving incentives to foreign capital to embark upon joint ventures with our military industry."

"After a thorough analysis we reached the conclusion that those problems may be resolved through the Fund for the Army Reform. Governmental commission is currently tasked with analysing the state of military industry, and assessing optimal capacities and number of necessary workers. Social status of redundant workers shall be resolved through various models, notably retirement, severance pays and their re-training."⁸⁴

Prvoslav Davinic then praised the new product of the Kragujevac "Weapons Plant" and during his meeting in Belgrade with the Turkish Defense Secretary, Vedji Gunil,⁸⁵ recommended it. Automatic gun *M-21* was successfully promoted at the International Arms Fair in Belgrade, "Partner 2005". That promotion of *M-21*, indicated that domestic generals and experts thought that "the special-purpose industry could jump-start the revival of the whole economy", for "we could emulate a successful example of Israel, which, with its 3 million inhabitants, earns every year several billion dollars through arms sales"⁸⁶. Montenegro was not mentioned in that context for in its territory there are no genuine military industry facilities.

⁸⁴ Excerpts from Minister Davinic's interview to the plant newspaper *Oruzari*; according to daily *Danas* of 19 August 2004

⁸⁵ *Danas*, 20 August 2004

⁸⁶ D. Stevanovic: "Serb machine-gun produced in line with NATO standards", *Politika*, 4 February 2005; According to General Dr Ivan Djokic "20 years ago our military

Much is expected from "the first Serb automatic rifle", manufactured "in keeping with NATO standards." Kragujevac plant signed its first contract relating to the sale of automatic rifle *M-21*, worth 150,000 Euro, with Macedonia. ⁸⁷ Director of "Zastava oruzje" announced co-operation with the Serb-Montenegrin Army in the process of modernization of defense forces.

Fund for the Army Reform

On 7 April 2004 the Supreme Defense Council announced a possible setting-up of the Fund for the Army Reform⁸⁸, and suggested to the Defense Ministry to prepare adequate parameters for taking a pertinent decision. On its session of 26 May 2004 the Defense Ministry decided to set up the Fund for the Army Reform. That decision was approved on 1 June by the Council of Ministers of Serbia and Montenegro. The Defense Minister Prvoslav Davinic then stated the following: "Decisions taken at the last session of the Supreme Defense Council session on 26 May are of historical importance and trace the future path of the Serb-Montenegrin Army. Reforms in the army shall now officially commence (...)"⁸⁹ Minister Davinic continued to make very optimistic statements in which he described the Fund as an institution which would help the army and defense system reform...and also help resolve the army's financial problems. Later it turned out that it was a major sham of general public, and notably of both active and retired army officers, who naively believed in that story.

Davinic's announcement that "the Supreme Defense Council approved the funds allocated for an urgent payment of 3-months overdue pensions"⁹⁰ gladdened the Montenegrin retirees. He also underscored that "in the future all pensions would be financed from the newly-created Fund for the Army Reform".

However it soon became clear that the financial status of retirees and active servicemen of the Podgorica and Navy Corps would not improve, for the pensions and pays continued to arrive with several months delay. Intention of Minister Davinic was to appease tensions between Belgrade and Podgorica. Namely the Belgrade's message was that "it would stop footing the bill" for the upkeep of the army stationed in Montenegrin territory while the official

industry ranked 23rd in the world, and today it is below the 100th post in international ranking"; *Vecernje novosti*, 29 November 2004

⁸⁷ Statement of director "Zastava Weapons", Colonel Marinko Petrovic, *Ogledalo*, 8 September 2004

⁸⁸ *Danas*, 8 April 2004

⁸⁹ *Blic*, 28 May 2004

⁹⁰ *Idem*

Podgorica retorted that it did not need a huge army, notably "the army which is imposed upon us."⁹¹

P. Davinic offered the solution in the shape of the new Fund, and thus explained it: "This year we made a smaller exception due to wrong budgetary planning, that is shortage of funds in the regular budget of the member-states of the state union, notably in Montenegro. To avoid interventions, the Supreme Defense Council decided to use part of assets from that Fund for meeting our regular needs in 2004. Hence we shall be able to compensate for the shortage of 25 million Euro in our regular military budget. Starting from the next year there will be only strict allocations from the Fund. (...)"⁹²

According to some evaluations of economic experts from the Defense Ministry the total value of the Fund's property would in the region of \$ 5-7 billion. On the basis of those evaluations and exaggerated statements of military officials, many military income-making institutions (publishing houses, health institutions, agricultural estates, catering-tourism companies, construction companies) and all the other military losers (which once constituted a closed and powerful system) started turning to the Fund for assistance. Namely it was considered that through their sale, or leasing, assets could start flowing into the Fund.

Then Blagoje Grahovac took to task the Supreme Defense Council, the Military Ministry, and Chief of Staff: "(...) history does not know any state which kept selling its property to maintain its army!" "(...) That phantom and unlawfully formed institution the Army Reform Fund shall sell the property of allegedly reformed army, without having to neither maintain nor reform it. I am quite sure that in this way the state shall be robbed, and the army cheated."⁹³

Others also cautioned that there were no legal grounds for setting up the Fund, and in fact, that its establishment was contrary to Article 21 of the Act on Implementation of the Constitutional Charter. Namely that article bans institutions of the state union from managing the FRY property, before adoption of the Act on Property of Serbia and Montenegro.⁹⁴ But the Ministry got involved in the process of formation of the Fund, prior to a parliamentary removal of the aforementioned legal hurdle. Moreover, the Supreme Defense Council and Council of Ministers greenlighted the formation of the Fund, in total disregard of the Charter and the Act on Implementation of the Charter.

But the government of Serbia interfered into the functioning of that Fund. That is the Finance Minister Mladjan Dinkic turned off all the Fund's

⁹¹ S. Sikavica: "Wealth of an empty bag", *Ekonomist magazin*, 23 August 2004

⁹² Idem

⁹³ *Politika*, 5 November 2004

⁹⁴ Act on Implementation of Constitutional Charter, article 21, paragraph IV; Constitutional Charter and the Act on Implementation of Constitutional Charter, - supplements published by magazine *Vojska* 13 February 2003

taps, and deprived the leadership of that institution of the right to have its own bank account. He insisted that the Fund opened an account with the National Bank of Serbia. Dinkic defended his move by a principle (though the Act on the Union's Property has not been passed), according to which "the military property should belong to a member-state in whose territory that (controversial) property is located. Protests of the Fund's Management Board, the Defense Ministry, President Marovic's Cabinet were futile. Mladjan Dinkic stuck to his decision, which Minister Davinic commented in the following way:

"(...)At play is something else, for representatives of both member-states espouse the thesis that the state union does not have any property, that all the property is owned by member-states, and not the military complex. Therein lies the key problem, for if that property is taken away from the army and it is said that the state union does not have any property, then you have two armies, for the member-states decide on the size of allocations to the army (...) I think that we shall have two armies and that the reform would be impossible."⁹⁵

Minister Davinic was criticized for having appointed Vladan Zivulovic to the post of Head of the Fund, because Zivulovic was is also president of the Atlantic Alliance, an NGO from Belgrade, of whom Davinic was also member. The failed sales contract between the Fund, that is of the Defense Ministry and the Serb-US company "Meridian Homes" increased the existing confusion. According to the contract between the two sides, the army in exchange for 20,000 m2 of business space in downtown Belgrade, was to get about 400 flats at the outskirts of Belgrade. The contract failed because it was not legally founded.⁹⁶

Finally the following transpired: no Fund, no reform, of vice versa.

The Army Budget and Staff

Budget in Penury

Although the army in 2004 could have been subjected to so-called regime of interim financing until 31 March 2004 (the legally prescribed limit), that mode of financing was extended until mid-April. The same regime was in force in Montenegro, but it evolved in a different manner.

Constitutional charter established the principle according to which the member-states should finance the union's needs, including those of the army. But the member-states failed to comply with that principle. In Belgrade the conviction prevailed that Serbia was financing the Montenegrin "commitments" towards the state union. Thus Minister Dinkic, of his own volition, proclaimed

⁹⁵ Ratko Femic: "Property controlled by member-states threatens the army reform"; *Danas*, 30 November 2004

⁹⁶ Dejan Anastasijevic: "Crucial defense of minced meat"; *Vreme*, 24 February 2005

the "territorial principle of army-financing" according to which each member-state had the obligation to bank-roll the military formations stationed in its territory. That decision, in collision with the Charter, caused a serious resentment in Montenegro.

To overcome that problem, in early May 2004, the top state leadership agreed to honour the principle contained in the Charter, that is, that "each member-state should contribute to the military budget, in proportion with its gross domestic product."⁹⁷ Then it was agreed that the military budget for 2004 be 46.8 million dinars. After the November rebalance of Serbia's budget, that amount was reduced to 40.8 million dinars.⁹⁸

The largest allocations of the military budget were for pays and pensions. Different data were circulated as to the mode in which the army spent funds collected with major difficulty. However data on the real financial status of the army are not available, though the financial collapse of that institution is seen with the naked eye.

In weekly *Vojska* the financial status of the army throughout 2004 was a regular topic. Thus it was written that "in the near past it was often said that our army managed to survive the collapse of the states which it had served. Today even that fact is not certain. Two states, making one state, seem not to have time for the "people's mainstay" which is in deep financial trouble, that is, barely surviving (...)"⁹⁹, and "an average serviceman's family, if without extra income (and most frequently it does not have that extra income), barely subsists (...)"¹⁰⁰, and "the Army of Serbia and Montenegro this year too performs its tasks under very unfavourable financial conditions (...)"¹⁰¹

The magazine also made public the suspension of the practice to give military swords "a symbol of military honour and courage" to pupils of the National Defense School after their year-long training. It was explained that in 2004 there were no funds for the purchase of swords for enrollees of the 47th class. The problem was resolved in the following way: 29 paid for their swords.¹⁰²

The biggest problem of the army is a housing fund which is in continual deficit. But the insight into the real state of affairs is impossible because of lack of genuine and verified information. Various figures are circulated: according to one official communique within the army there are "22,000 homeless", while the other speaks of 18,000 homeless servicemen.

⁹⁷ Milan Culibrk: "Billioner reduced to extreme poverty"; *Ekonomist*, 24 May 2004

⁹⁸ Iden; Statement of Branko Krga: "Army disgruntled by budget", *Danas*, 26 November 2004

⁹⁹ Colonel Milijan Andric: "Reputation and survival", *Vojska*, 27 May 2004

¹⁰⁰ Ljubodrag Stojadinovic, a military analyst: "Social agony of the army", *Vojska*, 19 August 2004 (quoted carried from *Politika*).

¹⁰¹ Colonel Slavoljub Randjelovic: "Short-sleeved army coat", *Vojska*, 26 August 2004

¹⁰² "Self-financed honour" (commentary), *Vecernje novosti*, 30 July 2004

In an editorial of magazine *Vojska* Colonel Milijan Andric stated that "over 15,000 servicemen (with family members-70,000) are homeless. Most of them face also serious financial and livelihood hardship. (...)"¹⁰³

Despite the army's financial problems, the fact remains that 3.7% of budgetary funds were allocated to the army in 2004. Due to the foregoing the military budget had to be re-balanced. International community suggested that the military budget should not burden the gross domestic income by an annual rate superior to 2.1-2.4%.

Financial situation of the army is difficult because of a series of factors, notably lack of democratic control over finances, despite the transfer of financial operations from Chief of Staff to the Defense Ministry. It bears mentioning that Chief of Staff in 2004 was formally incorporated into the Defense Ministry, and consequently, that Head of Chief of Staff was subordinated to the Defense Minister.

Domestic public opinion knows very little about the military budget planning: which are the parameters thereof, who checks the military, financial plans, who in Chief of Staff or in the Defense Ministry determines whether financial debits of civilian institutions reflect the army needs. Very little is known about the mode of use of the army funds. Whenever such and similar questions are publicly voiced, generals start talking about the poor financial status of the army and comparing the meagre Serb military budget with the large size of military budgets of other countries. Added to that the army puts a stiff resistance to democratic control, for it is used to its exclusivity and "confidentiality" of military secrets. Members of the Committee for Defense and Security of the State Union, as well as MPs of the union's parliament are not interested in subjecting the military budget to a rigorous control. They mostly accept the pertinent reports from the Defense Ministry.

Bulky and Inert Army

The true size of the army is still a mystery. Various reports most often mention 78,000 members of the Serb-Montenegrin Army. Despite numerous announcements of Chief of Staff, Defense Ministry and the Supreme Defense Council, the army was not downsized in 2004.

Facts and figures relating to the army's structure, recruits and contracted soldiers, the number of civilians and professional servicemen employed by that body, are still a military secret. It is as difficult to get a logical answer to the question: why is the military service in the Serb-Montenegrin army the longest among the countries which have emerged in former Yugoslavia- 9 months?

Numerous analysts give one unique answer: the Serb-Montenegrin army in South Serbia faces the greatest threat of terrorism, unlike other countries in

¹⁰³ M. Andrc: "Dreams about winter food stocks ensured by trade-unions", *Vojska*, 30 September 2004

our neighbourhood. Such claims fly in the face of the thesis launched by the Defense Ministry that to South Serbia or to the Land Security Zone only military professionals should be sent.¹⁰⁴

Experts of the Serb-Montenegrin Army maintain that the annual recruitment contingent in the State Union is 49,000 youngsters, while 22,000 young men are every year regularly serving their military duty of 9 months.¹⁰⁵ The same experts say that last year in the army there were 13,139 contracted soldiers, who filled only 65.4% of formation posts envisaged for that category of military staff.¹⁰⁶ According to some data, in 2004 the army employed about 15,000 civilians, and 30,000 and 35,000 professional servicemen, of whom as much as 63% were those with high and highest ranks (Major General), and only 18% were senior officers under 30.¹⁰⁷

As regards the recruitment population the professional part of the Serb-Montenegrin Army puts stiff resistance to any idea of reducing the length of military service in the Army of Serbia and Montenegro, and rejects any possibility of suspending that mode of filling the army formations. Contrary to that, an increasing number of young people, are opting for an alternative, civilian military service. For example, by December 2004 5,000 young men¹⁰⁸ opted for that kind of military service, and by February 2005 as many as 8,500 young people,¹⁰⁹ which caused anger and alarm among the top brass.

Military hard-liners sharply reacted to that trend, and compelled Chief of Staff to quickly issue the Decree on Amendments to the Decree on Military Service from October 2003. That Decree "introduced essential changes into criteria for civilian military service". Colonel General Petar Radojic thus explained those changes: "The recent civilian military service in the past year threatened the defense potential of our country."¹¹⁰

Parliament of the State Union in a summary procedure adopted the general's proposal, and the aforementioned Decree from 2003 entered force on 5 February 2005. It is, however, expected that the action of NGOs advocating the right to conscientious objections shall continue.

Despite the adoption of the Defense Strategy there are no clear principles determining the armed forces tasks, the size, structure, recruitment mode and arming of the Serb-Montenegrin Army. It is explainable by the fact that in the political elite of the State Union of Serbia and Montenegro the faction preferring

¹⁰⁴ That is the position of the majority of Serb politicians, the one most frequently floated by head of Co-ordinating centre for South Serbia, Nebojsa Covic.

¹⁰⁵ Slavoljub Markovic: "Unfavourable personnel structure"; *Vojška*, 15 January 2004

¹⁰⁶ Idem

¹⁰⁷ Idem

¹⁰⁸ J. Petkovic: "Army drills in the theatre", *Vecernje novosti*, 18 August 2004

¹⁰⁹ *Danas*, 2 February 2005

¹¹⁰ I. Arandjelovic: "Civilians threaten the defense potential", *Danas*, 9 February 2005

so-called strong army prevails.¹¹¹ "The strong army" in the preception of the conservative part of military and political elite means a massive army, for only a large number of soldiers may counter the technical superiority of any hostile army. That theory is coupled or rather supported by the theory of conspiracy. For example, a military analyst Milovan Drecun maintains that "the foreign factor" has the following plan afoot: "a three-stage of destruction of the army of Serbia and Montenegro." In the first stage "the defense system" of the state union would be "broken up" and "most able Serbian officers removed from the army"; in the second stage "new persons" would be appointed to key posts in the army"; and in the final stage the army "would be compelled to bow to and serve the US interests". According to Drecun "we should strongly oppose that plan."¹¹²

It is quite certain that conservative forces, notably those in Serbia, need a bulky army, notably because of internal problems: firstly to monitor Montenegro and its separation; secondly, to control situation in Sandzak and in Vojvodina; thirdly, for the sake of "defense of South of Serbia"; and fourthly, "a strong army", in the long-term, is needed because of other "Serb countries", for aspirations relating to the return of "our army in Kosmet", and in former "Republika Srpska Krajina" are still entertained.¹¹³

"Makeover" of Security Services into an Agency

The new phase of the history of Military Security Services, better known as KOS, started on 25 March 2003 with the appointment of Colonel Momir Stojanovic Head of Directoriat for Security of Chief of Staff of the then Yugoslavia Army (under the Supreme Defense Council's decision Stojanovic replaced General Aca Tomic in that top post).

To the broad public Stojanovic's name meant very little; he was only mentioned in the ICTY trial against Slobodan Milosevic. One of the prosecution witnesses, former officer of the Yugoslav Army, on 9 May 2002 disclosed some facts related to war crimes committed against civilian population in Kosovo, the facts which clearly incriminated M. Stojanovic.¹¹⁴ That testimony, however, did not prevent the Supreme Defense Council to appoint Stojanovic to one of the

¹¹¹ General Radovan Radinovic: "(...) the state without an army is not a state (...); interview to *Svedok*, 21 September 2004

¹¹² Milovan Drecun: "Army between reform and dissolution", sequel to the feature ran by the Belgrade tabloid *Balkan 6* April 2004

¹¹³ Such and similar ideas are publicly espoused by the Serb Radicals. There is a linkage between those ideas and their backing of formation of a phantom government in exile, of so-called Republika Srpska Krajina, in February 2005

¹¹⁴ Interview of Natasa Kandic to *Podgorica Monitor*, 4 April 2003

most sensitive and important posts in the army command structure. Moreover, he was quickly promoted to the rank of general.

On 15 April 2002 the Supreme Defense Council took a decision to transfer the Security Services from competence of Chief of Staff of the Yugoslav Army to competence of the Defense Ministry, thus subordinating Head of Military Security to the Defense Minister, and no longer to Head of Chief of Staff. That decision was assessed as "a fundamental change" by numerous analysts. Consequently that assessment gave rise to the thesis that "in this way KOS was placed under civilian control"¹¹⁵.

Many media depicted it as "an important step in transformation of the Security Services and its placing under civilian control...which shall contribute to the most comprehensive army reform".¹¹⁶ In late December 2003 M. Stojanovic appraised the re-naming of the Security Services –it became the Military-Security Agency –"a very important novelty." Stojanovic himself, became the director of that Agency.

As early as on 1 February 2004 Colonel M. Stojanovic, in his new capacity, gave to the national agency Tanjug an interview which shocked domestic and international public.¹¹⁷ Namely on that occasion he disclosed that the Agency installed a new espionage network in the very heart of the "terrorist organization in Kosmet"; that "hostile activities by the Islamist terrorist organizations "Vehabija" and "Red Rose" were detected in Rasko-Polimsko area and in North Montenegro", and that "in the next period escalation of militant Islam and terrorism in the Western Balkans, including Serbia and Montenegro may be expected...the strategic goal of those Islamic militants is creation of an Islamic state in the Balkans and putting in place, so-called Green Transversal".¹¹⁸

For that interview Stojanovic most certainly must have had the backing of his superiors. That interview caused quite a stir in both Sandzak and Montenegro. Competent bodies were immediately asked to immediately check the veracity of Colonel's allegations. Nost vocal detractor of Stojanovic was General Blagoje Grahovac.¹¹⁹ However Stojanovic was defended by the "anti-

¹¹⁵ S. Sikavica: "Makeover of the secret military service into an agency"; *Helsinska povelja* no 72, January 2004

¹¹⁶ BETA agency and Ratko Femic: "Military secret agents under civilian contro", *Danas*, week-end issue, 27-28 December 2003

¹¹⁷ *Politika*, 2 February 2004. Added to "Politike", that interview was run by almost all Belgrade and Podgorica dailies, and it was greatly resonated by all the international media.

¹¹⁸ Compare theories of domestic Islamic and Balkans experts, notably the body of work of Professor of the Belgrade Faculty of Political Sciences, Dr.Mirosljub Jetic.

¹¹⁹ Zoran Miladinovic and news agencies: "He disclosed a state secret and provoked national hatred", *Danas*, 6 February 2004; "DOS demands dismissal of the BIA director", *Danas*, 13 April 2004

Hague lobby" with the following argument: it is in the interest of "enemies of Serbia to hush up Stojanovic and the truth."¹²⁰

The March violence in Kosovo (17 and 18 March) 2004 bolstered the arguments of Stojanovic's defenders. Their then statements were tinged with triumphant notes: "Colonel had predicted such developments in Kosmet, but everybody had turned a deaf ear to his words." Under the pressure of Western countries, M. Stojanovic was relieved of his duties, but at the same time he was promoted to the rank of general and appointed head of the Nis Corps.

The new Head of SIA was appointed only in late 2004. "The Case Stojanovic" pointed to several Security Services, that is, SIA-related issues: firstly, that case confirmed the thesis of Blagoje Grahovac and the like-minded people, that the military top leadership was still "a wholly preserved Milosevic's construction"; secondly, it proved that all military secret services (KOS-Counter-Intelligence and Intelligence), were still beyond any public control; and thirdly that it should be read as a warning that in view of the current power balance in the political scene of Serbia, it would be extremely difficult to find the way to subject those services to democratic control, that is, that they would continue to pose a danger to a fragile, new democracy.

Defense of Conservativism

Partnership for Peace

After escalation of violence in Kosovo, in March ¹²¹, i the Serb-Montenegrin Army two factions with different stands on the program Partnership for Peace¹²² emerged. One faction, personified by the Defense Minister, Prvoslav Davinic, advocates an urgent accession to that program. As a recommendation for membership, the minister underscored that the army on 17 and 18 March 2004 "stood up, in defense of the nation and state...without crossing the red line"¹²³ (it did not engage in violent retaliation)". Davinci also reiterated the army's professional virtues. He expected an official accession of Serbia and Montenegro to Partnership for Peace, at the NATO summit held in late June 2004, in Istanbul, regardless of the union's non-fulfillment of the membership conditions, notably the priority one-co-operation with the Hague Tribunal.

¹²⁰ *Internacional*, 6 February 2004.

¹²¹ Petar Potocnik: "Crystal Night "; *Danas*, 22 March 2004; Veton Suroi: "Now the whole Kosovo is hostage"; *Danas*, 27 March 2004

¹²² Serbia and Montenegro and Bosnia and Herzegovina the the only two European countries which have not acceded to the Partnership for Peace.

¹²³ *Idem*, S. Sikavica: "Non-retaliation", *Ekonomist*, 16 August 2004

His statements gave rise to a very optimistic public mood in that regard. However the Serb-Montenegrin delegation at the summit, spearheaded by the union's president, Svetozar Marovic, was told once again that the membership hinged on compliance with the set conditions, with a clear emphasis on arrest of Ratko Mladic.

The second faction personified by General Radinovic is of opinion the union could become a member of Partnership for Peace, only if "NATO meets some of our conditions". Radinovic thus explains it: "(...) I am against membership of NATO, because it is an alliance against Russia, a traditional, historical ally of the Serb people. By definition, NATO is a tool of the US strategy towards East, which is an utterly anti-Russian concept. We can find ourselves, not only theoretically, but also practically at war with Russia (...)"¹²⁴ His statement is very relevant, for he is the uppermost strategists of the Serb-Montenegrin army, and professor at high military schools.

According to that faction, membership of the Partnership for Peace, is a danger to identity of Serbs, for the "crisis of identity affects mostly the army, not only because it is part of collective attacked by a crisis, but also because it is the most important body for defense of national interests, which must be reduced to new values offered by a global system." In view of the foregoing General Simic harshly criticized the minority in the Defense Ministry which "was ready to forget the most brutal aggression of the most powerful force in the world history against our country", and underscored that "in the Defense Ministry are incorporated foreign structures and NGOs behind which there are the centres of power."¹²⁵

Military Judiciary

The Constitutional Charter and the Act on Implementation of Constitutional Charter¹²⁶ envisaged that the military judiciary (courts of law, prosecution, defense) be suspended, and their competence and prerogatives be transferred to the civilian, judicial bodies of member-states within 6 months after adoption of both the Charter and pertinent Act. Deadline for that transfer was early August 2003. But in Montenegro the Act on Suspension of Judicial Bodies in Montenegrin Territory and Their Transfer to Civilian Judiciary was adopted only in summer 2004. In Serbia the military judiciary stiffly resisted the changes until late 2004 when the Serb parliament finally enforced suspension of military, judicial bodies.

¹²⁴ Interview of R. Radinovic to Belgrade tabloid *Svedok*, 21 September 2004

¹²⁵ General Milen Simic, 'Creation of the new identity and imposition of oblivion', *Ogledalo*, 19 January 2005

¹²⁶ Constitutional Charter, article 66; Act on Implementation of Constitutional Charter, article 24.

Before adoption of the Charter and accompanying laws, military and political circles of the two member-states of the union staged a debate in defense of the military judiciary. That judiciary was whole-heartedly defended by the whole military-political establishment, including the Supreme Military Court President, Colonel Milorad Vukosav and the top military prosecutor, Colonel Nikola Petkovic. Their arguments were reduced to the thesis that by suspension of the military judiciary and prosecution, the military organization would be broken up.¹²⁷ Added to that they used the argument that "the military judiciary would play an important role in case of accession of the Serb-Montenegrin Army to Partnership for Peace...namely in that case, soldiers of our army would be sent to various peace and other missions, and their possible criminal offences would be dealt with by foreign civilian and military courts. Survival of our military judiciary would pre-empt such situations and dispell the fears of our soldiers."¹²⁸

True reasons behind "defense" of the military judiciary have never surfaced, but the fact remains that the said court has never been independent and free from political influences. In fact it has been an instrument of various manipulations.

Suspension of military judiciary was a result of international pressure, but the extent of its transformation remains to be seen. The fact that Vuk Tufegdzcic in early March 2005 was elected the judge of Military Department of the Belgrade District Court indicated a cosmetic nature of its organizational changes. Vuk Tufegdzcic was investigating judge in five controversial cases, including the case of confiscation of the book "Military secret", the Perisic case and the Topcider case.

State Borders

Montenegro decided to that the Montenegro police, similarly to the practice in the neighbouring countries, would take over from the army the border policing duties. Head of Chief of Staff Branko Krga on that occasion, in late August 2003¹²⁹ stated that "a decision was taken to transfer the control of the Montenegrin border to the Interior Ministry and that process was well under way-the Montenegrin police were gradually taking over border guarding from the army. They have already taken over three bases in the Land Security Zone. As regards the Serb border, that process is yet to begin... (...)"

¹²⁷ Colonel Milorad Vukosav: "Survival justified by results"; interview to weekly *Vojska*, 6 May 2004; Dr Jovan Buturovic: "Difficult transition from the military to civilian judiciary"; *Danas*, week-end issue 20-21 November 2004

¹²⁸ Idem

¹²⁹ *Vojska*, 28 August 2003

In Serbia such a major change is yet to be introduced. Generals and military analysts¹³⁰ underscore that Serbia does not have enough money, policemen or equipment for such a venture. One gains the impression that Chief of Staff sees the issue of borders as "performance of a combat task." Military circles underscore that Serbia, in contrast to Montenegro, has vulnerable borders on river Danube and with Macedonia, and that thoroughfares of arms, human and drugs trafficking criss-cross Serbia.

At the Serb-Macedonian border, on 7 January 2005, a boy called Dasmir Hajrulahu was killed. He was shot dead by an identified border guardsman at the border of Serbia and Montenegro. However the official communique stressed that "the soldier acted in keeping with the Rules of Border Services...that is, first fired at an old plum tree to frighten the boy away...but the bullet instead ricocheted and killed on the spot the young Albanian boy from the vicinity of Presevo."

Presence of the Serb-Montenegrin army at the Macedonian border is justified by the top military leadership as a vital interest of Serbia, "for in that area there is an active promotion of an anti-Serb program aiming to bring about an international escalation of Kosovar crisis." And also "Stabilization in the triangle Skoplje-Pristina-Presevo, in parallel with a growing legitimization of the Prishtina policy on the international scene, clearly signal a new alignment of forces, to the benefit of Western powers in the region." The Serb nationalists ascribe such scenario to the US war masters, and criticize them for "thus trying to create a controlled instability, much-needed for justification of their further moves in promotion of "Kosovar " political agenda".¹³¹

Death of Soldiers in The Topcider Barracks

Many pages have been written about a mysterious death of the two soldiers, Dragan Jakovljevic and Drazen Milovenovic, in the Belgrade garrison in Topcider, on 5 October 2004. Though such incidents were frequent in peacetime, this one resonated among the parents whose sons were doing their military service. Namely the majority of them were angered and alarmed by the said event. That incident also shook up the domestic public opinion, and received extensive media coverage abroad.

Head of Chief of Staff, Branko Krga and his collaborators, disclosed only scant details, thus manifesting their insecurity. Several days later, a military investigating judge, Captain Vuk Tufegdžic, made public preliminary, investigation findings. It soon became clear that the customary army style of

¹³⁰ Aleksandar Radic and Zoran Dragisic: "Army shall remain for long at the southern border", *Danas*, 21 January 2005

¹³¹ *Ogledalo*, 29 December 2004 "Positioning "

communication with the general public –using the military secret as a key criteria of truth-was no longer applicable.

In the face of that fact Chief of Staff, Defense Ministry and the Supreme Council were compelled to set up so-called independent commission headed by lawyer Bozo Prelevic. Thanks to the insistence of public opinion and families of killed soldiers on clarification of that mysterious incident, a series of weak points in the structure of the Serb-Montenegrin Army were uncovered. For example the military investigating commission persisted in its version that soldiers killed each other, that is that Milanovic first shot Jakovljevic and then killed himself. But at a later stage a new version was concocted, namely, the one in which the roles in the fatal shooting were reversed.

In contrast to the military team report, backed by Chief of Staff and Defense Ministry, Independent Commission stated that "the third person was or several persons were involved in the fatal shooting incident." Response of the Defense Ministry and Chief of Staff was that "it is one in a series of dangerous attacks on the Serb-Montenegrin Army aimed at its destruction."

Suggestion of involvement of the "third person" shook up the top brass and parts of political establishment in Belgrade,¹³² for that "third person" or "several persons" implied the presence of Ratko Mladic. But the attempts of generals, and notably of Branko Krga to deny stories that "one of the Hague indictees is hiding in military facilities: or that "the army is protecting one of the Hague indictees" were not successful.¹³³

The Topcider case only confirmed the general conviction that generals were deeply involved in hiding the Hague indictees. The foregoing is best attested to by the following facts:

a) Some high-ranking officers retained their positions even after the arrival of indictments from the Hague Tribunal (for example, Veselin Slijivancanin, Vladimir Lazarevic).

b) The elite special-purpose units of the Army of Serbia and Montenegro were used as a security shield around some indictees, some of whom suddenly disappeared (for example, Mladic, Slijivancanin, Pavkovic).

c) Special military units enabled Ratko Mladic to quickly cross from one bank of Drina river to the other, and acted as a rearguard whenever there was a threat that his hiding place might be found.

d) Years after the filing of the ICTY indictment, Ratko Mladic's name continued to feature on the Yugoslav Army's payroll, as its general in active service. Mladic's former bodyguard during the war in Bosnia and Herzegovina, Branislav Puhalo is still in active service of the Army of Serbia and Montenegro, as the 1st class captain.

¹³² Experts from Prelevic-led commission: "A soldier was killed by the third person"; *Danas*, 15.12.2004;

¹³³ Colonel Dusan Knezevic: "Ethics and losers"; *Vojska* 21 October 2004; Colonel Slavoljub Randjelovic: "A tragic morning walk"; *Vojska* 4 November 2004

e) In the period when Nebojsa Pavkovic was Head of Chief of Staff of the Yugoslv Army, a military-civilian commission was working hard on preparing documentation and other logistical support for defense of Slobodan Milosevic and generals indicted by the ICTY.

Despite the fact that the Topcider tragedy (and other subsequent ones) shook up the domestic public, only the Commander of the Guard Brigade, Colonel Radomir Cosic, opted for retirement.¹³⁴ There were no other dismissals or "voluntary retirements."

Hence, claims by the Defense Ministry and Chief of Staff that Mladic's former bodyguard was no longer an army officer, and subsequent statements that "Puhalo is on the army's payroll" rang hollow, unconvincing and manipulative. The same held true of a sudden opening to the public of a "special- purpose facility "Karas" in Tocider (which was most certainly a hiding place of the Hague inditees). All the aforementioned tainted the army's reputation and eroded the popular trust in that institution even among those strata which long-constituted the most faithful army backers.

Patriotic block was very alarmed with the plummeting fall in the army's rating. Thus one of its main exponents, academician Vasilije Krestic, thus explained that phenomenon: "Everything is unfolding according to a planned scenario... all means are used to make the army incompetent, to confuse it, to make it lose its head... to that end also served the accident in which the two soldiers died in Topcider. I fear that the army because of the foregoing lost its good reputation. And it is still a good institution, and deserves the popular trust and -esteem."¹³⁵

After the Topcider incident and a series of killings in garrisons, domestic media started increasingly questioning the state of the army. It seemed that the answer could be found in the army's conduct in the past two decades, its inability to understand current affairs, and its instrumentalization by power-holders. All recent incidents in a dramatic way indicated its deep crisis, notably the one of identity: for example in spring 2004 Colonel Dragan Nikolic and his aides¹³⁶ in Belgrade's Military Museum destroyed an important monument, Shehiti sights, just because of their Muslim origins, then on 14 February 2004 during 200th anniversary of the First Serbian Uprising, Colonel Radeta Rajic, professor at the Military Academy, delivered a "patriotic lecture", etc.

¹³⁴ Interview with former Head Sector of State Security, Goran Petrovic: "The Case of Colonel Cosic"; *Danas*, 9 November 2004 (Interview carried by weekly *Vreme*)

¹³⁵ *Svedok*, 24 September 2004

¹³⁶ Milica Jovanovic: "Employees of the Military Museum Destroyed Shehiti Sights"; *Danas*, 15 April 2004

Alternative to the NATO-Offered Political - Security Option

Debates on the army overhaul, and adopted strategic documents indicated that Serbia is yet to opt for its new security concept. The current dilemmas have to do with the conviction that Serbia should not rely exclusively on the international community in the situation when it faces unresolved territorial issues with its neighbours. On the one hand there is awareness that relations with the United States should be maintained at a satisfactory level, while on the other hand "uncritical implementation of the US and international organizations dictates and orders" is considered unacceptable.

For countries in a situation similar to the one in which Serbia is, it is considered that the optimum solution is to "find a powerful protector, who could buffer the external pressures and at the same time genuinely guarantee what is basic for a state-territorial integrity and security of population. Since it is quite certain that the Balkans region is the region facing a major security challenge, it is underscored that Serbia must find a *trustworthy ally*.

The undisputed accession to European Union however must be preceded by security-military integrations. A firm orientation for the NATO membership does not exist, because it is thought that it would become increasingly clear in the near future that the issues of West European security and of (economic) project of European Union are not interconnected.¹³⁷

So-called patriotic block thinks that "insistence on the new military doctrine would be tantamount to putting in place the political framework for the final dismantling of the army." According to prime movers of that block "NATO is stubbornly pushing for the reform of the Army of Serbia and Montenegro... without any domestic parliamentary and public control." And "all the foregoing harmed greatly political interests of the country, its armament and military equipment industry, budget, and tainted the international repute which the army has long enjoyed in the spheres of logistics, and training of foreign armies."¹³⁸

¹³⁷ Caslav D. Koprivica, "From whom would NATO protect us?", *Nova srpska politicka misao*, 2001.

¹³⁸ *Ogledalo*, 17 March 2005

Public Security and State Security

Politization and Paralysis of the Police

During the state of emergency and the "Sabre action" the organized gangland in Serbia was nearly dismantled. Many criminals and the notorious gangs' bosses were arrested, and consequently lost their power bases. By mid-2004 the police continued to reap the full benefits of the March 2003 crackdown on the underworld, as manifested by the emerged, favourable statistical data: a general fall in crime rate, clarification of many crimes and criminal offences cases, impounding of large quantities of drugs, dismantling of drug and human-trafficking networks, etc.

When Vojislav Kostunica took power, he immediately embarked upon introducing changes in the police structures. Those unnecessary and harmful "changes" were of purely ideological nature: Democratic Party of Serbia, irritated, if not outright obsessed by an allegedly immoral performance of the previous government, the DOS-led coalition, decided to effect a thorough purge amid the police ranks. The DPS opinionated stand was that the DOS, notably Democratic Party, was a criminal organization; that Zoran Djindjic was a criminal, and consequently, that his whole government was a criminal organization. DPS officials eerily heralded that "prisons in Serbia shall be overflowing with prisoners" once things were clarified, they maintained that eventually it would emerge that Djindjic was killed by Democratic Party, as allegedly were Momir Gavrilovic, and the two prime suspects in Djindjic assassination case, Dusan "Duca" Spasojevic and Mileta "Kum" Lukovic killed during the police raid in Meljak, on 27 March 2003. DPS made concerted efforts to prove that the DOS coalition wanted to apprehend Kostunica during the state of emergency, and that he was under the constant surveillance first by the state security and later by the Security-Information Agency. The latter was stubbornly maintained by party colleagues and aides of Kostunica, who moreover promised to ferret out the hard evidence thereof. In fact the whole top leadership of DPS was engaged (or rather compromised) in that DOS-bashing and-incrimination campaign.

So when the DPS took power it was compelled to deliver on its "purging the crime-infested police ranks" promise. Hence the DPS policy in the sphere of

internal affairs and state security may be succinctly described as the one of the retribution and politicization. Dragan Jovic, a person openly favouring the Special Units and Milorad Lukovic-legija was named the Interior Secretary, while the police officer Miroslav Milosevic, the man who openly asserted that Legija was his friend and "an innocent suffering in jail" was appointed Head of Public Security Services. Despite their less than clean track record, both Jovic and Milosevic were appointed to those very high positions.

Removal of "Incompatible" Officers or a Major Re-Shuffle

The long-conceived purge of all those policemen who were the prime protagonists of the actions "Witness" and "Sabre" was kicked off on 17 March 2004, thus coinciding symbolically and politically with another stage-managed action. Namely on that night a large group of football hooligans, militant right-wingers and petty criminals went on the rampage, which included the torching of the Belgrade's Bajrakli mosque. In anticipation of such a development, Head of the City Department the Interior Ministry, General Milan Obradovic, had his hundred or so men surround the mosque, and placed fire-engines there too. But the attack was so strong that Obradovic was compelled to ask for reinforcements and approval to use the force, that is, tear-gas. He was denied both, despite the early wounding of several policemen, and of one who had already slipped into the coma. Thus the unit's commander had to try to repel the attack- by rubber bullets. Finally Obradovic used his private telephone line to ask General Goran Radosavljevic "Guri", the Gendarmerie Commander, to send in reinforcements. In absence of available police forces in Belgrade, Guri had sent in gendarmes from Novi Sad. But they arrived on the scene too late. That event was used as a pretext to demote General Obradovic: he was transferred to Kursumlija to the post of an "adviser" in the local police department. But the background of that move was purely political: Obradovic came to prominence during the actions "Witness" and "Sabre" and in the action which helped break-up the Zemun gang. Before his transfer to Kursumlija, the new head of the Public Security, Colonel Miroslav Milosevic, asked him to tell him who had prevented, several years earlier, Milosevic's promotion (allegedly due to his involvement in a scandal); Obradovic kept mum and thus recived the transfer decision. Vladan Lukovic, head of Police Department of Belgrade's municipality Stari grad was also dismissed - without any explanation.

From spring to fall 2004 the Interior Secretary Dragan Jovic and Head of Public Security Services General Miroslav Milosevic dismissed or trasferred to lower-ranking positions within the police structure the following police officers who had been commended for their outstanding performances during the

actions "Witness" and "Sabre", and considered paragons of talent, hard work, and honesty by their fellow-officers:

- General Milan Obradovic,¹ head of the Belgrade Police Department and one of the best connoisseurs of organized crime; though he had been in fact intentionally deprived of reinforcements on the night of 17 March in Belgrade, he was nonetheless transferred to Kursumlja, for allegedly "failing to prevent the torching of the Belgrade mosque";

- Colonel Branko Mozgon, Obradovic's aide in the criminal police units; transferred to a fireman unit;

- General Boro Banjac, Head of the Internal Security Department; transferred to the post of head of police station of Belgrade's municipality Cukarica;

- Colonel Mile Novakovic, Deputy Head of Internal Security Department; transferred to a border police unit;

- Colonel Vladan Anojcic, a policemen renowned for his excellent results, head of police station of Belgrade's municipality of Cukarica; demoted to the rank of an ordinary operative/agent in the police station of Belgrade's municipality of Zvezdara;

- General Gorana "Guri" Radosavljevic, transferred from the post of Gendarmerie Commander to the post of "adviser". In early 2005 he requested to be relieved of his duties. Head of Gendarmerie became General Borivoje Tesic² from the Guard Brigade; Radosavljevic later stated that he asked to be retired, because he had enough of accusations that he, Obradovic and others "had been hatching plots and conspiracies".

During the first eight months of his mandate, the Interior Minister Jovic replaced 18 (of 27) heads of secretariats and 15 heads of directoriats in the Interior Ministry. According to Dragan Sutanovac, DP official and former president of the parliamentary Security Committee, "replacements of all the

¹ M. Obradovic on 22 March 2005 was detained under suspicion of extorting confessions from Nikola Maljkovic and Dragan Ilic, members of so-called Maka's group, unsuccessfully tried for the murder of the police general Bosko Buha.

² Analyst and editor of the bulletin "Defence and Security", Aleksandar Radic told *Danas* (21-22 August 2004) that the latest re-shuffle might be interpreted as "installation of the hard-liners acting under the auspices of the Democratic Party of Serbia.". He added: "DPS acts as a machine for re-cycling the 5 October cadres, though Tesic himself could not be accused of harbouring the old, 5 October-style stances. General Radosavljevic wielded most power at the time when he was alleged to have close connections with Democratic Party. The fact is that to date the most important heads of police were dismissed, and it is clear that Radosavljevic's ouster was politically motivated. Reasons given to justify the police overhaul cannot be considered convincing, for overhaul is not a personal matter. No essential changes were introduced, barring the fact that Radosavljevic was supplanted by Tesic. It is interesting to note that the key positions in the army have been now filled by the Guard brigade cadres. The reason behind such appointments are their close ties with the top decision-makers.

former government appointees are simply not -acceptable."³ Nebojsa Covic, head of Co-ordinating Body for South of Serbia, also assessed the dismissal of Gendarmerie Commander Radosavljevic as "a politically motivated ouster and Kostunica-led attempt to put in place one-party system."⁴

Added to the purge of prime movers and executioners of actions "Witness" and "Sabre", one of the Interior Ministry's top priorities was to search for evidence indicating that Momir "Gavra" Gavrilovic, former security services agent, was killed by DOS, that is by the "DOS-instructed" criminals" Dejan Milenkovic - Bagzi, Ljubisa Buha - Cume i Dragan "Teca" Nikolic. The pertinent investigation for months has focused on informative talks with various policemen and high police officers, some were blackmailed, some were threatened, some were promised many things in order to disclose the identity of Gavra's killer. The reply which many of them gave, "Had I known that, I would have immediately arrested Gavra's killer", did not help anyone.

Such a policy, which continued in the early 2005, has slowed down, if not altogether paralyzed the police work. Many policemen started thinking along very logical lines: "Why would I excell in the service, when the best among us, namely Obradovic, Mozgon, Banjac, Novakovic and others, were suspected and some even arrested." Also local police stations started filing objections and complaints that heads of their units or stations were appointed exclusively in line with their political suitability.

The best illustration of the aforementioned high-level politicization of the Public Security Services, -aside from its personnel policy-were statements made by the Interior Secretary Jovic and Head of Public Security, Milosevic. Upon coming into office, Dragan Jovic stated that a thoroughly new investigation into the Djindjic assassination should be launched, though the main hearing was well under way. Milosevic, aside from telling all and sundry that "my mate Legija is an innocent suffering in jail", also went as far as to say that indictment against Djindjic's killers "has feet of clay." With the aforementioned statements both top police officials sided with those bent on revising and denying everything that the police, SIA, prosecution and courts of law had done in 2002-2005 period to break up collusion between organized gangland, crime-infested ranks of the State Security, corrupt prosecutors and judges, and parts of political elite. They understood their new state functions within the Interior Ministry as an opportunity to toe at any cost and indiscriminately the dogmatic party line of the Democratic Party of Serbia.

Soon after appointment of Vladimir Bozovic to the position of the General Inspector of the Interior Ministry of Serbia, it became clear that such a political choice-he was the Serb Renewal Movement appointee-was ill-conceived. That young lawyer, whose credentials for that post had not been thoroughly checked, in the early stages of his work tainted the police reputation. His

³ *Danas*, 21-22 August 2004

⁴ *Danas*, 19 August 2004

mismanagement ultimately resulted in an early March, scandalous arrest of General Milan Obradovic.

The new Interior Secretary Jovic without much enthusiasm and application continued the process of reforms. Some draft laws and bills prepared by the previous government were "re-packaged", and in that new "shape" should be deliberated by the government. After foundering of accusations against the former Interior Secretary, Dusan Mihajlovic, relating to the kickbacks he had allegedly received for contracts reached by the Interior Ministry with major foreign companies, Dragan Jovic with some pride began disclosing that the contracts relating to introduction of a digital identification and tactical tele communications would be soon implemented.

Despite the aforementioned problems, the police continued to exploit the "Sabre" action results. Though in mid-2004 a certain fall in the rate of clarified cases was reported (it is explainable by low motivation of policemen in the face of political purges in the Interior Ministry), total results are quite satisfactory in view of outdated technique and retrograde police mindset, a legacy from the Milosevic era.

Personnel "Purges" in the Security-Information Agency

Before appointment of Rade Bulatovic,⁵ his predecessors at the helm of the Security-Information Agency, Misa Milicevic and Goran Zivaljevic managed to a large extent to purge the Agency from non-productive and compromised policemen, as well as from the Milosevic era hold-overs. A total of 1,005 policemen and officials were made redundant. In parallel the Security-Information Agency continued its close co-operation with the Public Security Services, notably with the Directoriat for the Anti-Crime Combat and Criminal police.

But once Bulatovic took over the Agency's reins all the aforementioned activities were halted. Namely he set as his first and foremost task to prove the party dogma of the Democratic Party of Serbia: namely that the previous government tapped and wanted to arrest Kostunica; that the former authorities killed Momir Gavrilovic; and to put it succinctly-that the DOS government was a criminal organization. That former, political and security adviser to Vojislav Kostunica, former consular clerk imbroiled in still unclarified financial scams, and former close associate of the Associated Yugoslav Left and the Socialist Party of Serbia, embarked at full-throttle on personnel purges. It is noteworthy

⁵ Rade Bulatovic together with General Aca Tomic had been arrested in the action "Sabre", but after a while he was released. Because of groundless arrest and several months-long detention during the action "Sword", the state had to pay to Rade Bulatovicu compensatory damage to the tune of 669,000 dinars. *Kurir*, 28 - 29 August 2004.

that he had gained his only security-related experience, by "working" in Kostunica's party, that is, by hatching plots and conniving with Ljiljana Nedeljkovic, Gradimir Nalic and General Aca Tomic. Bulatovic's first move was to sideline his predecessor Misa Milicevic and his deputy Goran Zivaljevic; then he reinstated some police officials who had been dismissed because of sloth, incompetence, etc. Until November 2004 he failed to designate his deputy, for he was fully aware that his candidate Misa Vilotic would have been rejected by the SIA personnel. He dismissed Head of the VII th (Technical) Directoriat of SIA for maintaining that Kostunica was not tapped; he ordered the transfer of Zeljko Raseta to Zajecar, only because he was the member of Korac-led commission. Former head of the Republic State Security Services Goran Petrovic ended up as an analyst in the Anti-Fire Directoriat of the Interior Ministry, after being dismissed from a fictitious adviser post as "a non-productive worker."

After Bulatovic's naming the top agency's priority became a feverish quest for evidence indicating that Kostunica had been subjected to surveillance. The Agency's tasks were also to prove that the previous government intended to arrest Kostunica during the "Sabre" action, that Bulatovic's predecessors engaged in various misuses and committed criminal offences. Interestingly enough the agency failed to launch probes into misuses by former top police officials, Jovica Stanisic (1991-1998), Radomir Markovic (1998-2001) and Andrija Savic (November 2001-January 2003), of their deputies and subordinates. Investigations, however, focused onto alleged mishandling by Goran Petrovic (January-November 2001) and Misa Milicevic (January 2003-March 2004). Though incriminating evidence was not found, several unnecessary and unfounded scandals were mounted. All protagonists of the large-scale police actions "Witness" and "Sabre" were accused of setting up "the crisis headquarters and parallel centres of power". On the basis of those allegations and suspicions, warrants for tapping were requested; moreover efforts were made to spread paranoia among the government and the DPS ranks by dint of stories about "conspiracies" mongered by former high police and security and intelligence officials, DOS officials, journalists, etc. That paranoid mood was somewhat grounded: namely Vojislav Kostunica was tapped, but by State Security Sericed during Radomir Markovic era and the Army Security Directoriat in the pre-5 October period.

Thus, in 2004, the Security-Information Agency was mostly inward-looking; Rade Bulatovic managed to remain the spotlight, in the face of intentions of his predecessors. His management of the Agency in the course of 2004 was occasionally contradictory: he started off with accusing Milicevic and Zivaljevic for too close ties with foreigners-though they had just maintained regular and normal co-operation with the allied services-, and ended up by offering his co-operation to all and sundry and carrying parts of intelligence

archives to the US. ⁶ Appointment of incompetent and compromised persons to key positions, in very sensitive state bodies, like in the case of Vladimir Bozovic, has dire consequences. Such personnel solutions weigh on and damage the Agency work. Moreover they are the ultimate proof that the Serb politicians are more interested in pursuing their petty, self-interests and proving their prejudices than in serving the state interests.



IV

⁶ Vladimir-Beba Popovic in the B92 program, *Insider*, aired on 31 January 2005, stated that "Head of the Security Service of a state made a copy of total archives of that service, and then handed it over to the other state and other service. That was done by Rade Bulatovic. Prior to his trip to the United States he demanded that the complete archives of the State security be copied, so that he could take all those copies to the CIA." , 31 January 2005.

Institutional - Legislative Framework of the State Union of Serbia and Montenegro

Establishment of the law-abiding state and the rule of law, institution-building and, in particular, independent judiciary topped the Vojislav Kostunica cabinet's list of promises and program tenets.

The government has not met its promises:

- A functional framework for the State Union of Serbia and Montenegro has not been set up; moreover, there is no telling whether it will be established and how will it be defined;

- Serbia's new constitution, as her fundamental system of law established as a guide for governing the state and its judicial and political systems, has not been proclaimed; moreover, it is still uncertain when the new constitution will be accepted;

- Though all relevant institutions of the system have been formed, and persons in responsibility of legislative, judicial and executive powers appointed, no major progress has been made in legal functioning of these institutions nor have they regained citizens' trust; all this indicates that the legal system is still unstable;

- The laws supposed to stipulate the domain of human rights and their exercise within the legal system, the same as the legislation providing civil control over repressionist authorities have not been passed; on the other hand, those that have been enacted are hardly workable, given that adequate conditions for their implementation had not been created;

- The authorities have not only failed to manifest genuine political will, but also to meet relevant legal and practical preconditions for the establishment of independent judiciary and for turning judges into actual people in responsibility of the judicial power.

Alike in 2003, functioning of the state union of Serbia and Montenegro in 2004 was marked by lack of co-operation and mutual accusations. Serbia blamed Montenegro for poor functioning of the union's bodies and difficulties surrounding their formation, and -vice versa. Such conduct of member-states affected both their domestic and foreign policies.

On the internal plane the first series of problems concerned election of MPs for the union's parliament. Pursuant to provisions of article 9 of the Act on Implementation of the Constitutional Charter, parliamentary elections are to be

carried out by dint of direct elections two years after the Charter adoption, that is, they should be effected, by February 2005. On 24 December 2004 Serbia passed the Act on Election of Delegates to the Serb-Montenegrin parliament. Its firm stance on those elections was evident in the provision stipulating direct election of delegates. On the other hand the Montenegrin authorities are not willing to stage such elections, for they think that such a parliament could be easily dissolved in case of a successful referendum on Montenegrin independence (that referendum may take place after expiry of a three-year period, that is in March 2006, or even earlier.)

Non-holding of direct elections for the state union's parliament would be tantamount to a gross violation of the Constitutional Charter and would further weaken the union's institutions. However the gist of the problem lies in the fact that a larger part of public opinion in Montenegro insists on independence of Montenegro and its independent road to integration into Europe. The fact that integration of Serbia and Montenegro into European and international processes, notably economic ones, is conditioned by an enhanced Serbia's co-operation with the ICTY -which as the things stood last year, was non-existent- indicates that the Montenegrin claim for independence is utterly legitimate and justified.

An incentive to Montenegrin's aspiration to independence was also an international decision, that the the European Commission ruling on the two-track approach to the EU integration of the member-states, that is, of Serbia and Montenegro.

The first problem concerns non-functioning of the Court of the State Union of Serbia and Montenegro, which is only a spin off of the practice mentioned in our 2003 report.¹

Though adopted in June 2003, the Act on the Court of Law of Serbia and Montenegro, is yet to become operational. With a year-long delay, in May 2004 7 judges were elected. With the appointment of the eighth judge in June 2004, that court was formally constituted. However official inauguration of the court was delayed for months, allegedly on formal, but essentially on political grounds-see above. The court did not become operational because "no adequate building for its Podgorica seat was found". That problem is yet to be resolved. In the meantime Belgrade has served as an interim seat of that court.

The second problem was financing of the union's court of law (pays of clerks and judges, equipping, etc.), for neither Serbia nor Montenegro were ready to allocate funds for its work.

Cash-strapped member-states also delayed adoption of the court's Rules of Procedure, which spell out all details of the proceedings-institution before that court. In fact it was adopted as late as on 28 December 2004 (and entered force on 5 January 2005).

¹ See "Human Rights and Responsibility - Serbia in 2003", page 100, published by the Helsinki Committee for Human Rights in Serbia, Belgrade, 2004.

According to the Court's president, Slobodan Perovic², the first cases that the court would deliberate would be 421 cases not resolved by the Federal Constitutional Court and Federal Court, of a backlog totalling 3,000 cases. Some of these cases would be submitted to Constitutional Courts of member-states, including the cases of military courts, which were disbanded on 31 December 2004.

Successful work of that court hinges on settlement of relations between members of the state union, and their readiness to ensure good conditions for its regular funding and unhampered operations.

Added to the aforementioned problems, a veritable imponderable is a mandate of that court, that is, its standing as the last judicial instance for appeals of ordinary citizens. Some think that the said Court is the last judicial instance, the one preceeding the ultimate recourse to the European Human Rights Courts, while others think that any appeal to the latter should not be conditioned by having exhausted the last legal remedy in the union, that is, institution of proceedings before the Union's court. Due to the ongoing problems with putting in place the union's court, the second opinion has gained ground. That opinion is also in line with a reservation voiced by Serbia and Montenegro on the occasion of ratification of the European Convention, namely, that "provisions of article 13 of the Convention (the right to an efficient legal remedy) would not be applied with respect to legal remedies within competence of courts of Serbia and Montenegro, until the union's court becomes operational."

Slow and unharmonized work between Serb and Montenegrin bodies was also reflected in a patchy implementation of commitments taken on by ratification of the European Convention on Human Rights (which took effect on 3 March 2004).

Though Serb-Montenegrin authorities took some steps towards setting up the office of the State Agent before the European Court of Human Rights, a consensus on modalities of the set-up of that office are yet to be agreed upon, for Montenegro proposes that each member-state has its own agent. Under way is an expert analysis of the draft decree through which Council of Europe regulates that issue. Solution envisaged by that Decree is yet to be made public.

According to available information, European Court of Human Rights has to date received 400 complaints by citizens of Serbia. They are related to the issues of unregulated property and ownership, protracted judicial proceedings, miscarriage of justice, corruption in the state bodies. Many of these complaints, are in fact cases pending in courts of both countries.

After a year-long work, a special expert commission selected three candidates of Serbia and Montenegro for the post of the judge of the European Court of Human Rights. Their appointee was greenlighted by the Council of Ministers of Serbia and Montenegro, and the relating appointment was

² *Politika* 3 December 2004.

forwarded for approval to Strasbourg. And finally at the session of parliamentary assembly of Council of Europe held in late January 2005 in Strasbourg, Dragoljub Petrovic was elected the judge from Serbia and Montenegro.

As regards the Serb-Montenegrin commitments towards the *European Convention on Prevention of Torture* (which entered force on 1 July 2004), the incumbent union's authorities have informed the Committee for Prevention of Torture Committee of authorized bodies dealing with that issue, and also named the liaison officers.

In the course of September 2004, the union's authorities organized the first, two week-long visit of the Committee's delegation to all Serb and Montenegrin penitentiaries.

After strong pressures of international community, and domestic and foreign NGOs, and a 18-months delay³, on 18 November 2004, the *Act on Transfer of Military Courts, Military Prosecution and Military Defence Counsels on Bodies of Member-States* was adopted (it came into force on 1 January 2005). Thus one obligation towards Council of Europe membership was met.

According to many estimates special military departments set up in District courts in Belgrade, Nis, and Novi Sad, and a Special military department set up in the Supreme Court of Serbia, shall deal with 8,000-11,000 administrative, criminal and lawsuit cases. The competence of military prosecution offices was transferred to district public prosecution offices in Belgrade, Novi Sad and Nis, while cases of the Military Defence Counsel Office were taken on by the Republican Public Defence Counsel Office. In view of such an increased workload, it shall be necessary to engage an additional number of judges, for all military courts judges and prosecutors have lost their status. Additional judges shall be selected through a competition to be launched by the High Judiciary Council. Later those elected will have to be approved by parliament. Other employees of military judicial bodies, if they officially leave the army, shall be eligible for posts in civilian, judiciary bodies.

In view of a large number of cases taken over, and shortage of judges and prosecutors, it was decided to process only urgent, mostly detention cases and those of public interest (death of two soldiers in Topcider garrison, death of a soldier in Ladjevci near Kraljevo and death of an Albanian youngster at the border between Serbia, Montenegro and Macedonia.) The foregoing amply indicates that the law was adopted without any prior preparations for its enforcement.

³ Under provision of article 66 of the Constitutional Charter of the State Union of Serbia and Montenegro of 4 February 2003, "competence of military courts, prosecution, and defence, is transferred to the bodies of member-states, in keeping with the law." Under provision of article 24 of the Act on Implementation of the Constitutional Charter, "military judicial bodies continue their work until adoption of Act envisaged under article 66 of the Constitutional Charter", while the Act mentioned in paragraph 1 of that article is "adopted within six months from entry into force of the Constitutional Charter."

Cases of former general Momcilo Perisic, facing espionage charges under article 128, paragraph 1 of the Penal Code, and of Miodrag Sekulic and Vladan Vljakovic charged with imparting military secrets, under article 224, paragraph 2 relating to paragraph 1 of the Penal Code, (disclosure of intelligence and strictly confidential data) are yet to enter the judicial proceedings. In the meantime Momcilo Perisic, facing the Hague Tribunal indictment, decided to voluntary surrender to that tribunal in early March 2005. In fact that case shall be a lacmus test for the "new" civilian judiciary to show if it is indeed a civilian one, or it has been contaminated by the military way of thinking and acting, by the aforementioned transfer of competence.

As regards yet-to-be met commitments of Serbia and Montenegro stemming from its Council of Europe membership, the union is expected, two years after its accession, to sign-ratify, by 3 April 2005: the *European Charter on Local Self-Rule*, the *European Charter on Regional or Minority Languages*, the *European Framework Convention on Cross-Border Co-operation with an accompanying protocol*, and *Amended European Social Charter*.

In view of the strained relations between the union's members and their slow pace of work, it is not likely that commitments would be met timely.

Serbia: Institutional - Legislative Framework and Human Rights

Following the snap parliamentary elections of 28 December 2003, which recorded a 59% turnout, Serbia got its new parliamentary composition. According to the will of voters a total of 250 parliamentary seats was thus distributed: the Serb Radical Party (SRS) got 82 seats, Democratic Party of Serbia (DPS)- 53, Democratic Party (DS) - 37, G 17+- 34, the Serb Renewal Movement-New Serbia (SRM-NS) coalition- 23 and Socialist Party of Serbia (SPS)- 21.

As no majority government could be formed, after several weeks-long negotiations, blackmails, promises and threats by international community that all options, barring any coalition with the SRP were acceptable, a tentative coalition between DSS, G 17+, SRM-NS and SPS was put in place.

That coalition government was certified by the first, constituent session of the National Assembly on 27 January 2004. On the same date Dragan Marsicanin (DSS) was elected parliamentary president. On 2 February the government headed by Prime Minister Vojislav Kostunica (DSS), Vice Prime Minister Miroljub Labus (G 17+) and ministers from the aforementioned parties was officially acknowledged.

Failed presidential elections demonstrated that Serbia would get its new president only if election legislation was amended. Amendments to the *Act on Election of President of the Republic of Serbia*, adopted on 25 February 2004,

suspended a provision on a mandatory 50% turnout for legitimization of elections. At 13 and 27 June 2004 presidential elections, Boris Tadic from DP was elected President with 53% of votes (the rival contender Tomislav Nikolic from SRP won 45% of votes). Of a total of 6.532.940 registered voters in Serbia, 3.180.682 or 48.7% voted at presidential elections.

After an 18 months-long limbo at the top political level (Milutinovic's presidential mandate had long expired and in the meantime he surrendered to the Hague Tribunal), Serbia got a new President.

In September and October 2004 local elections were held in Serbia. A 34% turnout was the lowest recorded in the last 14 years. It was also the most important parameter of a plummeting distrust of citizens in the system institutions.

Serbia found itself in a paradox situation: for the first time since Milosevic's downfall practically all system institutions were set up, all top officials were appointed (the new authorities insisted on such a development), while the trust of citizens in top power-holders was at its lowest, and their pessimism at its highest.

Expectations of citizens in 2004 and 2005 were best demonstrated by the data issued in November 2004 by the *TNS Medium Gallup* agency. According to the late 2003 poll findings, 32% of respondents thought that the year 2004 would be better than the year 2003, while 25% of respondents thought it would be worse. Identical poll conducted in late 2004, indicated that 22% of respondents expected the year 2005 to be better, while as much as 43% of respondents thought that it would be worse than the year 2004.

On the list of 65 countries in which the above poll was conducted, Serbia ranks the fourth with 43% of highly pessimistic citizens.

According to the findings of December 2004 poll conducted by the *Strategic Marketing* agency, 8% of respondents with the suffrage right mistrusted the republican government, 6% the republican parliament, 22% had no faith in president of the republic, 17% in the police, and 8% did not lend credence to the judiciary.

November 2004 poll of agency *Faktor Plus* contained similar data: 6.9% of respondents (with the suffrage right) has a great trust in the republican parliament, 5.3% in the republican parliament, 19.3% in president of the republic, 7.1% in the police, (there are no data for the judiciary). All other respondents have very little trust in the aforementioned institutions.

Added to a low-level and insufficient institution-building, for which Prime Minister Kostunica blamed the previous governments, a sore point was the non-adoption of the new Constitution of Serbia. Kostunica thus stated: "Other transition countries passed their new constitutions a year or two after a major political changeover, or the fall of undemocratic regimes... it is a shame that we still don't have a democratic constitution... unfortunately some

politicians in recent past prioritized our accession to NATO and some democrats even ridiculed the need for a new Constitution."⁴

Serb parliament as early as on 11 April 2003 adopted the *Act on the Mode and Procedure of Amendment of Constitution of the Republic of Serbia*. Under that Act a newly formed a Constitutional Commission was tasked to lay the groundwork for the new constitution 60 days from entry into force of the Act. Pertinent procedure envisaged a public debate, on the basis of whose results a Constitutional Commission was to word the text of constitution and submit it to national parliament. In line with a further procedure, national parliament was to adopt a new constitution by the majority MP vote, and then the said Constitution was to be certified in a referendum. That referendum was to be deemed successful if half of registered voters took part in it, and a new Constitution would be considered approved if more than half of participants in a referendum gave it a "yes" vote. However, partly due to a political upheaval and changeover, and partly due to a customary slowness of political elite, none of the foregoing came to pass. By the 26 March 2004 decision of Constitutional Court of Serbia the aforementioned Act was proclaimed anti-constitutional. Thus things were back to square one, that is, to the procedure envisaged under the 1990 Constitution (exacting the two-third majority of a total number of MPs and the stamp of or certification by a more than 50% voters in a referendum-article 133 of Constitution).

After decision of the Constitutional Court and parliament to initiate work on the new constitution, Prime Minister Kostunica stated that "Serbia could get a new institution by 28 June."

In early June 2004 government drew up a Draft Constitution of the Republic of Serbia and submitted it to the republican parliament for deliberation. Added to that the government-conceived constitution draft, several new drafts/models, including the January 2005 one elaborated by an expert team of President Tadic, were also submitted for approval to the republican parliament.

Those models/drafts envisaged different concepts of the state arrangement, and manifested once again key divisions over the following issues: character of the Republic of Serbia (national or civilian); status of provinces (autonomous provinces, regions, or asymmetrical provinces), decentralization (provinces, regions or asymmetrical provinces); mode of election of president of the republic and his prerogatives (direct or indirect, weak or strong) and other.

Even after a whole year of its mandate, the new authorities have not made much progress regarding the drafting of constitution acceptable for all parties. Hence it is uncertain whether Serbia in the near future shall abandon the state model inherited from Slobodan Milosevic and his constitution-makers.

⁴ *Politika*, 5 June 2004.

At legislative level, the process of adoption of reform and system laws was slowed down. Moreover activities of various ministries in the sphere of legal system were not co-ordinated.

Several human rights-related laws were adopted. The *Act on the Rights of War Crimes Indictes Detained by the ICTY and Members of Their Families* was adopted on 30 March 2004. That Act, inter alia, envisaged that "an indictee may exercise the following rights: to a special pay compensation; to a partial compensation of defence expenses; to compensation for expenses incurred for the expert defence assistance. Members of their families may exercise the following rights: to financial assistance; to compensation of transport expenses and those incurred during their visit to the indictee detained abroad; to compensation of expenses for communication with a detainee.

However before promulgation of the Act, *Lawyers' Chamber of Vojvodina and the Jurists' Committee for Human Rights* launched a procedure for the appraisal of constitutionality of that act for "it recognized to those persons and their families, special rights never recognized to other detainees and their families, thus violating equality before courts of laws and equal protection of citizens by the state and other bodies. "

The 16 April 2004 Constitutional Court ruling suspended enforcement of acts or actions passed or taken on the basis of provisions of the aforementioned Act.

Act on Amendments to the Act on Criminal Proceedings of 28 May 2004 represented a compromise between the necessity to fine-tune some of its provisions with the European Convention on Human Rights⁵, and to accelerate the proceedings, tighten procedural discipline of involved parties, and ensure extended detention of those accused, but not convicted, of the gravest offences (for example, those charged with a triple murder on *Ibar highway*).

Amendment to articles 5 and 144 of the Act on Criminal Proceedings more precisely defined and expanded rights of detainees and declared null and void article 15b of the Act on Organization and Competence of State Bodies in combatting and curbing organized crime.

Amendments to article 43 of the Act on Criminal Proceedings introduced a possibility of rejection of motion for the exclusion of judges, without appeal, if that motion aimed at protracting the proceedings, while amendments to articles 108, 115, 173, 218, 263, 299, 305 and 307 envisaged tenfold punishments for

⁵ On the occasion of ratification of the European Convention on Human Rights, Serbia and Montenegro voiced four reservations. The first one was that provisions of article 5, paragraph 1, point (c) and paragraph 3 of the Convention would not impact enforcement of the mandatory detention rules in force. The same reservation applies to article 142, paragraph 1. of the Act on Criminal Proceedings, envisaging mandatory detention in case of a reasonable doubt that the indictee has committed a criminal offence entailing 40 year-long prison sentence.

procedural lack of discipline, protracted proceedings, and contempt of court, lawyers, witnesses and experts in contempt.

Amendment to Article 146 envisaged a detention period of up to 2 years after filing of indictment or four years for offences entailing 40 year prison term. In case of non-suspension of the first-instance ruling by the second-instance within a year, detention may last maximum another 2 years after the second-instance ruling.

In the context of normative establishment of conditions of efficient work of judiciary, in the first half of November 2004 the following acts were adopted: *the Act on Lawsuit Proceedings, Act on Final Proceedings and Act on Peaceful Resolution of Labour Disputes*. All of them are in keeping with the demand that trials be held and completed within a reasonable time-frame. On the same grounds, adoption of the *Act on Mediation-Brokering* is imminent.

Impassioned public debate on the need for adoption of the *Act on the Free Access to Information* lasted two years. And finally, after very strong media, NGO, and international organizations pressures, that act was promulgated on 2 November 2004. Generally speaking it was fine-tuned with internationally accepted standards and principles governing that sphere, but it is still not harmonized with principles of Recommendations of Council of Europe (2002) relating to access to official documents. In fact the Act does not envisage the possibility of the right to appeal against the highest authorities' (National parliament, president of the Republic, government of the Republic of Serbia, the Supreme Court of Serbia, Constitutional Court and the Republican Public Prosecutor) decision to refuse, on some grounds, the disclosure of requested information (article 22). In such cases protection is envisaged in the shape of filing an administrative lawsuit. The second problem is of practical nature and relates to the provision that "the official body is duty-bound to inform the claimant, without delay, and at the latest 15 days from receiving the claim, on possession of information, and allow to the claimant to accede to documents containing that information, that is, issue to him or her a copy of that document. If an official body, on justifiable grounds, fails to act as envisaged above, it is duty-bound to immediately inform the claimant and set a subsequent term, that is, forward the requested information not later than 40 days after receiving the claim." (article 16). Expressions "without delay" and "on justifiable grounds" in practice may be very flexibly interpreted. But in the said context they in fact make useless information obtained after more than 2 months.

The third problem is enforcement, for the research by *Transparency Serbia* indicated that two months after the act's entry into effect, of 151 claims for information, only 18 were responded in the right way.⁶

Government's attitude towards enforcement of that Act and its authorized Enforcing Agent, vested in authority to act upon claims for information, is best explained by that very agent, Rodoljub Sabic, appointed to

⁶ *Glas javnosti*, 21 January 2005

that position by the Serb parliament. He stated: "I don't have an office, personnel... I paid for the making of the official seal. Parliamentary president and government secretary have not even deigned to reply to my two letters."⁷

In keeping with a mandatory fine-tuning between domestic criminal legislation and Council of Europe standards, the Serb parliament is soon to deliberate Penal Code of Serbia Bill, Enforcement of Criminal Sanctions Bill, Juvenile Offenders Bill, and Program on Protection of Parties in Criminal Proceedings Bill. It bears pointing out that these bills were only partially harmonized with European standards, and have not been subjected to public and expert debates, nor to a timely and expert appraisal by Council of Europe. If they receive parliamentary seal of approval their texts shall be modifiable only by dint of amendments, which is not a satisfactory legal solution.

It is easy to notice contradictions and huge difference between those various Bills, which could ultimately result in their wrong enforcement.

Ministry of Justice, as a designated prime mover of the judiciary reform, is wholly to be blamed for a slow and sloppy drafting of those laws. In fact it failed to co-ordinate work of various legal experts groups. On the other hand they obviously did not have access to each other's concepts and models. The Justice Ministry should however assume full responsibility for that failing, as at issue is a set of so-called repressive laws, directly impacting restriction of human rights and freedoms, that is, defining the degree of their protection.

As regards the new Act on Misdemeanours, the situation is even worse. It is still being "prepared" and "in due course shall be submitted for discussion to parliament." The existing Act on Misdemeanours dates back to 1989, and though it was repeatedly amended (mostly because of severity of announced penalties), it is wholly out of sync with principles enshrined in the European Convention on Human Rights. Due to the foregoing Serbia and Montenegro were compelled to voice their reservations on the occasion of the Convention's ratification.

One of key, much-urged and much-contested laws, is the *Act on Access to Citizens Files*, relating to such files compiled by secret services over a long period of time. Though on 19 June 2003 the Constitutional Court overturned the government's decree on free access to some security services files (issued on 22 May 2001) deeming that "the matter of arrangement of social relations, or personal data, should not be governed by sub-legal acts, but rather by laws", the Act in question is still not even being prepared.

At the 11 June 2004 press conference staged by the Centre for Promotion of Legal Studies and the Anti-War Centre in Belgrade's *Medija centar*, representatives of those organizations made public the official responses of the Interior Ministry and Security and Information Agency to their question "Why the Act still has not been passed?" Namely in April 2004 they forwarded to the Interior Secretary D. Jovic and SIA director Rade Bulatovic the aforementioned

⁷ *Vecernje novosti*, 25 January 2005

letter and a model of the Act on Files-Opening, elaborated in March 2003. In its reply SIA maintained that "opening of files is not a key issue... the gist of the problem is a possibility of abuse of such files." The Interior Ministry thus replied: "the proposed solution would put Serbia and its citizens in an unequal position within the state union of Serbia and Montenegro and in Serbia proper, and disclosure /opening of files would be tantamount to violation of the principle of indivisibility and uniqueness of archives material and pose a threat to property and lives of a large number of people."⁸

Non-adoption of that Act affected enforcement of the Act on Responsibility for Violations of Human Rights (lustration) passed as early as in June 2003. godine⁹ in the face of stiff opposition of DPS MPs. Under that Act "lustration procedure is instituted against persons who had discharged high functions or are candidates for them."

Organizations authorized to propose such candidates or the lustration commission are entitled to institute vetting proceedings of prospective candidates. That commission launches an inquiry by checking documents of the Security-Informative Agency or its predecessor, judicial documents, documents of other state bodies and public organizations.

Though as early as in July 2003 parliament elected 8 of nine commission's members, the commission is yet to become operational, that is, process its first cases.

Vesna Rakic Vodinelic, one of Commission's members, stated: " We did not have an office, and our only employee was an interim secretary. Thus we were not able to file and process cases relating to violations of human rights. Parliament failed to respond to our repeated plea to enable us to work properly". She added: "We have rules of procedure which enable us to produce different evidence. Also we have an easy access to all kinds of files, barring the SIA ones, which are strictly confidential. Hence I don't know what kind of cooperation we could have with that agency once we launch our investigations. In fact we have not had the chance to test the waters." The first Commission's president, lawyer Radulovic, stated that "the commission tried to begin its mandate by checking human rights track record of all candidates for MPs (snap parliamentary elections in December 2003), but we had to renounce that plan as we were hard pressed for time. Our idea to carry out vetting of 250 newly elected MPs was rejected, and once the Serb parliament began its sessions, the Serb Radical Party immediately tabled a motion for repeal of the Lustration Act. Democratic Party of Serbia is very likely to back that proposal of Radicals."¹⁰

⁸ *Politika*, 12 June 2004

⁹ See *Human Rights and Responsibility - Serbia in 2003*, pages 103-105, published by the Helsinki Committee for Human Rights in Serbia, Belgrade 2004.

¹⁰ *Srpska rec*, 11 November 2004

Due to the foregoing, in early November 2004, the Commission handed in its collective resignation, to which there was no response from a parliament, its founder.

The new authorities are yet to deliberate the new *Police Act*, hence the police still have prerogatives envisaged under the 1991 Act on Internal Affairs, which in the meantime was only slightly amended.

The report of Secretary General of Council of Europe SG/Inf (2004)33 of 16. December 2004 godine, inter alia, noted, that "Serbia and Montenegro have not made progress in establishment of a legislative framework for functioning of police and security services. A year on-Serbia and Montenegro joined Council of Europe in 2003-the authorities have not managed to pass the act on police reform. Draft of the Act on Police and Security Services, was prepared, but there are no indications as to when that draft would be submitted to experts for appraisal."

On the waiting list is also the *Act on Ombudsman* which in the past three years was the subject of many public debates, and OSCE, Council of Europe, UN expert analysis. That Act is yet to be deliberated by parliament. How important is the passing of that act, was best explained in article 1 of the Draft Act, according to which "ombudsman as an independent state body protects citizens rights and controls the work of state and other management bodies, that is, takes care of protection and promotion of human rights and freedoms." It is obvious that for Kostunica-led government that Act is not a priority.

Passivity of authorities with respect to protection of human rights is best reflected in their treatment of NGO-related acts. Though the Bill on NGOs of the Federal Justice Ministry¹¹ and Bill on Associations of the government of the Republic of Serbia existed in 2001, and they were in the meantime fine-tuned to international standards, the incumbent authorities considered that a new tack to that topic was necessary. That new tack was embodied in the Draft Act on Associations, submitted for parliamentary deliberation by the Ministry for State Management and Local Self-Rule in November 2004. Article 2 of that Draft Act defines association as "a voluntary, non-government and non-profit organization based on freedom of association of several physical and legal persons, founded to attain and promote certain cultural, humanitarian, ecological, sports, professional, craft, social, scientific, educational, health, developmental, philanthropic and other common, public or general interests and goals". In this precise listing of various interests, the interest in protection of human rights, and in development of democracy was either intentionally omitted, or for those proposing the Act such interests were of lesser importance and thus put into the category of "miscellaneous."

Conclusions from the 26 November 2004 round-table on the draft act, submitted by the OSCE Department for Democratization in Serbia and

¹¹ That model was swiftly renounced due to a new concept of arrangement of the State Union of Serbia and Montenegro.

Montenegro to all participants, contained the following assessment: "Participants agreed that the work on elaboration of the law on citizens' associations was unjustifiably procrastinated, while, on the other hand the working version of that law submitted as the material for the round-table, was not suitable, or slated to become a starting point for determination of the law's wording."

Yet Another Failed Judiciary Reform

One of the first steps of the new Justice Minister Zoran Stojkovic (DPS) taken to effect overhaul of judiciary and enforcement of repeatedly mentioned principle of legality and lawfulness, was to amend, several times amended judiciary-related acts.

By a summary procedure, without prior public debate, and any consultations with professional associations, on 22 April 2004, were adopted amendments to the *Act on Judges*, *Act on Public Prosecution Office*, and *Act on the High Judicial Council*. March 2004 saw enactment of the *Act on Amendments to Arrangement of Courts of Law* (which envisaged putting in place new kinds of courts and transfer of prerogatives from the old ones to the new ones), and under which a deadline for founding of those courts was shifted to January 2006, that is, January 2007¹², depending on kinds of courts.

Act on Amendments to the Act on Judges introduced only one key novelty, namely, founding of the Supervision Committee (Article 5), that is the first-time installation of a body for internal control of courts' work. Supervision Committee is a body within the judicial system acting upon any suspected cases of judges' corruption or malpractice. It is composed of judges empowered to carry out control and investigative procedure, including a full insight into the case, and possible instituting of proceedings for dismissal of judges on grounds of uncontentious and inexpert performance or for disciplinary measures against them, before the High Personnel Council. Supervision Committee is composed of five judges with a four-year mandate elected by the general session of the Supreme Court of Serbia. A judge cannot simultaneously be a member of the Supervision Committee and High Personnel Council.

Under article 7, during elections of judges, the High Personnel Council obtains data and opinions of bodies and organizations for which that candidate had worked in legal capacity, and also opinions of the session of judges from the court in which a candidate is employed.

Provision of article 8, spells out the following: "only candidates proposed by the High Judicial Council, are eligible for judicial posts approved by

¹² See "Human Rights and Responsibility - Serbia in 2003", pages 114-115, published by the Helsinki Committee for Human Rights in Serbia, Beograd, 2004.

parliament. In case of their non-election, the High Judicial Council must propose new candidates."

The 18 March 2004 decision of the Constitutional Court of the Republic of Serbia ruled that provision of an earlier article –"Judicial Management Council proposes and dismisses presidents of courts" was anti-constitutional, for establishment of such Council (whose members are elected by national parliament) violates the principle of division of power." Hence article 13 of that act laid down that "a president of court be elected and dismissed under the same procedure for naming and dismissal of judges." This means that the national parliament cannot dismiss a judge without a prior, related decision of the Supreme Court of Serbia, which establishes grounds for dismissal of judges and presidents of courts.

Article 15 of the Act prescribes that "pending judges retirement procedures should be completed in keeping with this act, and that presidents of courts, elected under the Act on Amendments to the 19 March 2003 Act on Judges, should be immediately relieved of their duties."

Act on Amendments to the Act on Public Prosecution re-established competence of the High Judicial Council to decide on the key status issues of public prosecutors and their delegates, and laid down that "the High Judicial Council takes on prerogatives related to naming and dismissal of public prosecutors, naming and dismissal of deputy public prosecutors, and rules on their objections in the second-instance proceedings."

Novelty is that the High Judicial Council, and not the Republican Public Prosecutor decides on the transfer of deputy public prosecutor to public prosecution office of the same rank and with his consent.

Act on Amendments to the Act on the High Judicial Council stripped the government of competence to decide on the status issues of public prosecutors and their deputies (naming and dismissal) and vested the High Judicial Council anew in that authority. Those amendments also envisage changes in composition of the High Judicial Council, whose positive members are public prosecutors. That is tantamount to reinstatement of an expanded composition of the High Judicial Council, which had been suspended under the last amendments.

The above amendments did not introduce any novelty. In fact that reinstated positions and competence of those bodies as spelled out by the set of 2001 laws. In formal sense only few objections may be made to those amendments. The Helsinki committee had long espoused its stance¹³ on non-harmonization of those laws with European standards (before amendments.)

However, amendments to those acts are not, as maintained, "actions of the first government renouncing its influence on courts and prosecution offices and providing them with a possibility to become the "third, autonomous

¹³ See "Human Rights and Responsibility – Serbia 2003", pages 109-113, published by the Helsinki Committee for Human Rights in Serbia, Belgrade, 2004.

branch of power"¹⁴, but rather a manifestation of the political will and action geared towards hyping the negative¹⁵, and annulling the positive results of the *Sword* campaign, staging a showdown with its prime movers and finally, doing exactly the same things, for which the previous government had been demonized.

In those terms should be viewed the 8 July 2004 decision of the Constitutional Court of Serbia on constitutionality and legality of the Decree on Proclamation of the State of Emergency and Accompanying Decrees.¹⁶ Acting on proposals for appraisal of constitutionality put forward by the Serb Radical Party, Socialist Party of Serbia and New Democratic Party, the Constitutional Court certified constitutionality of the above decree, and anti-constitutionality of the accompanying ones.

Although, from a legal standpoint, the gist of the Constitutional Court decision was not disputable, the fact that such a decision was taken a year after suspension of the state of emergency (22 April 2003), may be very much contested. In explaining reasons behind such a belated decision, president of the Constitutional Court of Serbia, Slobodan Vucetic, noted: " the court unanimously took the stand that in view of continuing election campaigns, decisions on acts taken during the state of emergency should not be taken. Moreover the constitutional court decision and court proper would be then politically abused as a tool for the inter-party pre-election showdowns and for deepening of an already dangerous crisis."¹⁷. Such explanation by the court's president was tantamount to recognition that the Constitutional Court in its decision-taking process was guided by political and other factors, and not by principles of constitutionality and legality, which should be its only guiding principles."

Changes in a set of judicial laws, were effected in a summary procedure, with a view to avoiding public debate, that is, a sharp criticism by general and expert public. Such intentional conduct resulted in blatant violations of the basic principle of the rule of law and legal state, the law-adoption transparency, and failure to finally harmonize acts defining and governing the judiciary sphere with international standards.

Council of Europe gave its assessment of the mode of amending those acts in its Fourth Report for February-April 2004 (SG/Inf(2004)14): "snap and controversial amendments of those acts were masterminded by the Justice Minister Zoran Stojkovic. Methods used during drafting, elaboration and adoption of those amendments were criticized, notably the fact that the whole process was not preceded by a public debate and consultations with

¹⁴ Justice Minister, Zoran Stojkovic, *Danas*, 8 April 2004

¹⁵ See chapter "Trials for organized crime"

¹⁶ Decision of the Constitutional Court of Serbia IU no. 93/2003, *Official Gazette of the Republic of Serbia*, no. . 84/04

¹⁷ *Politika* , 22 July 2004

corresponding professionals." In its pertinent report Council of Europe concluded: "promises that legislation would be fine-tuned with Council of Europe standards were not delivered." (points 29 and 30.)

Member of the *Association of Judges of Serbia*, Omer Hadziomerovic, made a following comment: "changes in the set of judicial laws are important because they represent a step forward toward independence of courts, but it would be wrong to say that the said independence was truly attained... Downside is non-acceptance of recommendations of Council of Europe relating to the High Judicial Council, namely that in order to make it an independent body, "half of its members should be judges elected by their colleagues, and not by the Supreme Court..." such a move would have been a progressive one, but alas it was not made."¹⁸ Similar assessment was made by the Executive Committee of the *Association of Public Prosecutors and their Deputies* in their communique of 16 May 2004: "We are dissatisfied with amendments to the Act on Public Prosecution and the mode of its drafting and adoption... provisions under which the Justice Minister names and dismisses the republican public prosecutor, provisions prescribing a limited mandate of deputy public prosecutors-7 years-, and provisions under which decisions of the High Judicial Council on the status of public prosecutors and their deputies are not taken by the majority representatives of that judicial group, indicate that amendments were not of fundamental nature, and moreover failed to provide the necessary guarantees for independence of public prosecution offices."

Justice Minister Stojkovic explained that the move was prompted by "our wish to remove harmful consequences of Natasa Micić's decision during the state of emergency, namely when she abused her position of Acting Prime Minister to appoint 6 persons to the highest judicial positions"¹⁹ (*Politika*, 21 April 2004). As amendments to the Act on Judges enabled replacement of the aforementioned court presidents, one anti-constitutional procedure was replaced by another anti-constitutional procedure. Replacement of judges under the new legal provision, contrary to the Constitution in force and other provisions of the pertinent act which clearly spell out the mode of dismissal of judges and presidents, was tantamount to setting a precedent which positive, legal practice of democratic countries ignores.

Even before the adoption of that act, the *Association of Judges of Serbia* cautioned against such a legal solution. In its 6 April 2004 communique the Association, maintained that "the discussion on possible responsibility and eligibility of judges for dismissal unfolded in a legally prescribed way, within

¹⁸*Danas*, 24-25 April 2004

¹⁹ A reference to appointment of Sonja Brkić to the post of President of the Supreme Court, of Djordje Ostojic to the post of the Republican Public Prosecutor, of Radoslav Bacovic to the post of President of District Court in Belgrade, and appointments of new Presidents of District Court in Novi Sad, of the Fourth Municipal Court in Belgrade and of Municipal Court in Novi Pazar.

the system institutions, in order to avoid the impression that judicial positions hinge on political suitability of appointees/candidates..."

Hasty and unlawful dismissal of 5 top judicial officials (the sixth, the republican prosecutor Djordje Ostojic handed in his resignation), was tantamount to a step clearly indicating the start of the politically motivated process of naming/dismissal of top judicial officials.

The second step in that process was made at the parliamentary session, held in late June 2004, during the discussion on naming and dismissal of public prosecutors.

Journalist of "*Politika*", who covered the session, in the following text best described the mode of resolution of the aforementioned issues and "expert criteria" according to which judicial officials were elected: "*Parliament rejected the proposed candidates for deputy public prosecutors in the Republican Public Prosecution Office, namely Veselin Mrdak, Milutin Dragutinovic and Milan Bojkovic, and another 15 candidates. Djordje Ostojic, a candidate initially refused by the SRP and DPS on grounds of his involvement in operation Sword, was however elected. Early morning agreement between the ruling coalition and DP on eligibility of some candidates previously contested on political grounds, fell through at the start of voting, for a number of DPS MPs voted against appointment of Slavica Tanaskovic to the post of the deputy municipal public prosecutor, because of her involvement in the Sword operation... Agreement behind-closed-doors on which hinged Ostojic's election, was short-lived. It lasted only 2 hours. New agreement failed too, for the SRM voted against appointment of Mrdak on grounds of his involvement in the 1993 arrest of Vuk and Danica Draskovic, and against appointment of Milun Dragutinovic, for failing to file indictments in the case of the Ibar Highway...*"²⁰.

Such manner of appointment and the aforementioned amendments to the Act on Public Prosecution, were thus commented by Council of Europe in its Fifth Report for May-August 2004 (SG/Inf (2004)23): "*Though the said legal amendments prevent further influence of the executive, they are out of sync with our previous recommendations, which indicated an urgent need for implementation of measures in legal texts and practice, notably as regards prevention of anti-legal impact of the executive and legislative authorities on the procedure of election/naming of judges and prosecutors (SG/Inf (2004)8). Added to that, non-adoption of parliamentary decision on a repeated election of a number of deputy prosecutors, including a deputy special prosecutor, caused a certain instability in the prosecution bodies*" (point 27 of the Report).

Because of the inappropriate appointment of prosecutors, president of the Association of Prosecutors and Deputy Public Prosecutors, Bogdan Stankovic, handed in his resignation: "Those appointments exemplified an assault by the executive power on the Prosecution, which is a judicial body. Individual and party interests gained the upper hand in parliament, that is, became the most important election criteria. There was no discussion on

²⁰ *Politika*, 4 July 2004

expertise of those deputy prosecutors, but much importance was attached to their political suitability. Such assault of party interests on the judiciary came at the time of high engagement of the three aforementioned prosecutors in processing of the most important cases."

Similar stance was espoused by Aleksandar Milosavljevic, president of the Executive Committee of the Association of Prosecutors and Deputy Public Prosecutors of Serbia. Namely he underscored: "The parliamentary circus indicated that political parties tended to exert a direct influence on the judicial cases. Upon promulgation of the new Act on Public Prosecution, our Justice Minister stated that we finally had independent judiciary. Now, the recent example flies in the face of that "independence".

The gist of the problem is that the election criteria are based on political assessments and behind-the-scenes inter-party deals, and not on criteria relating to legal expertise. Such conduct of authorities indicates its unwillingness to establish responsibility of some Milosevic-era judicial officials for most blatant human rights violations, that is, to fully enforce the Lustration Act.

Similar situation was reported in November-December 2004, that is, in January 2005, when the High Judicial Council drew up lists of candidates for positions of presidents of courts of law, judges and prosecutors. In that situation nepotism also played a major role. .

In open letters forwarded by non-candidates from the Second Municipal Court, District Court in Belgrade, and the Third Municipal Court, to the High Judicial Council, parliament, and public opinion, it was maintained that "fundamental expertise criteria were not met... in fact proposals were made along the nepotism and other "close connections" lines."²¹ According to information ran by *Blic* of 18 January and *Politika* of 20 January 2005, among the candidates there were: M. C., daughter of the Supreme Court judge, J. S., daughter of the Supreme Court judge, S. P., cousin of the Supreme Court judge, a son of the Special Court judge, V.M., a girl-friend of the son of Justice Minister, S.R., a daughter of the former president of the First Municipal Court, daughter-in-law of Milorad Ulemek-Legija, etc.

Denying those nepotism charges, president of the High Judicial Council and Acting President of the Supreme Court, Janko Lazarevic, stated that following: "We prioritized legal criteria in the selection of candidates, but judicial capacity of their parents was certainly not a downside for them. Added to that it is a well-known fact that children of judges tend to follow in footsteps of their parents, similarly to children of medical doctors. "²²

Regarding proposals for election of deputy prosecutors to work in the Third Municipal Public Prosecution in Belgrade, public prosecutor Gordana Colic cautioned that "many candidates are inexperienced and lack expertise.

²¹ *Blic*, 25 January 2005

²² *Politika*, 20 January 2005

Many have not worked a single day in any prosecution office. But among candidates there are also old Socialist Party of Serbia cadres, on whose reinstatement obviously hinges the survival of the government. Candidate for deputy prosecutor of this office is also Mrs. Lidija Cadjenovic-Filipovic, former misdemeanour judge, dismissed in 2003 for having sentenced daily *Glas Javnosti* to pay 75,000 dinars, and its editor-in-chief to pay 18,000 dinars ²³ for violating the notorious 1998 Information Act."

Non-enforcement of lustration, holding over or reinstatement of old Milosevic judicial cadres, candidacy of politically suitable cadres, and non-employment of expert, competent, and untainted young people in the judiciary, indicates lack of wish to reform the judiciary and make it independent, and that self-styled and much-hyped *legalism*, is, essentially, sheer continuation of the Milosevic era judicial practice and conduct.

Association of Judges of Serbia also thinks that the key reforms were not carried out in the judiciary sphere. Omer Hadziomerovic, spokesman of the Association, stated that "ministers of internal affairs and justice pile pressure on the judiciary by dint of their announcements of non-arrest of the Hague indictees" and "that the incumbent government's Commission for the Judiciary Reform had a wrong and non-comprehensive strategy."²⁴ That statement caused a sharp response by the Justice Minister, Zoran Stojkovic, or rather a veritable threat to the judge: "conditions are ripe for dismissing Hadziomerovic because of his sloth." Stojkovic went on to note: "Hadziomerovic statement is incredible in the light of Council of Europe's appraisal that fundamental reforms had been carried out in Serbia. Hadziomerovic is lying, for the ministry is working at full-throttle, and we are being attacked by people who are not working at all."²⁵

Though those disagreements were ironed out, as made public by an unconvincing joint communique of ministers and Association of Judges dated 1 December 2004²⁶, for the sake of objectivity we quote the Council of Europe stance on 'achievements' in the judiciary reform.

The Fifth Report for May-August 2004 (SG/Inf (2004)23), in the part related to the rule of law, highlighted the following: "In our previous reports we have already stressed the absence of a coherent and general strategy of reforms, lack of transparency, and befitting consultations", and "in the past period the Justice Ministry made concerted efforts to strengthen transparency in its work and in consultations with legal experts (point 25)." However, the next, Sixth Report for September-November 2004 (SG/Inf (2004)33, despite the 8 October 2004 signing of Co-operation Protocol between the Justice Ministry and Council of Europe, once again underscored "absence of a general strategy

²³ *Blic*, 3 December 2004

²⁴ *Danas*, 27 November 2004

²⁵ *Balkan*, 28 November 2004

²⁶ See web-site of Association of Judges of Serbia, www.sudije.org.yu

of reforms, transparency, and consultations (point 40), and quoted as its key recommendation "implementation of a fundamental reform with a view to providing for putting in place unbiased judiciary and prosecution bodies in keeping with standards of Council of Europe."

Similar stances were voiced at 25 January 2005 round-table on the judiciary reform by Peter Bach from the European Agency for Reconstruction. Namely he was of opinion that "despite large sums of foreign money invested into the judiciary reforms, results thereof are negligible... very little has been changed."²⁷

In the context of the judiciary reform adoption of a new constitution of Serbia was mentioned, for, according to some public announcements, that constitution should envisage re-election of all 2,400 judges. That means that prior to their re-election, mandates of all judges would have to end simultaneously, at one point in time.

Generally speaking, such a kind of re-election of judges, could signify a step forward in the reform, but only on condition that the following be a priori and clearly established: which, and in which way formed body and under which procedure deals with proposals for election of judges, and under which, transparent and precisely defined criteria and standards those proposals shall be determined.

A good starting point for such a tack to reforms and strengthening of independence of the judiciary is presented in a document "Constitutional Basis of Independence of the Judiciary" produced by *Association of Judges of Serbia, ABA CEELI* and *OSCE*. That document was made public on 25 January 2005.²⁸

However conduct and actions of the incumbent authorities and the Justice Ministry to date do not give enough reasons for optimism that the judiciary reform would be carried out in keeping with standards and principles of Council of Europe. It is indeed difficult to believe that the authorities would renounce misuses and their political influence on the personnel policy and processing of some cases, and obviously outcome thereof, in the judiciary sphere.²⁹

Having in mind all the foregoing, the *Helsinki Committee* may only conclude that the new authorities in the first year of their mandate demonstrated all their weaknesses, but also showed their true colours and – objectives.

DPS-dominated and SPS-supported coalition government halted the reform process initiated on 5 October 2000 and began erasing its results. Reinstatement of Milosevic era officials and "values", preservation of a repressive state apparatus beyond any civilian control, disinterest in further building of the legal framework providing for protection of human rights and

civil liberties, slow and belated moves and actions, are the principal "results" of work of that government.

New government obviously aimed at destruction of all reform-oriented efforts of Djindjic- and DOS-led government. By engaging in a daily demonization of that government, the ruling coalition tried to create an impression that performance and results of the DOS authorities were even worse than the ones of Milosevic regime.

²⁷ *Politika*, 26 January 2005

²⁸ *Idem*

²⁹ See chapter : Trials for organized crime

International Criminal Tribunal for the Former Yugoslavia and War Crimes Trials

Vojislav Kostunica in his presentation of program of work of the new government, has not mentioned at all the issues of responsibility of Serbia for recent wars, the facing process and reconciliation between neighbouring states.

To co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY) Prime Minister Kostunica devoted few sentences. Namely he stated that the government would do its utmost to make the co-operation reciprocal, to provide for an acceleration realization of national trials, to render an adequate defence assistance to Serb citizens facing trials in the ICTY, to sign a contract with the UN enabling the Hague Tribunal convicts to serve their sentences in Serbia.

"Two-Way" Co-operation

In the course of 2004 the only result was "surrender" of Ljubisa Beara (General of the Republika Srpska army, charged with Srebrenica crime), on 10 October 2004, which came about after the ICTY Chief Prosecutor had informed the police authorities of Serbia that Beara, tailed and monitored by the ICTY people, was in his Belgrade apartment. Authorities were compelled to effect that "voluntary arrest" in order to avoid the repeat of Hadzic case. Namely when on 13 July 2004 the Serb authorities received a sealed indictment against Goran Hadzic (former President of so-called Republika Srpska Krajina) with his exact whereabouts, within hours Hadzic, "mysteriously" was informed of the foregoing, went to ground. Competent authorities allegedly still do not know his whereabouts, though rumour has it that he is hiding in a Fruska Gora monastery.

No progress was made with respect to arrests of Ratko Mladic, Radovan Karadzic and the four army and police generals indicted in October 2003 godine, though the Belgrade District Court in keeping with the Act on Co-operation with the ICTY on 29 September 2004 issued pertinent arrest warrants.

Only in late January 2005, after strong pressures, and notably after the US decision to deprive Serbia of the financial assistance and a clear EU message that Serbia's feasibility study would not be greenlighted, General Vladimir

Lazarevic, one of indicted generals, surrendered. Prime Minister Vojislav Kostunica thus assessed that surrender: "the general acted in line with a long-standing tradition of the Serb army, namely that our officers fight for interests of people and country till the bitter end."¹ Added to that mayor of Nis organized a special farewell party, and the general was escorted to Scheveningen by the Justice Minister and local officials.

Re-constitution of the National Council for Co-operation with the Hague Tribunal at the level of the state union of Serbia and Montenegro (16 July 2004) marked a turnaround in overall co-operation with the ICTY. Only Rasim Ljajic (of Bosniak descent) was willing to take on duties of President of that Council, but three Montenegrin members of the Council left the body because of a slow pace of co-operation with the ICTY. Though plagued by problems, the Council made some progress by enabling better access to documents and exempting witnesses from obligation of guarding secrets. According to the National Council's president and the Human and Minorities Rights Minister, Rasim Ljajic, since re-constitution of that body, of 167 claims for exemption from secrets-guarding and free access to documents, 50 claims relating to exemption from secrets-guarding were met, while 64 claims for a free access to information are still pending. National Council on 16 November 2004 approved four more claims for exemption of guarding secrets and forwarded to the ICTY 5 complete sets of documents. However, the ICTY representatives are of opinion that meeting of the said claims does not always represent an adequate measure of the republican authorities, for some documents don't contain relevant information, while some requested ones allegedly "could not be found."²

Trials by National Courts

One of the first acts adopted by the new authorities was the Act on Rights of Indictees in the ICTY Detention and Rights of Their Family Members³. Swift promulgation of that Act clearly indicated the ICTY-related priority of Prime Minister Kostunica and his government, previously pointed out in his inaugural expose.

But Prime Minister was able to deliver on his promise relating to an accelerated realization of national trials only in late 2004. Namely only on 21 December 2004 the Act on Amendments to the *Act on Organization and Prerogatives of State Bodies*, was promulgated. That Act defines precisely prerogatives of Prosecution for War Crimes, in terms of its proceedings before the second-instance court, transfer of the ICTY-handled cases to national

¹ *Glas*, 29 January 2005.

² Sixth report of Council of Europe for period September-November 2004 (SG/Inf (2004)33, point 28

³ See chapter Institutional-legal framework and human rights in Serbia

judiciary bodies, and way of utilisation of the ICTY-gathered evidence in proceedings to be instituted by national courts. Pending is adoption of the *Act on Program of Protection of Witnesses in Criminal Proceedings*, and the *Penal Code of Serbia*, which should regulate the command responsibility and other relating matters. But even when that matter is regulated, the problem of ban on retroactive enforcement shall remain. In other words, the new act shall apply only on future perpetrators of war crimes.

However, it bears stressing that the existing laws provide a substantive legal basis for prosecution of war crime perpetrators both on grounds of their chain of command and personal responsibility. This indicates that putting in place the aforementioned kind of prosecution hinged entirely on the political will of the incumbent authorities.

In the course of 2004 War Crimes Chamber of the District Court in Belgrade instituted only the proceedings for war crimes in "Ovcara". The fact that the trial is still under way indicates the absence of political will to resolve the matter swiftly and in a satisfactory way.

Before that a Court Chamber on 9 March 2004, on the basis of the first indictment dated 26 December 2003, began the trial of 7 members of Territorial Defence of Vukovar and one regular soldier of the former Yugoslav Popular Army all of them charged with killing of 200 Croats in agricultural estate "Ovcara" on 20 November 1991.

During the trial prosecution filed indictments against other 11 members of the Territorial Defence of Vukovar and one member of voluntary unit "Leva Supoderica". By 1 December 2004 the Court Chamber heard 28 prosecution witnesses, including 13 members of the former territorial defence of Vukovar, the Interior Minister of the self-styled Republic of Srpska Krajina, a journalist of weekly *Vreme*, three former inmates at Ovcara and 10 members of former YPA, including ordinary soldiers and commander of Headquarters of the Special Guard Brigade.

That trial was staged to show that the crime was allegedly committed by crazed members of TD Vukovar and drunk members of Seselj's paramilitary units, and that the ICTY wrongly charged innocent officers of the Yugoslav People's Army. However during the proceedings the role of those military officers in the mass crime increasingly came to the fore.

If on the basis of established facts investigation is expanded in a credible and urgent way to cover the YPA officers, some of whom had been heard as witnesses during the trial, Serbia would show its readiness to establish and disclose the full truth about Ovcara. Moreover such a development would lend legitimacy to Serbia's demand that trial of Sljivancanin, Mrksic and Radic be transferred from the Hague to Belgrade. If that does not happen, the ICTY would have solid reasons to doubt the acumen of the Serb judiciary to truly grapple with that case.⁴

⁴ Natasa Kandic text ran by *Danas* of 10 December 2004

Absence of political will to establish "the truth" about crimes committed by the Serb forces in recent wars, was reflected in the second-instance court sentences relating to cases "Sjeverin" and "Podujevo".

Namely the District Court in Belgrade on 29 September 2003 godine sentenced to a 20- year prison term Milan Lukic (at large), Oliver Krsmanovic (at large) and Dragutin Dragicевич, for committing war crimes against civilians (abduction and mass killing of 16 Muslims from Sjeverin on 22 October 1992) and to 15 years in prison Djordje Sevic, charged with the same crime.

However a year on the Supreme Court of Serbia overturned those sentences and ordered institution of the new proceedings.

In December 2004, the Supreme Court of Serbia suspended the 17 March 2004 decision of the District Court in Belgrade, namely a 20 -year prison sentence which Sasa Cvjetan received for committing a crime against civilian population (killing of 17 Albanian civilians) on 28 March 1999 in Podujevo.

Genuine reasons behind such overruling were explained by lawyer Dragoljub Todorovic: "*An important stronghold of the anti-Hague lobby in Serbia is the Supreme Court. Barring dismissal of president Govedarica and judge Lelovac, the court is predominantly composed of the Milosevic era hold-overs. Judges of the Supreme Court are former presidents of courts, heads of criminal proceedings department, and judges in charge of the most-publicized cases in Milosevic era. Over 90% of the current judicial composition of the Supreme Court was elected during the Milosevic regime.*"

After 5 October 2000 the Supreme Court judges vehemently applauded the results of voting of their General Session, which confirmed confidence to a Supreme Court judge who had largely contributed to the 1996 election rigging. When the new president of the Supreme Court (elected after 5 October 2000) criticized Milosevic-era president Govedarica, several judges demonstratively walked out of those meetings. The last trial stage-managed by the Milosevic secret police was the one of Vladimir Nikolic. Judge rapporteur in case Sjeverin, judge rapporteur in case Podujevo and member of the Court Chamber in case Podujevo were members of Lelovac-headed five member chamber which convicted Nikolic.

*The above context clarifies the reasons behind the most recent Supreme Court sentences in the war crimes cases, and lays bare the anti-Hague stance of that highest judicial institution in Serbia.*⁵

Although in Serbia only 8 mass graves with over 830 bodies of killed Kosovar Albanians were discovered to date, a thorough investigation into those mass killings or filing charges against those responsible for either perpetrating or hushing up those crimes, is yet to be launched.

There are serious indications of existence of still undiscovered mass graves, and removal of crime traces (mass killings of Albanians in 1998 i 1999) in different ways, and not only by burial of corpses in mass graves.

"With covering up of war crimes committed in Kosovo during 1998 and NATO air raids were tasked the police, that is, the most confidential men of the

⁵ Text by a lawyer Dragoljub Todorovic ran by daily *Danas* of 18 February 2005.

late Police Minister Vljako Stoilkovic, former Prime Minister of Serbia, Nikola Sainovic, former head of Public Security of the Interior Ministry of Serbia, Vlastimir Djordjevic and former head of State Security of the Interior Ministry of Serbia, Rade Markovic. In south Serbia that man of confidence was Dragomir Tomic, the Milosevic era high government and parliamentary official, currently owner of company "Simp". Thanks to his logistical support transfer of bodies from Kosovo to Vranje and Surdulica was carried out by the Special Operations unit, local department heads and chiefs of State Security and the then director of plant "Mackatica". In Surdulica it is a common knowledge that in that plant, during NATO campaign, corpses from Kosovo were burned. But no-one dares publicly disclose that fact, for the local self-rule authorities are still riddled with the Milosevic era hold-overs. To hush up witnesses, local Security Services chiefs forced them to sign statements on "spiritual peace" that is to admit in writing that "they don't feel psychological pressure to disclose what had happened in "Mackatica" in May 1999."

According to data received by the Fund for Humanitarian Law from several, independent sources, burning of bodies in the plant "Mackatica" took place after midnight, on 16 and 24 May 1999. The whole operation was secured by "the Red Berets" units, whose headquarters were then located in village "Bele vode", near Vranje. Milorad Lukovic Legija, the then Commander of the Red Berets, according to those witnesses, personally escorted one truckload of corpses and was present during their burning. Bodies were burnt in field furnaces 4 and 5. According to some state security sources in the first truckload there were also children corpses.

Persons tasked with organization of body-burning were Stosic Zoran, the then head of State Security for Pcinje District, currently the general police inspector for Vranje, Leskovac, Nis and Prokuplje, Bratislav Milenkovic, head of Security-Informative Agency for Vladicin Han, Surdulica and Bosiljgrad, Dragan Stankovic, head of police in Surdulica since 1993, Miroslav Antic, head of SIA in Vranje, Dragan Lakicevic, former director of "Mackatica", and current owner of that plant and his deputy, Aca Djordjevic.

Prior to arrival of military vehicles TAM 110 with corpses, Bratislav Milenkovic and Dragan Stankovic replaced the regular security staff of the plant with the police one, under command of Dragan N. Stankovic, Dragoslava Djikic, officer of State Security in Surdulica and Tomislav Velickovic, the police commander in Surdulica.

As regards those "Mackatica" developments, several eye-witnesses, forced to sign the statement on "spiritual peace" and individuals who learnt about the event, contacted the police officers in whom they had trust, to ask them to take action. But instead of shedding light on the event, those local police officers warned the eye-witnesses to keep their mouths firmly closed.

According to information received by the FHL, the decision to cremate corpses in "Mackatica" was taken after discovery of the freezer-truck full of corpses near Kladovo in April 1999. The then organizers of "recovery of terrain"

withdrew the order on burying the bodies transferred from Kosovo to inaccessible locations, and introduced a new technique of removal of crime traces, that is, a body-burning one."⁶

The Fund for Humanitarian Law in its letter to President of the Serb Parliament demanded a meeting to discuss formation of an Inquiry Commission to be tasked with probing into the case of mass graves and burning of bodies in Mackatica plant. Predrag Markovic, President of the Serb Parliament, replied that he was taking all legal measures within his competence, but that a required investigation was not within the mandate of parliament. He added that the police have been already actively looking into allegations on body-burning and destruction of pertinent evidence.

After that reply, seven NGOs, including the Helsinki Committee, in another letter to Predrag Markovic cited provisions of the National parliament's Rules of Procedure envisaging a possibility of formation of an investigation commission to establish facts about certain events or phenomena. Those Rules of Procedure also envisage that members of the said commission, though not empowered to conduct investigation proper and other judicial actions, may nonetheless ask for data, information and documents from the state bodies and question some implicated individuals. Moreover such bodies and individuals are duty-bound to provide truthful statements and undoctored data, documents and information. Once its work is completed, the commission submits to national parliament the pertinent report with suggested measures".

How little the state has done to establish truthfulness of above quoted allegations is best shown by communique issued by the Fund for Humanitarian Law of 3 February 2005:

"There are serious indications that the Interior Minister Dragan Jovic and director of SIA Rade Bulatovic are protecting local heads of police and SIA in South Serbia and preventing disclosure of truth about burning of Albanian corpses in in Serb plants and mines. In SIA circles in Surdulica and Vranje it is maintained that the Interior Minister Dragan Jovic reassured local heads of police and SIA that appropriate measures were taken to prevent "leakage" of information on burning of corpses and that "Services are behind Mackatica". Despite those guarantees, local police and SIA chiefs are trying to secure themselves by hushing up all those in the know about the said event and even threatening to file criminal charges for "disclosure of state secret" against all the policemen ready to talk. "

After disclosure of the macabre event, and involvement of some policemen from General inspectoriat of the Interior Ministry of Serbia in Mackatica body cremation, General inspector, Vladimir Bozovic, first suspended and then replaced inspector Dragan Stosic. But no new inspector was appointed to that post. In the meantime Dragan Stosic was promoted-namely he became an intelligence officer in Gendarmerie. It came to public knowledge that General inspector Vladimir Bozovic suspended a procedure for

⁶ Press release of the Humanitarian Law Fund of 23 December 2004.

establishment of facts in the Mackatica case, though he stated that he would do his utmost to clarify the case and meet the FHL demands. Within three weeks in three interviews he failed to mention results of his investigation, but he only stated that he was offered a "large sum of money to quit some investigations.". After such a statement, General inspector is duty-bound to explain who offered him money and in relation to which investigation.

Sentence-Serving in Serb Prisons

In his expose Prime Minister Vojislav Kostunica announced signing of agreement with the UN under which those convicted by the ICTY would be enabled to serve their sentences in prisons in Serbia. The contract has not been signed, for Serbia does not fulfill some necessary criteria for such a transfer.

Namely the document titled "*Instructions-procedure to guide the ICTY in its designation of countries in which the convicted persons would serve their sentence*"⁷ of 9 July 1998. godine, contains the two key conditions: is the convicted person expected to appear as a witness in other trials before the Tribunal, and general conditions of accomodation of inmates and the rules governing their security.

Having in mind the two conditions⁸, it is clear that Serbia does not stand a chance of signing such an agreement. To date such agreements were signed by countries like Norway, Finland, Denmark, Germany, Great Britain, and similar, renowned for their high prisons standards. Hence the Prime Minister's announcement was a genuine hoax.

Citizens' Perception of the Need for the Facing Process

The foregoing indicates the way in which the government approached fulfillment of key obligations taken on after Serbia's accession to Council of Europe: firstly, to co-operate with the ICTY and secondly, on behalf of the state to take all the necessary measures for raising the awareness of citizens about crimes committed, with a view to fully implementing the facing process.

Consequences of government's mistreatment of those issues are best reflected in the findings of the ICTY-related poll. Namely in August 2004 agency Strategic marketing and Belgrade Centre for Human Rightst questioned

⁷ Original title "Practice direction on the procedure for the International Tribunal designation of the state in which convicted person is to serve his/her sentence of imprisonment".

⁸ See chapter: Prisons

1, 245 adults about their opinion of the ICTY and acumen of the Serb judicial bodies to hold war crimes trials.

The poll findings were the following: only 16% of respondents had trust in domestic judiciary, but 71% thought that it would be better to hold war crimes trials in Serbia than in the Hague, while 66% of respondents thought that trials in Serbia would be more fair and just. 17% thought that "our citizens should be tried by our people", and 16% that the domestic judiciary was unbiased and objective.

Majority of citizens (60 %), thought that ethnic descent of indictees would not have any impact on sentences handed down, and that the majority of media would cover the trials in an objective way. At the same time, less than half of respondents (47%) believed that national judiciary would have the courage to institute all relevant proceedings and that judges would resist the public pressure (46%). Only 32% believed that the war crimes prosecutor would take decisions independently from the government of Serbia. On the other hand, 43% of citizens believed that security services would try to foil investigation related to their members.

75% of respondents thought that facing up to the war crimes committed in former Yugoslavia was important for the future of the country, but their motives were different. Thus, 37% believed that only if the facing process was embarked upon, Serbia might expect a better future, while 38% thought that the facing process would demonstrate Serbs' innocence. The poll also showed that 89% of citizens were not watching or following war crimes trials staged before the national courts.

With respect to 2003 when 85% of citizens favoured co-operation with the ICTY, that percentage was now lower-70%. Among that 70% only 15% espoused that stand for the sake of establishment of truth and dispensation of justice, while 22% believed that co-operation should be honoured because of reintegration, and 33%-for the sake of avoiding new sanctions.

Majority of citizens (77%) assessed the ICTY trials as a product of "theory of conspiracy" masterminded by NATO and the United States, while every fifth citizen thought that those trials also tried to get across the message of reconciliation, tolerance and prevention of crimes in the future.⁹

Findings of that and similar polls fully reflected the general confusion and frustration of public opinion. Different results could not be expected from citizens of the country which prioritized adoption of the Act on Assistance to the Hague Indictees, and which authorities staged an official farewell to individuals charged with the gravest crimes, but failed to take part in recent international homage paid to victims of Auschwitz. But what else could be expected from the country in which discussions on "Greater Serbia" and "international anti-Serb conspiracy" are revived, in which assembly of so-called Republic of Srpska Krajina sends a message about its "interim occupation", in

⁹ Source *Danas*, 5 November 2004.

which posters with photograph of Ratko Mladic and a sentence "Mladic for Head of Army Staff" are again affixed on walls of some buildings in downtown Belgrade, in which books written by Radovan Karadzic and Milorad Ulemek Legija have become best-sellers, in which policemen watch while rogues torch mosques, and which officials have not paid public respects to 150,000 victims of the Tsunami tragedy. All in all, the new authorities have attained their goal, Serbia was returned to the year 1991.

Police Torture

Five years after the fall of Milosevic regime and two years after accession to Council of Europe, Serbia is yet to get its new law on police. Added to that the Act on the Security-Informative Agency passed in 2002, only introduced some cosmetic changes and made public the new name of the agency. But, all in all no progress was made in establishment of the new legislative framework for the police and security services work.

By extension in Serbia there is no system of civilian control over police and security services. They are still very closed systems, which in their work are not accountable to anyone or any body.

The incumbent authorities understood the reform moves as personnel changes, that is, replacement of the DOS- named officials by the coalition's, politically suitable, appointees.

One could say that the only turnaround in the police work and control over it was the kick-off of Services of General Inspector within the Public Security Department and the mid-December 2004 adoption of Rules of Procedure on Conditions of and Mode of Use of Means of Compulsion.

Though Services of General Inspector were designated as an internal control body of the Interior Ministry as early as in 2003. godine, it never became fully operational due to shortage of staff and lack of funds and regulations governing its activities.

In March 2004, Vladimir Bozovic, a man who has never officially worked in the police, was appointed a new General Inspector.

Work and prerogatives of the Services are still not legally regulated, and no official report on its activities was made public. The Services and General Inspector are accountable only to the Interior Secretary and government. Partial information relating to their work are sporadically made public, while Bozovic himself briefly talked about the work of that body: "Since I took office, 9 months ago, the Services filed 71 charges against 83 policemen... Some were suspended, while in some cases our actions are still pending due to obsolescence of the Act on Internal Affairs...". When asked about pressures he had to face, Bozovic said: "There are pressures from all sides, even from the inside, from the very top

echelonos of the Interior Ministry to substantively restrict my powers and actions. For the time being I would not like to go into detail..."¹.

Added to lack of pertinent regulations and strong pressures, of much concern is the fact that "of 128 criminal offences reported by the Services, excessive use of means of compulsion was established only in few cases" (the same source). The foregoing calls into question operations of those services, since it is a well-known fact that the police torture is very commonplace in Serbia.

However much more serious is mishandling of judicial proceedings in torture cases, incomplete, sloppy and biased investigations into the official capacity misuse, that is, into the cases of extortion of testimonies, or breach of powers of policemen or prison guards. In that regard situation was similar to the one in 2003. Prosecution is still passive in such cases. Police or prison management respond to charges against their members by filing counter-charges against the victims "for obstruction of work of officials". Courts of law tend to lend more credence to the second type of charges.

To illustrate the above here are some cases reported to the Helsinki Committee and other NGOs.

Passivity of the prosecution office was best attested to by the case of Z.G. from *Grocka*, detained on 27 November 2003, for "disturbance of public order and peace in a drunken state". He refused a "balloon-blowing" alcohol test and demanded a blood test, and presence of his lawyer during interrogation. Those demands made some policemen furious and they started roughing him up. Kicks and blows were so heavy and violent that Z.G. lost consciousness, and when he recovered it he began vomiting. Only several hours later, after his repeated pleas, a doctor was called in. She established that Z.G. had a severe concussion, and large bruises on his head and body. Due to his critical condition, upon the doctor's insistence Z.G. was immediately transferred to the Emergency Medical Centre. After his release, several days later, on the police order, Z.G. reported to the police station. There he was "instructed" by the police commander to forget the "unpleasant incident". When he declined to do that, the commander threatened him with "much worse things." Months after that brutal beating Z.G. was reluctant to report to anyone the whole event.

Only after contacting the Helsinki Committee office, Z.G. was ready to file charges against the policemen. And Helsinki Committee, acting on his behalf, did that on 22 June 2004. But the prosecution office failed to act promptly upon our request to look into the case, and check the veracity of allegations. Only on 4 February 2005, seven months after our intervention, the prosecution informed us in writing that they had requested Grocka police station and Belgrade Police Department for Control of Legality to report on the above case.

¹ *Kurir*, 31 January 2005.

The second example also speaks of inertia of the prosecution office and the court's mishandling of some torture cases.

Helsinki Committee reported the case of beating up of *D.A.* by 6 prison warders on 18 March 2003, in the detention unit of Vrsac department of the Pancevo District Prison. Municipal public prosecution office in Vrsac, first protracted, and then refused to institute proceedings against the accused. Thus, on 5 November 2003 the Helsinki Committee was compelled to file criminal charges against 6 warders.

On 16 April 2004, Municipal Court in Vrsac decided that charges be dropped against all prison warders, and ruled out any compensation for the plaintiff. On this occasion we shall not indicate all the proceedings' failings, the wrong mode in which they were conducted, and a biased stance of the judge in charge of the case. To illustrate the foregoing we shall only quote only two paragraphs from a reasoned opinion in writing relating to the above ruling.

Both paragraphs include testimonies of the two witnesses, inmates in the said prison:

"Testimony V.N. stated that he and his three cell inmates were roughed up for not confessing who had broken the back of a Chinaman." On the basis of the said testimony the court concluded: "Hence testimony of that witness indicates that the force was not used on unjustifiable grounds, but, on the contrary."

"Witness S.J. stated that he tried to stay away from any conflict in order to avoid any beating in the prison. Hence testimonies of those witnesses indicate the fact that all those who respected law and discipline in the prison, did not run the risk of being beaten up."

The ruling of the higher court on the 4 August 2004 appeal is still pending.

The way our judicial bodies handle the torture cases and the necessity for their resolution by international bodies, is best indicted by the *case of Dragan Dimitrijevic*.

"Policemen arrested Dragan Dimitrijevic on 27 November 1999 in his house in Kragujevac in connection with a criminal investigation. After taking him to a police station and hand-cuffing him to a radiator grill, several policemen, some of whom were Dimitrijevic's acquaintances, started kicking him in the ribs, head, and legs, insulting him on ethnic grounds, and cussing his Gypsy mother. One policeman started beating him with a heavy metal rod. Later he was tied to a bicycle and beaten with batons and metal rod. They did not stop their torture even when blood started spurting from his ears. Dimitrijevic was released four and half hour after detention.

Dimitrijevic sustained severe arm, leg and back injuries and an open head wound. His ears bled for several days, and he had swellings on his ears and lips. He was bed-ridden for several days. Fearing the police retribution, he did not dare go to hospital for treatment. Policemen obviously tortured

Dimitrijevic to make him confess a criminal offence. But the authorities later on failed to press charges against Dimitrijevic.

In January 2000 Dimitrijevic filed a brutality-related report to the competent prosecution office. Six months later he was compelled to ask that office to inform him of its pertinent proceedings. As no official reply ensued, the Fund for Humanitarian Law and Budapest-based Centre for the Romany Rights on behalf of Dragan Dimitrijevic submitted the whole case to Geneva-based UN Committee against Torture in December 2001.

On 24 November 2004 the Committee ruled that Serbia and Montenegro violated several provisions of the UN Convention against Torture and other Cruel, Inhumane and Degrading Punishments or Conduct. The said Committee ruled that the policy brutality to which Dimitrijevic was subjected was tantamount to torture, and assessed the beating as a "major pain and suffering intentionally incurred to him by public servants." The Committee also established that Serbia and Montenegro violated their commitment to conduct a swift and unbiased investigation into the victim's report on torture, and that due to its failing to launch a probe into allegations the state union of Serbia and Montenegro *de facto* deprived Dimitrijevic of a possibility to file compensatory damage claim, which could have been successful. In its conclusion the Committee established violation of article 2 in connection with articles 1, 12, 13 and 14 of the Convention and demanded that the Serb-Montenegrin authorities launch an adequate investigation into that torture case and inform the Committee of measures taken in that regard at the latest within 90 days².

As reported earlier in this report, in the course of September 2004 a delegation of the Council of Europe's Committee for Prevention of Torture visited for the first time penitentiaries in Serbia and Montenegro. Pertinent report of that delegation shall be made public probably in March or April 2005, if the authorities deliver on their promise to do that, despite not being duty-bound to resort to such an action under the Convention Against Torture.

Though the report's findings until its publication are strictly confidential, all the abovementioned cases indicate that the report shall not be positive.

Bill of Penal Code of the Republic of Serbia, soon to be deliberated by parliament, treats torture as a special criminal offence. However, neither this new qualification, nor adoption of new, modern Rules of Procedure on the Use of Means of Compulsion and possibly imminent adoption of a new Act on Police, shall not change the bad practice, until efficient forms of control of the police work are put in place.

Added to a more precise, normative framework and efficient work of Services of General Inspector, as an internal control body, it is necessary to adopt the Act on the External Police Control, envisaging foundation of an independent and permanent parliamentary commission tasked exclusively with that job and vested in broad investigative authority.

In the context of control of parliament of the state union of Serbia and Montenegro should urgently ratify the Optional Protocol of the UN Convention against Torture (signed on September 2003), and start working on establishment of control mechanisms envisaged by that Protocol.

In the long-term sense, the priority is to kick-off a fundamental overhaul of system of education and training of policemen (from secondary schools to the police academy), with a special emphasis on the issues of protection and respect of human rights, professional ethnics, and familiarization of policemen with contemporary and lawful methods of material evidence gathering.

The same recommendations apply to future prosecutors and judges, though of major concern is the fact that large sums of money recently invested in their education, notably in terms of of article 3 (ban on torture) of the European Convention on Human Rights, have not produced the desired effect.

² Communiqué of the Fund for Humanitarian Law of 9 December 2004.

Prisons

Enforcement of criminal sanctions is one sphere of the judicial system in Serbia in which some progress has been made. That progress is primarily seen in a more open stance of Directoriat for Enforcement of Institutional Sanctions on contemporary trends and standards governing and defining that sphere.

Co-operation with Council of Europe, OSCE, UNICEF, DIFD, and other international and domestic organizations was stepped up after appointment of Milos Jankovic to the post of the new Director of Directoriat, in April 2004. Added to that the number of employees was increased, a single data basis was established, and working groups for elaboration of recommendations and taking of concrete implementation measures in certain segments (health services, human rights, juveniles) were set up. Thanks to the OSCE support a Centre for education of prison personnel was opened in Nis, re-building of facilities destroyed during the 2000 revolt and of part of hospital began, and donor's conference for collection of prison conditions improvement funds was held.

On the normative plane, the work on elaboration of the new Draft Act on Enforcement of Criminal Sanctions and of Rules of Procedures relating to some sub-legal acts was jump-started. Parliament is soon to deliberate the Bill on Juvenile Judiciary, which had been positively appraised by Council of Europe experts.

But despite launching of many actions designed to improve conditions in prisons, we think that the key changes in that system are yet to be effected. According to the Helsinki Committee in the area of institutions for enforcement of criminal sanctions there are three principal problems:

The first problem is lack of a comprehensive strategy of reforms of the system of enforcement of criminal sanctions. Unfortunately it seems that the Justice Ministry does not plan to draw up such a strategy in a foreseeable future.

The second problem is a visible inertia and disinterest of the government and the Justice Ministry in changing/improving situation in the said area, since it is neither in focus of expert and general public or of international organizations.

The third problem is lack of a clear definition of the system of enforcement of criminal sanctions. Formally that whole system and its

Directoriat are part of the Justice Ministry, and consequently of the Judiciary, but in practice they are treated as part of Administration.

All the foregoing impacts the standing and work of Directoriat, which is essentially left to its own devices, and which cannot shoulder alone the burden of reforms, let alone carry them out, due to its shortage of high-quality personnel and lack of funds.

Genuine progress in the said area is attainable only if a comprehensive strategy of reforms is adopted, if government and the Justice Minister take a pro-active and responsible stand, if international organizations bring pressure to bear on the incumbent authorities to fully grasp the importance of the reform, and to make them clearly define the status of the judicial institutions within our legal system.

Our stance on problems in system of enforcement of criminal sanctions stems from on our first-hand, long experience and knowledge obtained during our 40 or so visits to penitentiaries in Serbia. In 2004 alone we visited 18 such institutions.

In the ensuing text, we offer an overview of our findings and of key problems in enforcement of criminal sanctions resulting from the above described situation¹.

1. QUALITY AND CONDITIONS OF LIFE

- a) Architectural-technical conditions, equipment, ventilation, lighting, sanitary facilities and hygiene

The basic problem arising from inadequacy of most institutions that we have visited is -overcrowding. Since their occupancy rate vary between 100% and 40%, one third of them cannot even provide for the statutory minimum of space per inmate.

Institutions for enforcement of criminal sanctions are frequently housed in old buildings, of which some date back to the early 20th century. Architecturally those facilities reflect the old concept of treatment of inmates, and for most part cannot be even partially adapted to provide for their better accommodation (prisons in Pancevo, Zrenjanin, Krusevac, Novi Pazar, etc.). For this reason, their size, arrangement, and number are in striking contrast to the declared purpose of institutions, and needs of persons accommodated in them.

Generally speaking they don't even provide for the statutory minimum of space per inmate; dormitories are mostly small; there are no large, communal sitting rooms, hence inmates are compelled to spend up to 24 in their dormitories; there are no adequate rooms for visits of lawyers or next of kin, or

¹ See publications of the Helsinki Committee: "How to attain European standards-prisons in Serbia in 2002 -2003, Prisons in Serbia April 2003 -April 2004", "Prisons in Serbia April 2004 - April 2005".

those special-purpose one for contacts with spouses and children; recreation/sports facilities are non-existent. Those shortcomings are mostly typical of district prisons.

Hygiene is poor in those old and decrepit facilities. The rooms in which prisoners live often have ruined and damp floors and walls. It is difficult to maintain a decent level of personal hygiene in overcrowded dormitories. That problem is specially marked in large penitentiaries, notably Pozarevac – Zabela which have dormitories with up to 90 persons and three-tiered beds.

b) Nutrition

Nearly every institution regularly prepares food for its inmates. Level of hygiene in premises in which food is prepared and served varies, but is mostly unsatisfactory or inadequate.

Quality of inmates diet also varies, but is mostly poor, barring in Vojvodina prisons, assessed as satisfactory by inmates proper.

Inmates mostly complain of insipid food, scant quantities of dairy products and absence of fruit. Poor quality of food is one of constant sources of discontent among inmates.

c) Medical Care

One of the major problems are badly organized, poor quality and well nigh unavailable medical services. According to the internationally accepted standards inmates are entitled to the same level of medical care provided to persons living in freedom.

Although medical protection/care in Serbia is by and large at a rather low level, it is even worse in closed institutions. Medical services in prisons are cash-strapped, and moreover they have a very low standing within the entire prison system.

Health services and their financing are controlled and run by Directorate for Enforcement of Institutional Sanctions. Hence health/medical staff in prisons are not sufficiently independent, and their decisions are impacted by pressures and influences frequently unrelated to medical criteria. Added to that expertise of medical staff is debatable, for, contrary to provisions of the pertinent act, it has not been not evaluated for years now by the Health Ministry.

In larger prisons there are separate medical services, while district prisons, tend to contract medical doctors for weekly, or even more frequent visits. The foregoing implies that inmates in those district prisons do not have a 24-hour access to medical doctors. It bears saying that institutions with medical services all have a salient problem: they are sorely understaffed. Either there are no doctors, or nurses, or there are no medical technicians. Thus in some urgent

cases, the security staff had to offer first-aid to inmates or to transfer them to local clinics.

Pharmacies, laboratories and hospital-type units-wherever they exist-are poorly equipped. Moreover in smaller district prisons there are no adequate premises for check-ups and provision of medical aid. Also inmates don't have health files and are not subjected to the first check-up on their admission to the institution. Inmates constantly complain of long waits for check-ups, their superficiality and lack of adequate medicines.

An ever-increasing number of inmates with the substance-abuse problems, tuberculosis and hepatitis diagnosis, exacts the most urgent, joint action of the Justice and Health Ministry.

Generally speaking an improved status of medical services within prisons would help prevent torture and other inhumane and degrading treatment of prisoners and boost protection of inmates human rights.

2. SECURITY

Overcrowding, as one of the most salient problems, affects also external and internal security in prisons. Too large number of prisoners on a large surface which should be under constant control and surveillance, under conditions of non-existent or inadequate system of video surveillance, makes more difficult the work of security personnel.

If one analyses external security only on the basis of effected of attempted escapes in 2004, one may draw the conclusion that security in the visited prisons was at a satisfactory level.² Helsinki Committee is of opinion that a small number of escapes from prison results above all from the fact that "dangerous individuals" are mostly located in closed or high surveillance units, that is, in locked up premises up to 24 hours a day.

External security was deemed satisfactory thanks to a large number of warders and security personnel which most frequently corresponded to the number of inmates in the visited prisons. Though the Helsinki Committee established that the number of security staff was formally below the prescribed one, that number was in fact sufficient, for some security positions had been filled by warders transferred from Kosovo.

Varying degrees of the enforced internal security measures depended on type, size and kind of population of observed institution. Emergence of informal groups causing racketeering, fights, blackmails, sexual harassment among inmates, was noticed in institutions with over 150 prisoners. As the number of prisoners increases so does the number of incidents. Thus overcrowding of institutions –notably of their closed facilities- and inadequate

² Temporary relocations of inmates from semi-open or open department, or non-returns or delayed returns of inmates which were granted an outing, a free week-end, or home leaves, etc, are not considered/treated as escapes.

separation of dangerous and violent inmates, accounts for a weak internal security.

On the other hand such problems rarely arise in the small-capacity prisons or in semi-open or open facilities of larger one.

Rigid and hostile attitude of personnel towards inmates also increases security risks in prisons. In order to improve internal security it is necessary to develop constructive relations and confidence between prisoners and personnel. Helsinki Committee is of opinion that the necessary control measures should result in creation of a tension-reducing, positive and co-operative mood between personnel and inmates and an increased security within institutions.

3. LEGALITY OF PRISON REGIMES

The 1998 Act on Enforcement of Criminal Sanctions is increasingly out of sync with relevant international standards. The same holds true of sub-legal acts, which fail to precisely regulate some areas of the entire system of enforcement of criminal sanctions.

During 1999 and 2000 the house rules for detention units, district prisons, correctional facilities of strictly closed, closed, and open types, and female facilities, were enforced, but hospitals within prisons and correctional facility Krusevac still lack the house rules adjusted to their specific features.

On the other hand rules of procedure relating to the manner and conditions of use of the means of compulsion, to manner of enforcement of solitary confinement, to manner and conditions of enforcement of disciplinary measures, to performances of security services, to prescribed diet for inmates, adopted as far back as in 1978, are still in force.

Familiarization house rules are available to detainees and prisoners upon their admission. Later they don't frequently have access to them.

There are no foreign language house rules, hence foreigners serving sentences in Serb prisons must ask bilingual inmates to help them familiarize with the pertinent institutional rules.

Legal provisions relating to categorization of prisoners and their subsequent transfer to penitentiaries with the varying degrees of security and regime are rarely enforced. External and internal classification of prisoners, notably in the aftermath of the *Sword* action which had caused an acute overcrowding of prisons, is objectively impossible. Thus prisoners convicted of light criminal offences spend days and nights in the same premises with persistent offenders, sentenced to 10-or more years in prison.

It is not possible to always physically separate persons convicted of criminal offences and those convicted of misdemeanour offences, but even when it is possible to do that, the authorities don't consider such separation of primary importance.

It has become a rule, and not an exception to send convicts sentenced to long prison terms, persistent offenders, etc. "on security grounds" to district prisons, in which the treatment regimes are not adjusted to that category of prisoners.

Status, rights and treatment of inmates assigned to a strictly closed type prison (VII pavillion of penitentiary Pozarevac - Zabela), and prisoners assigned to so-called high -surveillance facilities, are not clearly defined in normative terms, which leaves room for large scale misuses and violations of inmates rights.

Helsinki Committee assesses as negative and contrary to the internationally accepted standards the legally established concept of disciplinary punishment, appeals and inmates complaints system, and enforcement thereof.

Our data indicate a small number of inmates' complaints and appeals relating to decisions on their disciplinary responsibility, granted benefits and also violations of their rights. However informal talks with inmates made us realize that they saw no sense in writing complaints or filing appeals, due to a proven lack of effects and non-functioning of that part of system.

A very small number of disciplinary measures meted out to personnel for light or grave violations of work obligations or duties may be also explained by a poor functioning of the entire prison system. In view of a total situation, such a small number of disciplinary measures is not an indication of ideal functioning of institutions and their lawful work, but rather of weaknesses and obsolescence of the system of disciplinary responsibility.

Added to normative shortcomings, for such a situation is responsible Directoriat for Enforcement of Prison Sanctions. In other words monitoring bodies of that Directoriat do not do their job well.

4. SOCIAL RE-INTEGRATION OR RESETTLEMENT

The main purpose of penalty of deprivation of liberty is to effect the change in prisoners' conduct. Therefore the treatment and its course during the sentence-serving time should be adjusted to the personality of inmate. However it was proved that the prevailing purpose of deprivation of liberty in our prisons was to isolate inmates from the outside world, and repress them.

Inadequate architectural lay-out of facilities, shortage of space and competent personnel, on the one hand, and overcrowding and lack of funds, on the other hand objectively make more difficult implementation of the process of social resettlement.

In the majority of prisons the criterium of assignment to wards (classification, re-classification) gives precedence to accommodation capacity and security, and not to personality of inmate, his needs, problems and conduct.

Teams for admission of inmates, if they exist at all, are not complete. Classification and re-classification of inmates is frequently in the hands of only one or possibly two educators who cover all jobs, ranging from the admission, to re-education/reformation, to so-called preparations for discharge, and post-penal resettlement of inmates. Understaffing, notably of re-education services, is a constant problem. Consequently prisoners have rare contacts with their educators, and the whole process is reduced to filing of claims for granting of benefits or rights, while a genuine re-socialization work in practice is non-existent.

Work and education as key instruments of re-education, are theoretically built into the pro-reform policy. However, the activities offered to inmates, contrary to legal provisions (education, vocational training, use of well-furnished libraries, sports, etc.), are rarely stimulating and diversified.

Organized education exists only in correctional facilities in Krusevac and Valjevo, though low educational structure of inmates exacts an urgent jump-starting of the process of education.

In district prisons due to the cramped and overcrowded space, inmates, notably those in closed-type facilities, are prevented from exercise of the majority of their rights. Activities beyond their dormitories are nearly non-existent. Thus we would like to underscore that putting in place a satisfactory program of activities is of paramount importance, for it helps neutralize harmful consequences of life in closed departments.

Prisoners in closed facilities are left to vegetate and suffer for weeks and even months in overcrowded premises, without any possibility for outdoor activities and recreation.

As regards the work-related activities of inmates in closed-type facilities, it is clear that security reasons preclude many forms of such activities, otherwise customary in semi-open and open facilities. However that does not mean that prisoners should be compelled to engage only in chess- or domino-playing or TV -watching.

Inmates in semi-open or open facilities are usually employed in farming and other seasonal agricultural work. But such activities are not stimulating or personally /professionally useful, for they should be vocationally trained for or oriented towards their post-discharge jobs. Added to that only a small number of inmates is labour engaged/employed. That is due to non-existence of employment stimulation measures and meagre remunerations for their work. Though many experts are aware of the fact that lack of employment and excessive "empty" time result in increase of deviant and aggressive conduct of inmates, none of them has come up with a solution to that problem.

Major progress was only noticed in the area of the right of inmates to confession of their faith, better co-operation with local priests, building of churches or confessional premises within prisons. However such enhanced rights to confession of faith were enjoyed only by the Orthodox Christians,

while the rights of members of other religious denominations were still not fully respected.

5. CONTACTS WITH THE OUTSIDE WORLD

The basic means of inmates communication with the outside world are telephone booths in prisons. Majority of prisons have those booths.

But there are accessibility problems, for in the largest and most crowded prisons there are only few booths, which curtails the time for telephone conversations. Secondly surveillance/tapping of those conversations by the prison personnel, introduced during the state of emergency, is still in force.

Restrictive regime introduced during the state of emergency in 2003 left its mark on inmates correspondence, for all letters are still read by prison personnel prior to their sending. However, no-one complained to Helsinki Committee about seizure of any letters.

There were no major problems in the area of money and packages-receiving. Moreover no-one complained to Helsinki Committee about things missing from packages addressed to inmates.

Visits of families and friends unfold smoothly, and their frequency depends on categories and treatment of inmates.

Visitors' rooms and special rooms for contacts with spouses and children, if they exist at all, in the majority of cases do not meet the size and equipping criteria.

Contacts with lawyers must be first approved by a prison director, but, according to knowledge of the Helsinki Committee, inmates have been nearly always granted that right.

Unfortunately the room for contacts with lawyers rarely meets the required standards of total privacy of conversation.

We assess positively availability of the outside world information, for most communal rooms in the observed prisons have sufficient number of TV and radio sets to which inmates have an unrestricted access. Some prisons provide for a certain number of gratis newspapers on a daily basis, and allow prisoners to subscribe to an unlimited number of newspapers and magazines of their choice.

But generally speaking, contacts with the outside world, notably in terms of co-operation with the local community, are not at a satisfactory level.

6. PERSONNEL

Poor financial conditions and a chronic shortage of applicants for the jobs in the area of enforcement of criminal sanctions, are a long-standing problem. Unfortunately very little is done to attract potential candidates for the work in penitentiaries: there are no actions to ensure grants and education of future staff, nor financial incentives to award those excelling in performance of

their duties. Consequently it is impossible to effect adequate selection among motivated staffers and work out a better and more systematic job profiling. Some employees in those institutions do not even meet the basic recruitment criteria. It also bears saying that many staffers are not motivated or even trained for such highly responsible and sensitive jobs. Of major concern is the fact that in some institutions (mostly district courts), even the top management cannot present to or instruct its subordinates in a clear concept of treatment, for they simply- don't have it.

An obvious problem of shortage of highly qualified personnel in security services, is exacerbated by poorly educated trainees bereft even of elementary knowledge of their future work. Experts and security personnel think that an additional education is badly needed in order to effect changes in the role of those services, which is currently only a repressive one. To that end, as the first step, the OSCE Mission in Serbia and Montenegro and Management for the Enforcement of Prison Sanctions have for several years now organized communication-enhancing, weapons-training and human rights-familiarization seminars.

Organization of other services varies from institution to institution. District prisons either don't have organized services for reformatory training, vocational training and employment or their pertinent personnel is not being adequately engaged in tasks covered by those services. In larger penitentiaries small number of educators work with a too large number of inmates, whereas in some prisons boasting minimal opportunities for the employment of inmates, services for training and employment are overstuffed.

The reformatory training personnel in most institutions consider themselves as powerless admin clerks tasked with the processing of applications and petitions of inmates and proposing of relevant measures just for the sake of meeting relevant legal provisions.

Frequent need for putting in extra hours in an already inadequately paid job, makes the personnel highly stressed out, and unmotivated for a high-quality and conscientious work. Added to that a chronic understaffing or inadequate distribution of duties to permanent staff reduces the possibility for a direct contact with prisoners, and consequently hampers development of positive inter-personal relations.

Recommendations

- At the Management level set up an expert team to visit all institutions for enforcement of sanctions, and consequently produce an accurate "field" report. By likening data from this report and all those compiled by international organizations and domestic NGOs, with assistance of Council of Europe, OSCE, and other relevant institutions and organizations draw up a

comprehensive strategy of overhaul of the prison system with clearly defined short-term, mid-term and long-term objectives;

- Accelerate the process of drafting of a new Act on Institutions of the Penal System and relevant sub-legal acts;

Experts should be included in the process of drafting of that new act and normative legislation, with a view to making them contribute to elaboration of modern norms, fine-tuned to European standards and norms implemented in practice. Among those experts should be high officials of the Serb Prison Management System, professors of Defectological and Law faculty, prison managers and personnel, and highly qualified representatives from OSCE, Council of Europe, UNHCR, UNICEF and domestic NGOs dealing with that issue.

The Organized Crime Trials

The judicial proceedings before national courts against persons charged with organized crime, political assassinations and war crimes reflect an attempt to make society democratically accountable. With this aim in view, following the assassination of Prime Minister Zoran Djindjic, two Belgrade District Court special chambers were established to deal with organized crime and war crimes respectively. However, the present Government's promise to put an end to organized crime and corruption proved insincere, there being no political will on its part to deal with the matter in earnest. As a result, the state institutions were increasingly being seen as mere 'window dressing' and public confidence in them diminished. The Government also manifested a lack of political will to reform the institutions substantially. Also, the absence of political determination to carry out a 'lustration' of Milosevic's cadres was no doubt directly linked to their increasingly patent rehabilitation. All signs were that the symbiosis between organized crime and the State continued to operate though not as clearly as before.

The Djindjic Assassination Trial

The Djindjic trial is a major test of the readiness of the State and society to clarify the causes and motives of this political act carried out to prevent a public discourse on the recent past and on the policy of war of the previous regime and its consequences. In addition, the intention of the instigators and organizers of the assassination was to obstruct Serbia's early integration with Euro-Atlantic organizations which Djindjic advocated and implemented. This intention has been borne out by the course of the proceedings so far, as well as by the constant efforts to obstruct them and to portray the late prime minister as a criminal.

The proceedings, officially registered as Kp. br. 5/03, were opened on 23 December 2003 in Courtroom 1 of the Special Court in Belgrade. The Trial Chamber of the Special Organized Crime Chamber of the Belgrade District Court consists of Marko Kljajevic as president and Milimir Lukic and Nata Mesarevic as members. The indictment of the Special Department of the District Prosecutor's Office in Belgrade, marked Kts. br. 02/03, initially encompassed 36

persons of whom only a number are charged with the assassination, the majority being charged with committing homicide, kidnapping, and other criminal offences as members of a criminal group. At the request of Special Prosecutor Jovan Prijic and a number of defence counsel, the Trial Chamber on 17 February 2004 ruled that those charged with assassinating Djindjic and those charged with other crimes should be tried separately.

The defendants charged with assassinating Djindjic number 13: Milorad 'Legija' Ulemek, Zvezdan Jovanovic, Dejan 'Bagzi' Milenkovic, Dusan Krsmanovic, Sasa Pejakovic, Branislav Bezarevic and Zeljko Tojaga are in the detention unit of the Belgrade District Court, while Aleksandar Simovic, Milos Simovic, Vladimir Milisavljevic, Ninoslav Konstantinovic, Milan Jurisic and Sretko Kalinic are at large and are being tried *in absentia*.

When the trial started chief defendant Ulemek and Milenkovic were beyond the reach of the judicial authorities: Ulemek gave himself up to the policemen watching his house in the Belgrade suburb of Filmski grad on 2 May 2004, and Milenkovic was extradited by Greece on 2 February 2005, having been arrested by the Greek police outside the Serbia and Montenegro Consulate in Thessaloniki on 16 July 2004.

While Jovanovic and Krsmanovic decided to use silence as defence, Ulemek and the rest denied the charges. Except for Milenkovic, who merely made a plea in response to the charges, the defendants gave evidence and the Trial Chamber president read the statement made by Jovanovic and Krsmanovic during the investigation.

The court has so far heard evidence from the defendants and from many witnesses put forward by the prosecution including: members of Djindjic's security who were with him when he was shot; security personnel guarding the Serbian Government building outside which the incident occurred; residents of surrounding buildings; staff at the Photogrammetry Office building on 14 Admirala Geprata street from which the shots were fired, according to the indictment; and passers-by who happened to be near the scene at the time. Evidence has also been heard from three co-operating witnesses, Ljubisa Buha, Miladin Suvajdzic and Zoran Vukojevic. Nenad Sare, a former member of the Special Operations Unit (JSO), testified against the defendants as an 'ordinary' witness for the prosecution. At the proposal of the prosecution, evidence was also given by eye-witnesses, traffic police and others in connection with the assassination attempt on Djindjic near the Limes sports hall in New Belgrade. Witnessing for the prosecution were Rodoljub Mijatovic, the Organized Crime Suppression Directorate (UBPOK) inspector who had investigated Zvezdan Jovanovic, and Zoran Mijatovic, who had been deputy director of the Security Intelligence Agency (BIA) during the JSO mutiny in November 2001.

Several witnesses put forward by the defence have also been examined by the Trial Chamber so far. According to several JSO members, Zeljko Tojaga was with the unit on Mount Kopaonik when the assassination attempt in New Belgrade took place in February 2003.

At the request of the prosecution, counsel for the injured party, and defence counsel, the Trial Chamber will examine as witnesses Milorad Bracanovic, Zoran Janjusevic, Vladimir 'Beba' Popovic, Cedomir Jovanovic, Dusan Mihajlovic, Dejan Mihajlov, Miladin Veruovic (in connection with the New Belgrade assassination attempt; his brother and Djindjic's bodyguard, Milan Veruovic, was seriously wounded when Djindjic was killed), Biljana Stankovic and Maja Vasic (the last two about the security arrangements in the Serbian Government building before and on the day of the assassination).

Counsel for the defence have requested an event reconstruction considering that this was not done during the investigative proceedings. The Trial Chamber will rule on the request later.

The trial has been a focus of domestic and international attention since the very start. The proceedings are monitored by nearly all domestic media organizations as well as some foreign. A number of media organizations have published integral statements made by the defendants and witnesses during the investigation, the report on the autopsy of the late prime minister, and the reports on the autopsies of Dusan Spasojevic and Mile Lukovic, who were shot dead during an attempt to arrest them in the Belgrade suburb of Meljak. The reports on the on-site investigations carried out at 14 Admirala Geprata street, where the prosecution alleges the shots came from, and at the entrance to the Government building were also cited widely. Parts of the ballistic experts' findings were also published.

The Trial Chamber president, Marko Kljajevic has been vilified by some media, with a number of Government ministers and senior officials making inappropriate statements about the Special Court, the course of the proceedings, and the justifiability of the indictment. These statements fuelled assumptions that Special Prosecutor Jovan Prijic would be relieved of office.

There have been a number of disturbing developments since the start of the trial: a number of men in T-shirts bearing the JSO symbol - a wolf's head - appeared in the courtroom in an apparent show of support for the chief defendant; witness Kujo Krijestorac, who was to testify to the presence of a number of defendants on Admirala Geprata street on the day of the assassination, was shot dead; attacks were carried out on Djindjic's sister Gordana Djindjic-Filipovic and on Milan Veruovic, an injured party in the proceedings; two defence counsel announced their resignation following several threats from Ljubisa Buha; the Belgrade Chamber of Advocates recently received a threatening letter addressed to the attorneys of the injured parties' next of kin.

This summary of the proceedings inside the courtroom and of the developments outside it is indicative of the circumstances in which the trial is taking place.

Pressure on the Court, Prosecutor, and Chamber President

Very soon after assuming office, Serbian Minister of Justice Zoran Stojkovic launched an initiative to abolish the special chambers for organized crime and war crimes of the Belgrade District Court. At a news conference on 29 March 2004, Stojkovic made clear that the Ministry of Justice had set out to rewrite the law dealing with organized crime and war crimes: 'The only difference there is is that of money, that is, how much pay they're going to get; after all, every judge of the District Court must have the competence to try criminal offences falling within these two categories. We've got an absurd situation on our hands, the Supreme Court's special unit having been declared unlawful because the law stipulates that the District Court must have it. Or, consider the case of the prosecutor, for example: he hasn't been assigned a case thus far, and I'm not sure whether he's going to get one this year. They too are getting three times the pay of their colleagues. I'd like you to give me just one criterion for setting up special units.'¹

The daily *Balkan* wrote that Serbia's top lawyers were strongly supportive of the initiative of the Ministry of Justice, being of the opinion that the setting up of the special organized crime unit was the product of the state of emergency and the police Operation Sabre and ought to be abolished as such. In an interview with *Balkan*, attorney Borivoje Borovic said, 'The special unit against organized crime ought to be abolished as a matter of urgency. This court is dealing with only a very small number of cases, so it is becoming increasingly clear that these trials were launched by the outgoing government to suit their political ends. On the other hand, if view of the fact that no new cases exist, one might infer that organized crime has been absent from Serbia over the past year. I expect that when this court is abolished, a good many MUP [Ministry of Internal Affairs] leaders will be arrested because they have initiated many proceedings contrary to the law.'² Minister Stojkovic's initiative was upheld by the president of the Belgrade Chamber of Advocates, Vojislav Nedic, who said that most of his colleagues share his opinion.³

In connection with the initiative, the President of the Society of Judges of Serbia, Omer Hadziomerovic, complained that there were no criteria for electing judges to the special units of the District Court and urged a 'review of the statutory framework under which the special organized crime unit of the Belgrade District Court was established.'⁴ Tomislav Nikolic, deputy president

¹ *Danas*, 30 March 2004. 'We Do Not Need Special Courts', Bojan Tonicic.

² *Balkan*, 23 March 2004. 'Special Court Being Abolished, Special Prosecutor's Office and MUP Chiefs Being Interrogated', Dragana Manilovic.

³ *Politika*, 31 March 2004. 'For And Against Special Court', Aleksandra Petrovic.

⁴ *Politika*, 30 March 2004. 'Hadziomerovic Backs Stojkovic', Beta news agency item.

of the Serbian Radical Party, said that 'the Radicals were against the establishment of the special courts and may vote for their abolition.'⁵

Among those who did not agree was the former Serbian Minister of Justice, Vladan Batic, who said that abolishing the special units of the Belgrade District Court might produce 'considerable process consequences for the trials already begun. But maybe this is the main objective after all - to render meaningless and relativize everything, even the proceedings in connection with Djindjic's murder.'⁶

Under pressure from the public and from certain political parties such as the Democratic Party (DS) and the Civic Alliance of Serbia (GSS), as well as from non-governmental and international organizations, Minister Stojkovic softened his position insisting that he had never sought to abolish the units: 'I merely explained that this isn't about the Special Court, because it doesn't exist under the law, this is about the units, and I said that I have neither the authority nor the desire to abolish... I was merely explaining what ought to be done, so after it's done the judges can adjudicate validly.'⁷

The public controversy about the Special Court and pending organized crime trials and the atmosphere of those days were summed up by the Court's spokeswoman Maja Kovacevic-Tomic: 'The atmosphere is being created where everybody's on trial except the defendants. The Court, the Special Prosecutor, the MUP, the co-operating witnesses - all of them are on trial. At these proceedings people are challenging the Court, the Law on Organized Crime, the institute of co-operating witness, the Special Prosecutor. They are making every effort to put off, prolong and obstruct the proceedings as much as possible. At the same time, the co-operating witnesses are receiving messages through the media that they will lose their status and be put in the dock, which isn't true and amounts to intimidation of witnesses who are yet to give evidence.'⁸

The newly-appointed Interior Minister, Dragan Jovic, said in an interview with the daily *Blic*: 'The police will simply have to reinvestigate everything concerning Djindjic's murder. Down to every detail. I wouldn't confine myself to the trial itself. The only thing that matters is to establish the whole truth, but there's not enough cooperation between the prosecution and the police at present to clarify every detail. The Prosecutor's task is to dig deep and set the police on the right course, that of the police to do their job thoroughly.'⁹ Asked about his views on the investigation, he said: 'The thing

⁵ *Vecernje novosti*, 31 March 2004. 'Who Will Judge the Court?', D.P. Veljkovic, N. Bijelic.

⁶ *Vecernje novosti*, 31 March 2004. 'Untruth and Slander', D.P. Veljkovic, N. Bijelic.

⁷ *Balkan*, 8 April 2004. 'I Did Not Demand Abolition of Special Court', M.A.

⁸ *Inter-Nacional*, 7 April 2004. 'Judges and Prosecutors on Trial Instead of Defendants', M. Stojadinovic.

⁹ *Blic*, 10 April 2004. 'New Investigation Into Djindjic Murder', Nenad Calukovic.

that continues to raise doubts in my mind is, was it necessary to kill the two key witnesses? Was their resistance to the MUP members of such a nature that they had to be shot? This is the key issue which the prosecution should take as a point of departure in clarifying Djindjic's murder. This matter must be got through with. I'm also puzzled by the fact that the proceedings have dragged on for so long. They have degenerated into something that shouldn't be allowed to go on and on. The assassination of the Serbian prime minister, the number-one man in Serbia, ought to have been solved at once. You either solve it at once, or you never solve it.'¹⁰ Asked whether Ulemek was still the number-one enemy of the State, Jovic replied: 'I don't think that one man can be number-one enemy. To be able to shake the entire state. That is simply impossible. If it were, I would have no faith in the MUP or Government.'¹¹ The interview outraged members of the previous government, lawyers for the Djindjic family, professionals and NGOs to such an extent that three days later Jovic found it necessary to correct himself: 'The police cannot reinvestigate the murder of Zoran Djindjic since that is the job of the State Prosecutor.' On being reminded that he had told *Blic* something quite different, he said: 'The *Blic* interview is a text I didn't authorize, and besides the headline was somewhat pulled out of context...' The daily *Kurir*, which carried Jovic's authorization claim, wrote: 'The editor-in-chief of *Blic*, Veselin Simonovic, says that, prior to publication, minister of police Dragan Jovic authorized the text of the interview which announced a new investigation into the murder of Zoran Djindjic.'¹²

At about the same time, Zeljko Ivanji, a member of the G17 Plus Executive Committee, told media that his party would propose setting up a committee of inquiry to analyze the investigation into Djindjic's murder as well as the consequences and implications of the police Operation Sabre. In a statement to the daily *Vecernje novosti*, Ivanji said: 'The idea is to get the parties to agree beforehand whether to let the committee get on with its work at once or to give the new minister of police some time to shake down. Should it get the go-ahead, the committee would also have authority to look into the investigations of murders committed before and after 5 October 2000... Care should be taken not to interfere with the Court and MUP at any time...' Ivanji offered assurances that behind the G17 Plus initiative there was no intention to undermine the Special Court: 'There's also this special motive [for setting up the committee], the intention to remove the curse from the honourable and unblemished members of BIA who have been complaining to us that the various newspapers articles treating all BIA staff alike are causing them much distress.'¹³

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Kurir*, 13 March 2004. 'Blic: Text Authorized', S. Marjanovic.

¹³ *Vecernje novosti*, 10 March 2004. 'Tell the People the Truth', D. Stevanovic.

Ivanji's initiative was backed by Vojislav Mihajlovic of the Serbian Renewal Movement (SPO), Ivica Dacic of the Socialist Party of Serbia (SPS), and Tomislav Nikolic of the Serbian Radical Party (SRS), the last however voicing reservations on account of the 'pending trial proceedings'. Milos Jevtic of the DS alone said that while he had nothing against committees of inquiry and establishing the truth, 'the object of judicial proceedings is to find the truth. One ought to wait for the end of the trial of the defendants charged with murdering Djindjic.'¹⁴ Judging by the numerous statements of Serbian MPs, the initiative was supported by all except those belonging to the DS. Milos Aligrudic of the Democratic Party of Serbia (DSS) said that while his party wanted to see all unsolved murders and other crimes clarified and was in favour of setting up a committee of enquiry to expedite the matter, that was primarily the job of the police.¹⁵ The G17 Plus initiative irritated Jovo Curuvija, whose brother and journalist Slavko Curuvija was among those shot dead by unidentified gunmen; he dismissed the initiative as a 'plant foisted by KOS (Counter-Intelligence Service) and UDBA (State Security Service) on inexperienced people, such as those from G17 Plus, because none of the commissions of inquiry has produced any results so far, their sole purpose being to turn the victims and their families into ridicule.'¹⁶

The appearance of six young men at the case presentation on 20 April 2004 shocked many as a most outrageous form of pressure on the Court and the parties to the proceedings. These men, who were later identified as members of the Gendarmerie, turned up wearing T-shirts with the JSO logo - a snarling wolf's head wearing a red beret.¹⁷ Minister of Internal Affairs Dragan Jovic commented on the incident as follows: 'The statement of the spokesperson for the Special Court, Maja Kovacevic-Tomic, that the trial is open to the public and that anyone could attend is worthy of note. As to the T-shirts, they signify an attitude towards that unit and its methods. After all, that unit earned a reputation of being unbeatable in combat during the war. The attitude of these young men, some of whom - I am told - were not even JSO members, manifests a measure of attachment and enthusiasm, so I wouldn't call that a new conspiracy at all.'¹⁸

The pressure brought to bear on the Court and the course of proceedings by certain members of the Kostunica Government ever since its inauguration culminated during the run-up to the Serbian presidential elections in May 2004. For instance, at a news conference on 17 May 2004, the electoral headquarters of the DSS presidential candidate, Dragan Marsicanin, accused the DS leaders of

¹⁴ *Ibid.*

¹⁵ *Glas javnosti*, 10 March 2004. 'Investigation and "Sabre" Under Review', V. Nikolic.

¹⁶ *Ibid.*

¹⁷ See chapter on the course of the proceedings.

¹⁸ *Blic online*, 24 April 2004. 'Berets Still Operate as Wolf Pack', *Blic* team.

complicity in the assassination of Djindjic. At the conference, Dejan Mihajlov read the following statement: 'Let them tell Serbia who murdered the president of their party and prime minister [Zoran Djindjic] if they really want to distance themselves from the murderers. If they will not do this, we will - the judiciary and the prosecutor's office no doubt have the independence and determination to ensure that [the truth is known]... Serbia knows and the people know that the culprits have come forward of their own accord, that they have exposed themselves and admitted their guilt without being implicated by anybody yet... These people are manifesting their feelings of guilt for having made deals with the mafia... they knew who was looting and murdering people all over Serbia, yet they kept silent because of their vested interests or because they were afraid... Djindjic's mother has stated clearly that her son was 'murdered by his own people', that she was told this by a former minister in no uncertain terms. Are the mother's words not plain enough?'¹⁹

At its latest meeting at the middle of January 2005, the High Juridical Council ruled that the special organized crime unit operating within the Supreme Court Criminal Bench had been set up according to the law, as well as that its judges had all the rights and responsibilities laid down by the Law on the Organization and Competence of State Organs for Suppressing Organized Crime. The ruling was based at the initiative of the judges of the Serbian Supreme Court Criminal Bench. The initiative followed the November 2004 decision of the Budget Inspector ordering the Serbian Supreme Court to repay some 17 million dinars because the criminal unit judges had been drawing three times the pay of the rest of their Supreme Court colleagues. The Supreme Court took the ruling as confirming that the higher salaries were in line with the Law on the Suppression of Organized Crime. Janko Lazarevic, the Acting President of the Supreme Court, said: 'The decision of the budget inspection was rash. We filed an objection but have received no ruling on it. On receiving their ruling, we can file an administrative suit. I hope that things will not come to that.'²⁰

Since the start of the principal hearing of the Djindjic trial, Trial Chamber President Marko Kljajevic has been under constant pressure from defence attorneys and many media outlets, the former filing several motions at nearly every sitting that he be disqualified chiefly on moral grounds. This matter will be dealt with in detail in the chapter on the course of the proceedings. The pressure on judge Kljajevic culminated in February 2004 when a criminal complaint was filed against him by Miodrag Todorovic and Mirko Tripkovic, both counsel for Dusan Krsmanovic, Nenad Vukasinovic, counsel for Zvezdan Jovanovic, and Biljana Kajganic, former counsel for Dejan Milenkovic. The charges included belonging to the 'Surcin-Zemun Gang' criminal organization,

¹⁹ *Politika*, 18 May 2004. 'Former Government Knew Who Killed Djindjic', Beta.

²⁰ *Danas*, 15-16 January 2005. 'Judges' Triple Pay Lawful', A. Roknic.

security infringements, and breaking the law.²¹ The complaint was based on the allegations made by Milena Arezina, the former president of the Belgrade Commercial Court, in her book *Noc prevare - dan izdaje* (The day of deceit - the night of treachery). The passage the attorneys took as proof of Kljajevic's criminal guilt reads: 'The appointment of judge Marko Kljajevic was a shock to me. Not because he is the brother of Goran Kljajevic, but because, on 6 October 2000, he assisted him, shoulder to shoulder, in giving logistic support to Mile 'Kum' Lukovic and a group of men from Surcin in breaking into my office and seizing the Commercial Court on behalf of his brother Goran. He had a folder in his hand which he put on my desk. Unlike Kljajevic, Kum struck me as someone who did not mince matters, and he asked me in a grave voice to inscribe the Difens company in the court register at once. "What happens if I refuse?" I asked quite calmly. "You'll be floating down the Danube, President, but with concrete boots on your feet," the elder Kljajevic said with a sneer while the younger, Marko, stood in the corridor leaning against a window and gave me the finger.'²² Giving the reasons for the criminal complaint against the Trial Chamber President, attorney Tripkovic said: 'These are the most serious accusations of not only a moral but of a criminal nature as well. As a result, the public and especially the parties to these criminal proceedings have quite rightly raised doubts as to the integrity of the man in charge of a trial of national and historical importance. Given that the allegations made have not been refuted in any way, the suspicions are growing that they are founded and that it is hoped that the affair will blow over.'²³

Coached by lawyers for the defendants, a number of media outlets joined in the smear campaign against Kljajevic: 'Behind the scenes of the "trial of the century", the whisper is that strange things are going on among the staff of this institution. "So much aggravation from so few people," complains an employee of this "special" team. The spate of bizarre incidents started after Marko Kljajevic forbade spokeswoman Maja Kovacevic-Tomic to announce the trial schedules to the public. After this, our source insists, he was given several sharp rebukes which he choose to ignore. Soon afterwards, the source says, his arrogant attitude was linked to the fact that he and Radoslav Bacevic, the District Court president, are best men.'²⁴

In February, one of the several tabloids monitoring the trial, wrote: 'Whether or not Marko Kljajevic will continue to preside over the trial of the defendants charged with the assassination of Serbian Prime Minister Zoran Djindjic will be known after the Serbian Supreme Court rules on the matter

²¹ *Centar*, 10 February 2004. 'Judge Sought to Replace Kljajevic', Ivana Cvetkovic, Ana Savic.

²² *Blic*, 2 February 2004. 'Arezina: "Kljajevic Brothers Were Connected With Zemun Gang', D. Manojlovic.

²³ *Ibid.*

²⁴ *Balkan*, 8 February 2004. 'Kljajevic and Bacevic Best Men', Dragana Manojlovic.

later today. Sources close to judicial authorities have been saying for days past that secret negotiations are under way with a Belgrade District Court judge who might secede Kljajevic. This judge is not on the staff of the Special Organized Crime Unit, and he has not been selected "at random" (i.e. by drawing lots); this time, the emphasis is on judicial experience and capacity to adjudicate in delicate trials of this nature.'²⁵

In those days Milena Arezina was a focus of media attention as she gave numerous interviews and statements. Thus, on 11 February 2004, the daily *Balkan* published an article headlined 'Brothers Kljajevic Gather Flak' and signed by Dragana Manojlovic, quoting Arezina as saying: 'I'm not in favour press trials and my sole wish is to get someone to investigate what went on in the Commercial Court on 6 October. If nothing happens, I'm going to file a criminal complaint against Sonja Brkic and Radoslav Bacevic - who is, by the way, Kljajevic's best man - for having dragged the case backwards and forwards between the Serbian Supreme Court and the District Court for quite two years... they can get to the crime scene only by investigating the matter and taking it to a court of law... the things going on at present are mere window-dressing. The brothers Kljajevic must be arrested if we are to find out the truth.'

At the middle of February, after a consultation with Arezina, the attorneys for the defendants enlarged their criminal complaint against Kljajevic. The daily *Kurir* published an amended version of Arezina's account of the 6 October 2000 incident, claiming that the brothers Kljajevic and Mile 'Kum' Lukovic arrived at the Commercial Court in the company of 15 armed men. As Arezina retold the story: 'Marko Kljajevic, who was there all the time, urged me to do what his brother demanded of me, and it was then that I realized that he was on the side of the Surcin-Zemun gang... Marko Kljajevic kept laughing cynically the while. At one point he gave me the finger and yelled out: "If you don't do that, we're gonna kick your arse!"'²⁶

The nature of the pressure brought to bear by the lawyers on the Court and other participants in the proceedings is borne out by the fact that in six days alone (between the end of December 2003 and 11 February 2004) they filed 78 various requests, motions and complaints (according to the Human Rights Lawyers Committee).²⁷ Most of these were motions to disqualify the Trial Chamber President, Special Prosecutor, Deputy Prosecutor, Trial Chamber members, President of the Belgrade District Court, and President of the Serbian Supreme Court.

During the 'election weekend' of 16-17 June 2004 preceding the first round of the Serbian presidential election, a member of the Djindjic Trial Chamber received a threat in the form of three red roses placed outside his

²⁵ *Centar*, 10 February 2004. 'Judge Sought to Replace Kljajevic', Ivana Cvetkovic, Ana Savic.

²⁶ *Kurir*, 14-15 February 2004. 'The Kljajevics and the Surcin Gang', Lj. Kekovic.

²⁷ *Balkan*, 11 February 2004. 'Brothers Kljajevic Gather Flak', D. Manojlovic.

weekend cottage. It should be recalled that the chief defendant, Milorad Ulemek, has a rose tattoo on his neck, and that several of his fans attending the proceedings sport identical tattoos. Maja Kovacevic-Tomic, spokeswoman for the organized crime unit, told Beta news agency that 'there have been a number of incidents which may be construed as threats to judges of this court' and that 'the Serbian MUP has been informed of everything.'²⁸ The Serbian MUP has made no discoveries in this connection to date.

In connection with the demands for sacking Special Prosecutor Jovan Prijic, trial balloons were sent up by two officials: Minister of Justice Stojkovic and Chief of the MUP Public Security Department Miroslav Milosevic. According to *Blic* and *Vreme*, which cited unofficial information and sources, Stojkovic saw a Serbian deputy public prosecutor on 12 January 2005 and asked him whether he would be willing to take over as Special Prosecutor since Jovan Prijic was about to be replaced shortly.²⁹

On the day before, in an interview with *Revija 92*, Miroslav Milosevic commented at some length on the hitherto work of Special Prosecutor Prijic. He noted, among other things, that 'the General's murderers are still at large', a reference to the persons who gunned down police General Bosko Buha. The Prosecutor's Office charged a number of members of the 'Maka Gang' with the murder, but the competent Special Court Chamber acquitted them. Milosevic further said: 'We shall therefore have to address this problem in the months to come; also, without wishing to interfere with the Court in any way, it seems to me that we shall also have to get down to solving the assassination of Prime Minister Djindjic. My growing impression is that this trial is gradually degenerating into a farce and that many omissions have been made, while on the other hand fresh information is absent from the indictment and other official documents.' Milosevic said that, in his opinion, the indictment against Ulemek and the others was 'without a firm foundation', adding that he hoped that they too will be acquitted.³⁰

In a statement on 12 January 2005, the Prosecutors' Association accused Milosevic of a serious breach of the principle of judicial independence and the Law on Criminal Procedure. In view of the fact that neither the Buha nor the Djindjic trial had been settled by a finally binding decision, the statement went on, if General Milosevic was in possession of any new material evidence likely to help establish the truth in the courtroom, he ought to submit it to the Prosecutor rather than speak about it in public.³¹

The possible replacement of the Special Prosecutor was also hinted at by the Republic Prosecutor's Office in a statement released at the end of January 2005. It said that the competent Prosecutor would decide whether to replace or

²⁸ *Danas*, 21-22 August 2004. 'Police Mystified by Three Red Roses', V.Z. Cvijic.

²⁹ *Vreme*, 20 January 2005. 'Judicial Coup', Dejan Anastasijevic.

³⁰ *Ibid.*

³¹ *Beta*, 12 January 2005. 'Milosevic Violated Judicial Independence'.

re-appoint Prijic as Special Prosecutor on 1 March 2005. It said that Prijic was appointed on 1 March 2003 and that, in the opinion of the Prosecutor's Office, his term expires on 1 March 2005. The statement went on to say that Prijic's mandate had not been interrupted or affected otherwise by the amendment to Law on the Prosecutor's Office passed in the summer of 2003. The fact that the then Republic Prosecutor Djordje Ostojic made a new decision appointing Prijic for a period of two years running from 23 July 2003 does not alter matters because, the statement said, Ostojic did that to 'clear away any dilemma.' In support of its interpretation, the Prosecutor's Office pointed out that in rendering the new decision Ostojic 'did not alter the part of the [original] decision pertaining to [Prijic's] appointment or any other part thereof, given that since 1 March of that year Prijic had been performing his functions without a break and continues to do so.'³²

In response to the statement, Prijic wrote to the Republic Public Prosecutor Slobodan Jankovic on 31 January 2005. He pointed out that but for Ostojic's July 2003 decision neither he nor his deputies would have been able to discharge their duties at the Special Prosecutor's Office; that thanks to that new decision, the lawyers for the defendants currently on trial before the Belgrade District Court special unit had been unable to challenge the legitimacy and lawfulness of the actions he and his deputies had taken so far; that if on 1 March 2005 a new decision on the appointment of the Special Prosecutor is made, it may have far-reaching effects on the pending trials before the special unit. In the second part of the letter, Prijic discusses the extradition of Dejan 'Bagzi' Milenkovic and notes that someone else rather than acting Republic Prosecutor Slobodan Jankovic stands behind the statement of the Republic Prosecutor's Office; that the drive to replace the Special Prosecutor is orchestrated by people who have prepared a special part for Milenkovic to play at the Djindjic trial; and that the drive to replace him is also aimed at undermining Nenad Sare as co-operating witness in the Ivan Stambolic murder trial.³³

On 20 January 2005, *Vreme* published a MUP order to the appropriate police department to the effect that, should Special Prosecutor Prijic turn up at any MUP facility, the reception booth officer was to stop him, ask him on what business he was there, inquire whether any member of the staff wanted to receive him, and report the visit to Minister Jovic and General Milosevic at once.³⁴ In the same article its author, citing an unofficial source, writes that Minister Stojkovic met Ulemek after his surrender, and that not infrequently

³² *Blic online*, 1 February 2005. 'They Are Replacing Me Because Bagzi Is Coming', www.blic.co.yu/arhiva/2005-02-01/naslovna

³³ *Ibid.*

³⁴ *Vreme*, 20 January 2005. 'Judicial Coup', Dejan Anastasijevic.

General Milosevic was 'given to moaning to colleagues that he found it "unbearable" that his "pal [Legija] should be languishing in goal."³⁵

In the face of predominantly negative public reactions, a disconcerted General Milosevic told a reporter: 'I will not comment on this. As a journalist, you ought to know how to obtain an interview from a MUP official. The right statements are to be found in approved interviews, those that are authorized. We can have a chat over a drink at a football match, in a restaurant, in bed, or elsewhere, but those are not official statements. The parallel interview with Minister Jovic and myself published in *Revija 92* is not in the proper form, and the positions quoted in that supposed interview are not the positions of either the Ministry of Internal Affairs or of the head of the Public Security Department.'³⁶

There was increasing talk in public that Minister Stojkovic and other officials were keen to get Prijic out of the way before Dejan 'Bagzi' Milenkovic gave evidence as a defendant before the Trial Chamber. The speculation was that Milenkovic should on no account be granted the status of co-operating witness for two reasons: first, because it such a role he might 'cement' the evidence against Ulemek and the rest; second, that that would give the lie to the fable that, as a member of the Surcin Gang, the late Prime Minister Djindjic lost his life as a result of a feud with the rival Zemun Gang. This version is, of course, favoured by a number of ruling and opposition parties.³⁷

However, the affair did not end in Prijic's dismissal as some hoped and others feared that it would. On 28 February 2005, *Blic* wrote that the matter had been discussed by the US Ambassador to Serbia and Montenegro, Michael Polt, and Prime Minister Kostunica, the first having made clear that a replacement of the Special Prosecutor at this stage of the proceedings might have unforeseeable consequences. The daily also wrote that while Kostunica did not say what would happen to Prijic, he stated that the 'present government is not satisfied with the work of the Special Prosecutor in connection with the Dr Djindjic trial.'³⁸ The article was published two days before the term of office of the Special Prosecutor was to end according to the Acting Republic Public Prosecutor. As of this writing, Prijic still occupies the post.

The Principal Hearing and Related Developments

The principal hearing at the Djindjic trial began on 22 December 2003. The Special Prosecutor's indictment Kts. br. 2/03 initially encompassed 36 persons, 13 in connection with the Djindjic assassination and the rest as

³⁵ *Ibid.*

³⁶ *Danas*, 2 February 2005. 'The Statement Was Not Formal', Vuk Zoran Cvijic.

³⁷ *Vreme*, 20 January 2005. 'Judicial Coup', Dejan Anastasijevic.

³⁸ *Blic*, 28 February 2005. 'Prijic Still Without Successor', E.B.

members of a criminal group charged with homicide, kidnapping and terrorist acts. At the request of Deputy Special Prosecutor Milan Radovanovic and a number of lawyers for the defendants, the Trial Chamber ruled on 17 February 2004 that the two groups shall be tried separately. The defendants in the Djindjic trial (Kp. br. 05/03) are Milorad 'Legija' Ulemek, Zvezdan Jovanovic, Dejan 'Bagzi' Milenkovic, Aleksandar Simovic, Milos Simovic, Vladimir Milisavljevic, Dusan Krsmanovic, Ninoslav Konstantinovic, Milan Jurisic, Sretko Kalinic, Zeljko Tojaga, Sasa Pejakovic, and Branislav Bezarevic. They are charged with seditious conspiracy under Article 136 of the Criminal Code of the Federal Republic of Yugoslavia (KZ SRJ), assassination of a top official of the State under Article 122 of the KZ SRJ, and terrorism under Article 125 of the KZ SRJ.³⁹

In December 2003, the session which began on the 22nd and ended on the 25th was interrupted many times as a result of various requests, complaints and motions by defence counsel. Their objections, queries and demands included: as a judge of the Serbian Supreme Court, Nata Mesarevic cannot at the same time be a member of the Trial Chamber; it is unclear whether the co-operating witnesses have also the status of defendants in the proceedings; does the July 2003 decision on the appointment of Special Prosecutor Jovan Prijic and his deputies Milan Radovanovic and Nebojsa Maras still hold, given that the new Law on the Public Prosecutor's Office has meanwhile come into force?; the indictment Kts 02/03 is dated 21 August 2003 but the lawyers' copies are dated 20 January 2003; the lawyers have had no access to the case papers; Prijic obtained Krsmanovic's statement by fraudulent means by promising him the status of co-operating witness; some of the defendants should be released from detention on bail; Trial Chamber President Marko Kljajevic, the Special Prosecutor and his deputies ought to be disqualified; the District Court's special organized crime unit has no competence to try the case because the alleged crimes were committed before the law establishing the unit was adopted; some of the defendants ought to be tried separately, etc.

There were so many such interruptions on the first and second days of the principal hearing that it was only at the end of the second day that Trial Chamber President Kljajevic managed to declare the hearing formally open. On the third day, the lawyers for the defendants kept bombarding the Trial Chamber with the same motions, requests and complaints and the Trial Chamber had to break off every so often to consult on the matter. The lawyers also insisted on the disqualification of the President of the Serbian Supreme Court.

Towards the end of the day, President Kljajevic decided to let the courtroom hear the minutes of the questioning of Zvezdan Jovanovic who had decided to remain silent because, he insisted, he had been 'subjected to pressure

³⁹ Belgrade District Court, www.okruznisudbg.org.yu 'The Murder of Prime Minister Djindjic'.

and persecution, and was convicted even before entering the courtroom'. Ulemek's lawyer Miodrag Bulatovic, Jovanovic's lawyer Nenad Vukasovic, and Pejakovic's lawyer Goran Petronijevic objected to the decision on the grounds that reading the investigation minutes would be in violation of the defendant's right to use silence as defence and that Kljajevic was yet to pass on to the presentation of evidence stage of the proceedings. For his part, Kljajevic took the view that the minutes should not be regarded as evidence but as the defendant's pleading to the charges. Dissatisfied with this interpretation of the Law on Criminal Procedure, most lawyers walked out and Kljajevic adjourned the proceedings.

Kljajevic spent the whole of the following morning dealing with similar objections, with Milenkovic's attorney Biljana Kajganic and Jovanovic's attorney Nenad Vukasovic also insisting that Jovanovic's statement during the investigative proceedings had been obtained unlawfully and under duress and announcing their decision to file criminal charges against the persons involved. After another recess, Kljajevic read Jovanovic's statement and attorneys Vukasovic, Bulatovic and Petronijevic filed objections to it. Later that day, Krsmanovic's attorneys Miroslav Todorovic and Mirko Tripkovic asked the court to let their client be examined by a team of psychiatrists other than that of the Belgrade Psychiatric Prison which is usually entrusted with ascertaining an accused person's capacity to stand trial. The Trial Chamber complied and the principal hearing was adjourned.⁴⁰

The proceedings did not resume until 9 February 2004. A few days before, attorney Mirko Tripkovic had filed a request for the disqualification of Radoslav Bacevic, President of the Belgrade District Court. A number of Belgrade media outlets reported that after a mere 30-minute examination experts of the Institute of Psychiatry of the Novi Sad Clinical Hospital found Krsmanovic fit to stand trial. Tripkovic's comment on the finding was as follows: 'Not only as a lawyer, but also as a citizen, I am mortified by the finding. I feel embarrassment because the finding as it is is an insult to medicine and justice. Am I to burn with shame on behalf of those doctors?'⁴¹

The first day of the February session opened with attorneys Todorovic, Vukasovic, Kajganic and Tripkovic demanding the disqualification of judge Marko Kljajevic on the strength of the allegations made by the former President of the Belgrade Commercial Court, Milena Arezina, in her book *Noc preovare - dan izdaje*.⁴² The attorneys also filed a criminal complaint against Kljajevic. In addition, Deputy Prosecutor Milan Radovanovic asked the court to split the

⁴⁰ The hearing was monitored by a representative of the Helsinki Committee for Human Rights in Serbia.

⁴¹ *Balkan*, 8 February 2004. 'Krsmanovic Not Talking Due to Drugs, Gaged Tortured and Keeps Bleeding', Dragana Manojlovic.

⁴² See chapter 'Pressure on Court, Prosecutor and Trial Chamber President'.

Djindjic trial. Kljajevic adjourned the proceedings to let the District Court President decide on the disqualification motion.

There was no resumption the following day because the President of the Serbian Supreme Court, Sonja Brkic, was away and therefore unable to decide on the motions to disqualify District Court President Radoslav Bacevic and to suspend judge Marko Kljajevic on the strength of the criminal complaint. Interestingly, rather than filing the Kljajevic criminal complaint with the Belgrade District Public Prosecutor's Office, which is the proper authority in this case, the attorneys filed it with the Republic Public Prosecutor's Office although they knew that it was the wrong address. In this connection, Republic Deputy Public Prosecutor Krsman Ilic said: 'The complaint failed to reach the District Public Prosecutor's Office because its submitters, who are all but uninformed, did not specify the addressee, and there are thirty district public prosecutor's offices in Serbia. Since the attorneys are also aware that the Republic Public Prosecutor's Office is not an operational authority, we shall do what we do in all such cases, namely forward this criminal complaint for processing by the Belgrade District Public Prosecutor's Office.'⁴³

The hearing was resumed on 17 February 2004 and adjourned yet again after attorney Miroslav Todorovic declared that he was unable to defend his client because he had been receiving death threats orchestrated by the co-operating witness Ljubisa 'Cume' Buha. At that, judge Kljajevic ruled that Todorovic shall have bodyguards provided by the Serbian MUP. The Trial Chamber also granted the motion of the prosecution and defence to split the Djindjic trial.

The hearing was adjourned yet again the following day after attorneys Todorovic and Tripkovic insisted on the disqualification of judge Kljajevic. The Trial Chamber dismissed the request and the two walked out of the courtroom, thus preventing Kljajevic from examining other defendants. Kljajevic imposed a fine on them and said: 'You are obstructing these proceedings. Your conduct is without precedent in the history of Serbian judicature. It is the divine right and duty of the court to let the defendants answer the charges within a reasonable time-frame. The court has tried to do this, but you stubbornly keep abusing your procedural rights. The Serbian Chamber of Advocates will be duly informed of this and, should they find you in breach of your authority, you shall be penalized for a breach of discipline. This is the only legal recourse the court has at its disposal.'⁴⁴ At the start of the session, Kljajevic revoked his decision to provide attorney Todorovic with police escort after Todorovic said that he had engaged private security personnel and did not need MUP protection. After that, Gordana Mistic of the Novi Sad Psychiatry Institute appeared as expert witness in connection with the examination of Krsmanovic

⁴³ *Vecernje novosti*, 11 February 2004. 'Let Them Submit Proof', D.P. Veljkovic, N. Bijelic.

⁴⁴ *Blic*, 19 February 2004. 'Attorneys Lay Mines in Courtroom', Natasa Jovanovic.

and declared that the defendant was capable of taking an active part in the proceedings. Attorney Rajko Danilovic, counsel for the Djindjic family, said on leaving the courtroom: 'This is no longer mere abuse and obstruction, this is a total disregard for the institution of the Special Court. We're witnessing political demonstrations of the crudest kind.'⁴⁵

On 19 February 2004 the Trial Chamber examined defendant Sasa Pejakovic who had made a statement to the investigating judge in the presence of his present attorney Goran Petronijevic. He contradicted the statement by saying that he did not know two or three days prior to the assassination that 'something was afoot' and that later he was convinced that the assassination was the work of Dusan Spasojevic's gang. He also denied visiting the JSO base at Kula after the assassination and relaying Spasojevic's message to Zvezdan Jovanovic to 'activate plans A, B, and C as well as 1, 2, and 3', as well as having been told by Jovanovic that that was not possible as the unit was under surveillance. Asked by judge Kljajevic why he had gone back on his investigation statement, Pejakovic replied that he had made it on being promised the status of co-operating witness.⁴⁶

The following day, both Zeljko Tojaga and Branislav Bezarevic denied the charges, the second declaring that the statement he made to the UBPOK inspectors had been written in advance and that he signed it under duress and due to false promises of being granted co-operating witness status. In view of the fact that the statement drawn up in the presence of UBPOK inspector Rodoljub Milovic was unsigned, judge Kljajevic ruled that it should be read despite numerous counsel objections and demands that it should be excluded from the records. Kljajevic said he would decide on the matter after he had examined Milovic.⁴⁷

On 1 March 2004, i.e. a week before the trial was scheduled to resume, the prosecution's witness Kujo Krijestorac was shot dead. Krijestorac had told the investigating judge that he had seen Vladimir Milisavljevic on Admirala Geprata street a few days before the assassination and on the day itself. Krijestorac was killed late at night as he was parking his car, the police saying that he had been 'liquidated with a Skorpion fitted with a silencer'.⁴⁸ After the incident, Djindjic's bodyguard Milan Veruovic, who was seriously wounded when Djindjic was shot dead, said he was 'horrified by the fact that a witness of the killing of Zoran Djindjic has been murdered', that he had 'ended up being paranoid after all that has been going on' and was 'seriously concerned about

⁴⁵ *Politika*, 19 February 2004. 'Contempt of Court', Dorotea Carnic.

⁴⁶ *Danas*, 20 February 2004. 'After the Assassination He Told Legija to Hide', Vuk Zoran Cvijic.

⁴⁷ *Vecernje novosti*, 21 February 2004. 'Confession Under Torture', Natasa Bjelic, Dragica Veljkovic.

⁴⁸ *Vecernje novosti*, 10 March 2004. 'One Witness Less', Uskokovic.

the lives of all the remaining witnesses'.⁴⁹ Amid public speculation as to who might have shot Krijestorac, Sasa Pejakovic's attorney Goran Petronijevic said: 'Krijestorac's statement is now immutable on account of his death. This is a most unfortunate outcome for the defence because we shan't be able to challenge him and ask him questions.'⁵⁰

In March, the court sat on only two days - 8th and 9th - before adjourning again following a walkout by attorneys Miroslav Todorovic-Sera and Mirko Tripkovic in the middle of proceedings. Judge Kljajevic set the next session for April and forbade Tripkovic and Todorovic to represent Dusan Krsmanovic in future. When Kljajevic tried to read Krsmanovic's statement given to the investigators, Tripkovic interrupted him by saying that although the record of his client's statement was a classified document, it had already been divulged by the press and that now Kljajevic himself was about to commit the same offence. Tripkovic added that he had filed another criminal complaint against Kljajevic for 'breaking the law to the detriment of a defendant.' Krsmanovic's other attorney, Todorovic, spoke next, his address being largely directed at the deputy special prosecutors. He said, among other things, that 'The people will forgive Maras for defending the regime of Slobodan Milosevic as prosecutor against NATO, but they will never forgive him for what he has been doing in this courtroom...'⁵¹ After that, judge Kljajevic resumed reading the Krsmanovic statement record whereupon Todorovic and Tripkovic walked out. Outside the courtroom, Todorovic said this in an interview with *Vecernje novosti*: 'I expect that Kljajevic will next ask the Serbian Chamber of Advocates to expel me, but I'm not going to sit still either. I'm going to refer the matter to the Serbian Supreme Court, the Minister of Justice, the Parliamentary Committee.' Asked by the reporter how it was that Krsmanovic was able to understand his counsel's legal advice but unable to follow what went on in the courtroom, Todorovic replied: 'Who says he's got to understand our advice! He's unable to fully communicate with us either.' When the reporter recalled Krsmanovic stating on exiting the courtroom that he had understood everything he had been told by judge Kljajevic, Todorovic said: 'Of course he'd understood, he's not mentally dead. As his lawyers we had to take this line, because if his statement had been read through the trial would have ended quickly and a judgement of conviction passed.'⁵²

It should be noted that on 6 April 2004 Dusan Krsmanovic was examined as witness by the special organized crime unit of the District Court trying members of the 'Maka Gang' charged with assassinating the police General

⁴⁹ *Kurir*, 10 March 2004. 'Danger!', Dj. Odavic.

⁵⁰ *Vecernje novosti*, 10 March 2004. 'I Recognized Vlada the Fool', D.P. Veljkovic.

⁵¹ *Vecernje novosti*, 10 March 2004. 'Attorneys Without Power of Attorney', D. Pusionjic-Veljkovic.

⁵² *Vecernje novosti*, 10 March 2004, 'I Will Pay Him Back!', D. Pusionjic-Veljkovic.

Bosko Buha. His testimony was consistent and at no time did he leave an impression of a mentally deranged person.

The principal hearing resumed on 13 April. Considering that Dusan Krsmanovic had decided to remain silent, judge Kljajevic read the record of Krsmanovic's investigative examination, and neither the defendant nor his new counsel Veljko Delibasic raised any objection to it. The hearing of evidence also opened on this day with co-operating witness Zoran 'Vuk' Vukojevic giving evidence in closed proceedings.

On 14 April 2004 co-operating witness Miladin Suvajdzic known as Djura Mutavi was examined without the presence of the public at his own request. Before that, Ulemek's attorney Slobodan Milivojevic and attorney Biljana Kajganic raised objections to Suvajdzic's status on the grounds that they had already implicated him in the kidnapping of Miroslav Miskovic and the murder of Velibor Ilicic. Judge Kljajevic replied that Suvajdzic's status was lawful and beyond dispute.⁵³ The examination of Suvajdzic was concluded on 15 April. The third co-operating witness, Ljubisa 'Cume' Buha, testified on 15 April also behind closed doors at his request.

Milan Veruovic, who had been wounded in the leg in the Djindjic assassination, testified in his injured party capacity on 20 April. It was on that day that the men in T-shirts bearing the JSO emblem appeared in the courtroom. 'As they entered, they gave their greetings to the defendants Zvezdan Jovanovic and Zeljko Tojaga and left during the first break. According to unofficial police information, they are active members of the Gendarmerie and former members of the Red Berets [JSO]'.⁵⁴ Veruovic told reporters afterwards that he took the gesture of the former JSO members as a form of pressure: 'I took it as indicating that they are still out there. They existed before my testimony and they will continue in existence after it.'⁵⁵ Veruovic said that as he and his lawyer later stood in the corridor outside the courtroom, a court officer charged with escorting defendants approached him and told him that Zvezdan Jovanovic had asked him to stop giving him 'dirty looks'. Veruovic's attorney Boza Prelevic informed the court and the police of this incident.⁵⁶ The special court spokeswoman, judge Maja Kovacevic-Tomic said later that an internal investigation had established that the District Court's security officer in question had passed on the message on his own initiative. On the other hand, Milos Jankovic, head of the Criminal Sanctions Enforcement Office, said this was not possible since the prison guards have no access to the corridors outside the courtrooms, their duty being confined strictly to escorting defendants

⁵³ *Kurir*, 16 April 2004. 'Djura the Dumb Testifies in Secret', A.G.

⁵⁴ *Blic*, 21 April 2004. 'Gendarmes in JSO T-shirts', Z. Dojic.

⁵⁵ *Danas*, 21 April 2004. 'Veruovic: "They Still Exist"', V.Z. Cvijic.

⁵⁶ *Danas*, 26 April 2004. 'Milan Veruovic: "Zvezdan Jovanovic Threatened Me"', Beta news agency item.

between the bullet-proof booth and the glass-enclosed section of the courtroom.⁵⁷

Next day the late prime minister's personal bodyguards Srdjan Babic, Aleksandar Bjelic and Drazen Nastic testified about the assassination and the assassination attempt in New Belgrade. Three other personal bodyguards, Dragan Lalic, Boban Puric and Ljubisa Janosevic, testified on 23 April.

The testimony of the bodyguards, all seven of whom claimed to have heard three shots being fired during the assassination, gave rise to a considerable controversy and much public speculation. According to the indictment, Zvezdan Jovanovic fired two rounds, hitting Djindjic with one and his bodyguard Milan Veruovic with the other. With Serbian media speculating as to the truth of the claim, special court spokeswoman Maja Kovacevic-Tomic made the following statement: 'The talk at the principal hearing of a third shot being fired, followed up by headlines such as "Investigation Hushes Third Bullet", does not correspond to the truth. The third shot story is no news to us because it figured in the investigation. The investigators looked into the various circumstances including the claims of the eyewitnesses that they had heard a third shot. They examined, among other things, the mark on the wall which has been the subject of speculation in the past four days. At the principal hearing, the same experts will again discuss their findings and draw their conclusions. Experts from Wiesbaden [Germany] have also made investigations, but we don't know whether their findings will be read or whether some of them will appear in the courtroom.'⁵⁸

The appearance of the men in JSO T-shirts on the day Milan Veruovic testified was not the only manifestation of support for the defendants. There was, for instance, an interview in *Kurir* with a man who introduced himself as a former JSO member called 'Captain Dzo', who announced that Milorad Ulemek was about to present himself for trial. The man, later identified as Dragan Zaric, said several things in the interview which Ulemek was later to repeat in his statement to the court. When the reporter observed that Dusan Spasojevic and Mile Lukovic were well-known criminals before the Democratic Opposition of Serbia (DOS) took over, Zaric replied: 'Yes, but not of such calibre. I'd like you to tell me where those six hundred kilos of drugs that were kept in the [Komerčijalna banka] strong room are now. What commission, what incineration are we talking about?' Asked to comment on the murder of Ivan Stambolic, Zaric said: 'You ought to put this question to Cume. Stambolic was kidnapped only to make it look like Sloba [Slobodan Milosevic] did it. The confessions made during [Operation] Sabre were extracted. The whole thing's a deal. Who believes this Cume anyway? Why, he's the one that killed Momir Gavrilovic. He's to blame for that murder. Gavrilovic knew what Djindjic's

⁵⁷ *Blic*, 27 April 2004. 'No One Wanted to Save Djindjic', Zoran Dojic.

⁵⁸ *Balkan*, 25 April 2004. 'Expert Witnesses Already Explored Third Shot Possibility', Dragana Manojlovic.

people were doing, that's why they killed him. And now that same Cume is a protected witness. There's no coincidence in any of this.⁵⁹ Zaric also said that he approved of the killing of Zoran Djindjic on political grounds and that he had been able to sleep normally since Djindjic was killed, whereas before he had not on account of the things Djindjic had done to his people.⁶⁰

In connection with the interview, the former Deputy Prime Minister in the Djindjic government, Zarko Korac, said: 'This is no longer a question of what a media outlet has done, the thing that matters is the political substance of that interview. The thing *Kurir* did was but the culmination of the drive started a few weeks ago to publicly rehabilitate the murderers of Zoran Djindjic.'⁶¹

'Red Berets' also appeared at other trials of JSO members. At the 'Ibar Highway' trial, for instance, they made threats to Radomir Zivkovic and Dragoljub Todorovic, the lawyers for the plaintiffs. Zivkovic, who represents the Draskovic and Osmanlic families, recounts a sitting when Milorad Ulemek appeared as witness: 'During his examination, I pointed out the contradictions and inconsistencies in his testimony. Thereupon, these two fellows wagged their fingers at me, one of them also drawing a finger across his neck as if to let me know that he was going to cut my throat... I said: "Get up if you have the courage!" But both remained silent, that's what kind of heroes they are... The police asked to see their papers and that's how we learned that they were members of the Special Operations Unit. Up till then, we'd had no idea what kind of people were among the audience. They didn't threaten only me but also attorney Dragoljub Todorovic.'⁶²

On the occasion of the courtroom provocation by the gendarmes in JSO T-shirts and the *Kurir* interview with Zaric, Prime Minister Vojislav Kostunica described the latter as 'terrorist propaganda and incitement to terrorism'. He said that 'Every state fights such things. Since terrorism was involved in the murder of Prime Minister Djindjic, any instance of evident terrorist propaganda must draw response from the Prosecutor.'⁶³

Ulemek surrendered to the gendarmes on Sunday, 2 May 2004. Most Belgrade newspapers reported that Ulemek strode out of his house at about 9 p.m., walked up to the gendarmes watching the house, and told them: 'I've given myself up to prove my innocence. I've come forward to remove the stain from my name and my unit.'⁶⁴ Interestingly, Ulemek's surrender had been announced some 20 days before by the head of the MUP Public Security Department, Miroslav Milosevic, in an interview with *Kurir*: 'Don't you forget

⁵⁹ *Kurir*, 27 April 2004. 'We Will Enter Courtroom in JSO T-shirts', Sasa M. Stajic.

⁶⁰ *Ibid.*

⁶¹ *Vecernje novosti*, 28 April 2004. 'To Whom Are the Berets Sending Their Messages?', Z. Uskokovic.

⁶² *Ibid.*

⁶³ *Vecernje novosti*, 1-3 May 2004. 'Important Evidence Destroyed'

⁶⁴ *Kurir*, 4 May 2004. 'Legija in Sloba's Cell', D.L.

that I know Legija like a book, I know his ways and the way the "Red Berets" think. I don't believe in what the papers write as to his whereabouts, for he changes his address as soon as it is blown. Bear in mind that the present MUP set-up appointed by Minister Jovic doesn't owe anything to anybody and that its slate is clean. I'm sure that he'll contact me because he knows that I've been made head of department. This is in his interest too.'⁶⁵

As to public speculation that Ulemek's surrender was the outcome of a deal, Minister of Internal Affairs Dragan Jovic said that there had been no negotiations and that Ulemek's decision to give himself up was entirely his own. Prime Minister Kostunica's comment was: 'You've heard the statement of the Minister of Internal Affairs. If you do not believe the statement, then find evidence with which to refute it. The man simply gave himself up. He had his reasons for doing so, which we may or may not learn... I think that the fact that Legija will be able to speak in court is a positive rather than a negative development. There are, however, people who would rather Legija did not speak in court...'⁶⁶

Ulemek's surrender accentuated the divisions in Serbian society, with former members of the Djindjic government insisting that the surrender was a deal with people in the government of Prime Minister Kostunica. As Dragan Veselinov, the former Minister of Agriculture under Djindjic, said: 'Legija did not give himself up because he was tired and his harbourers fell off, but because he had a deal with someone in the Serbian Government. Someone is shielding him. So far Kostunica himself has been the principal harbourer of secret service chiefs: he guarded Rade Markovic - Milosevic's Beria - untiringly right up to his arrest; he personally saw to it that no one touched Milosevic in his presidential residence in Dedinje for quite six months after 5 October; and he resisted the dismissal of the former Chief of the General Staff Nebojsa Pavkovic until the latter started plotting against his life too. Legija's surrender to the judiciary is part of a plot to scuttle the trial of Djindjic's murderers and to reverse the results of the previous government's fight against crime as much as possible.'⁶⁷

Unlike former DOS officials, members and supporters of the DSS, SPS, and SRS believed that Ulemek had surrendered in order to tell the truth about Djindjic's assassination and the alleged involvement of Djindjic's associates in it. For instance, Nikola Milosevic, the honorary President of the Serbian Liberal Party, said he had information that Ulemek 'possesses footage which casts a shadow on the former government, because it features all the big names and celebrities that used to frequent the house on Silerova street [belonging to

⁶⁵ *Kurir*, 4 May 2004. 'Milosevic Announced Surrender Twenty Days Ago', S.M.

⁶⁶ *Danas*, 5 May 2004. 'Kostunica: "Mr Legija Surrendered of His Own Accord", Ivan Radak.

⁶⁷ *Danas*, 5 May 2004. 'Veselinov: "Harbourers in Serbian Government"', statement.

Dusan 'Siptar' Spasojevic]. Milosevic also said he believed that if Ulemek had given himself up to the previous government he would have 'shared the fate of "Siptar" and "Kum"'.⁶⁸ As SPS Vice-President Milorad Vucelic said: 'Though it may sound incredible, judging by the racket kicked up by many politicians from the former DOS, one expects some very strange things to come to light. How strange, we shall see. There is clearly something the matter with the proceedings so far. This is the right opportunity to learn the truth about the murder of Zoran Djindjic.'⁶⁹

Whatever truth there may be behind the speculation that Ulemek's surrender was a deal with the new government, the fact remains that the Belgrade District Court governor, Aca Jovanovic, was removed and Miroslav Micic appointed in his place only two days before the surrender. Jovanovic had a reputation of being trusted by the former DOS government. The reasons for his removal have never been publicly disclosed.⁷⁰

On 6 May 2004, the Belgrade weekly *NIN* published a letter by Radomir Markovic, the former head of State Security (DB), charged in connection with the assassination of the SPO officials on the Ibar Highway, the murder of Ivan Stambolic, and the assassination attempt on Vuk Draskovic in Budva. The letter, published under the headline 'I Was Subjected to Classic Torture', was sent from the Belgrade District Court. Markovic wrote among other things that Ulemek's surrender was a 'gesture of a brave man' and that he personally expected that Ulemek would substantiate his defence in order to 'let the truth be known'.⁷¹

Two days before Ulemek was to appear before judge Kljajevic's Trial Chamber for the first time, Zoran Djindjic's sister Gordana Djindjic-Filipovic had a telephone call from an unidentified man who wanted to meet her and return to her Chilandar Monastery medallion he had found next to a rubbish container. She declined because she did not want to meet a man she did not know. Next day, the same man called again and said: 'Tell your mother to tell her lawyer to stop giving Legija a hard time. You do something about the old woman and we'll take care of Ruzica [Djindjic's wife] all right. Don't tell the fuzz, but even if you do, it doesn't matter, we've already made a deal, our people are in power. Your old woman thinks her neighbours want to steal things from her, but third time it won't be just the lock.'⁷²

⁶⁸ *Danas*, 5 May 2004. 'Nikola Milosevic: "Silerova Street Footage Legija's Trump Card"', *Danas* team and agency reports.

⁶⁹ *Vecernje novosti*, 5 May 2004. 'Funny Business'.

⁷⁰ *Glas javnosti*, 10 May 2004. 'They Waited a Month for Legija to Appear', M. Radulovic.

⁷¹ *NIN*, www.nin.co.yu, archives 6 May 2004. 'I Was Subjected to Classic Torture'.

⁷² *Balkan*, 17 May 2004. 'Announcement of Threats'.

When Ulemek first appeared before judge Kljajevic's Trial Chamber on 10 May 2004, he gave his particulars and asked for extra time to prepare his defence. Kljajevic gave him a month and set the next hearing for 10 June 2004.

With the June hearing set to open two days before the Serbian presidential election, most political parties sought to make political capital out of it. This was especially true of the election headquarters of the parties determined to make the most of Ulemek's surrender in order to discredit the DS and its presidential candidate. As the head of the DSS election headquarters, Dejan Mihajlov, said in an interview to the daily *Inter-nacional*: 'Ulemek's surrender is important because two suspected assassins of the prime minister have been killed and the material evidence destroyed. It is important to hear Legija's testimony in order to arrive at the truth.' Interestingly, when asked to comment on the timing of the June hearing, Mihajlov said: 'I can't comment on that, that's for the court to decide. Any commentary would mean pressure on the court.'⁷³

The election headquarters of the DSS presidential candidate, Dragan Marsicanin, seized upon part of an interview with Djindjic's mother published in the weekly *Evropa*, with Mihajlov⁷⁴ issuing a statement blaming the assassination on Djindjic's associates, among others. The passage, published under the bombastic headline 'Perhaps Legija is not guilty, the easiest thing to do would be to shift the blame onto him', ran: 'Legija said he was going to find out who the murderer is and I hope he will do it. I believe the whole affair was stage-managed. Legija may not be guilty at all. The easiest thing to do would be to shift the blame onto him because of his notoriety... A man from a top position at the time told me that Zoran had been killed by his people, because they wouldn't do things. The official who told me that was a minister at the time. I don't know what to make of it, but I'll be happy if it is discovered who the initiator was...'⁷⁵

Two days after the interview was published, on 15 May 2004, Gordana Djindjic-Filipovic was attacked by two men outside the family's house in the village of Belosevac near Valjevo. She said that the men, wearing dark uniforms resembling boiler suits, demanded a list she knew nothing about and that she also identify a government minister, whereupon she felt a needle prick in the upper arm and passed out. Later blood and urine tests carried out at the Military Academy Hospital (VMA) in Belgrade identified the presence of the drug Diazepam and caffeine.⁷⁶

⁷³ *Inter-nacional*, 11 May 2004. 'Silerova Street House Chief Witness', O. Milivojevic.

⁷⁴ See chapter 'Pressure on Court, Prosecutor and Trial Chamber President'.

⁷⁵ *Evropa*, 13 May 2004. 'Perhaps Legija Is not Guilty, the Easiest Thing to Do Would Be to Shift the Blame Onto Him'

⁷⁶ *Balkan*, 17 May 2004. 'Attackers Ask Djindjic's Sister to Tell Them Minister's Name', B. Ristic.

After the weekly *NIN* published Rade Markovic's letter, *Revija 92* did the same with Ulemek's open letter on 31 May 2004. The Trial Chamber president, Marko Kljajevic, knew nothing about this. Spokeswoman Maja Kovacevic-Tomic that Article 150 of the Law on Criminal Procedure had thereby been violated because a detainee may only correspond with persons outside the place of detention with the knowledge and under the supervision of the competent judge, who is authorized to intercept any incoming or outgoing mail which, in his assessment, may influence the course of the proceedings.⁷⁷

On 10 June 2004 Ulemek asked the Trial Chamber to put off his plea until 14 June because he did not want to influence the outcome of the presidential elections on 13 June. Judge Kljajevic dismissed the request and explained that the law contained no provision having to do with the timing of elections. Kljajevic then allowed that the defendant may make a plea during the principal hearing at a time of his own choosing and adjourned until 14 June.

Ulemek was examined on 14-16 June and the proceedings were adjourned again on account of his health problems. His line consisted in accusing and trying to compromise ministers and officials from the Djindjic government as well as Djindjic's close associates and friends on one hand, and denying any involvement in the crimes attributed to him on the other.

According to Ulemek, he was 'enlisted' by Cedomir Jovanovic, Vladimir 'Beba' Popovic and Dragoljub Markovic to help them transfer the 600 kg of heroin found in the strong room of Komercijalna banka abroad via Croatia, Bosnia-Herzegovina, and Romania; the transfer and subsequent sale of the heroin was effected with the help of Dusan Spasojevic, with Zoran Janjusevic taking over the quantity dispatched to Republika Srpska; as to Markovic, he tried to 'recruit' Ulemek on behalf of the British secret service; Jovanovic for his part insisted on being given JSO bodyguards although the unit did not provide such services; Jovanovic made the request after arranging with Spasojevic and Ljubisa Buha to have his SUV blown up so he could persuade the authorities that he must have JSO protection; Jovanovic got Spasojevic released from detention through the services of Vladan Batic, after which Spasojevic complained to Ulemek that Batic had asked him in return money to renovate the football stadium in Obrenovac; also, Minister of Internal Affairs Dusan Mihajlovic arranged for Spasojevic to be provided with JSO bodyguards.

Ulemek's account of his role in the arrest of Slobodan Milosevic is interesting. When Ulemek paid a visit to Milosevic, Milosevic asked him to smuggle out a written message for Branislav Ivkovic. Ulemek agreed and gave the message to a JSO member to hand it to Ivkovic. However, Ivkovic 'sold out' to DOS and took the letter to the proper authorities in the Serbian government.

In his denial of the charges, Ulemek was consistent throughout. It was obvious that he was well primed and knew his lines backwards, the intent

⁷⁷ *Danas*, 1 June 2004. 'Legija Writes Without Permission, Media Publish Against Law', A. Roknic, B. Tonicic.

being to place the assassination of the Prime Minister in a purely criminal context.

For all his coaching, however, Ulemek at times said things he was perhaps not expected to say. Thus, in connection with the JSO mutiny, he said that the unit had no political motives and was merely indignant at being used by the then Serbian government to arrest Hague indictees. According to Ulemek, the Red Berets were very resentful of the government's attitude and were under attack from both 'those in the Army and those from Public Security'. Although he denied political motives, he said that during the mutiny the unit considered sealing off Belgrade Airport to prevent Admiral Jokic's voluntary surrender to the Hague Tribunal but decided against it at the last moment.

Ulemek insists that on 8 March, i.e. four days before the assassination, Djindjic was warned by a senior MUP official that there were plans to arrest him, and that on the day of the assassination two high-ranking MUP officials told him that he may be liquidated. He said he had been receiving notes and secret messages from persons who had 'saved my life'; he declined to identify them and merely hinted that they were high-ranking MUP officials.⁷⁸

The principal hearing resumed on 12 July and was adjourned on 14 July owing to judge Kljajevic's health condition.

Two days after the July adjournment, attorney Biljana Kajganic announced that another indictee, Dejan 'Bagzi' Milenkovic, had surrendered to the Greek police in Thessaloniki. The Greek police said that he had been arrested outside the Serbia and Montenegro Consulate late in the evening of 16 July 2004.⁷⁹ Amid public speculation over the arrest, the Serbian MUP made a statement giving a chronology of events leading to the arrest. It said, among other things, that on 13 May UBPOK had asked the Greek Interpol office for any information they might have about Dejan Milenkovic who was on an international wanted list. On 19 June, the Greek Interpol office was formally requested to help locate and apprehend Milenkovic. Three days before, the Serbian MUP had informed Greek colleagues that a number of persons from Serbia might enter Greece that day, pick up Milenkovic, and return with him to Serbia the same day. The Serbian MUP requested that all these persons and Milenkovic be deprived of their liberty. The Greek police obliged and arrested Milenkovic some 30 minutes before midnight.

The hearing continued on 6 September, with attorney Biljana Kajganic requesting an adjournment because, by virtue of his arrest in Thessaloniki, her client had become accessible to Serbian judicial authorities and ought no longer to be tried *in absentia*. The Trial Chamber took the view that Milenkovic's arrest

⁷⁸ The hearing was monitored by a representative of the Helsinki Committee for Human Rights in Serbia.

⁷⁹ *Vecernje novosti*, 18 June 2004. 'Bagzi Handcuffed Too', M.S. Popovic and M. Babovic.

and custody in Greece did not mean that he was accessible by domestic judicial authorities and proceeded to examine Ulemek that day and the next. On the third day of the September session, the Trial Chamber continued with the presentation of evidence by hearing prosecution witness Danilo Koprivica, the chief security officer in the Serbian Government building at the time of the assassination.

Next day, 9 September, the Trial Chamber examined prosecution witness Biljana Rodic who works in an office at 14 Admirala Geprata street across from the office from which Zvezdan Jovanovic allegedly shot Djindjic and Veruovic. After them, testimony was heard from Jelena Ruzic and Milenija Nikolic, both coffee waitresses employed by the Photogrammetry Office at the same address, and Branko Bugarski, a geodesy engineer working for the Office. The following day, testimony was given by Damir Ristic, whose company Krol rents premises from the Photogrammetry Office, and Goran Neskovic, who happened to be on Admirala Geprata street at the time of the assassination. None of these witnesses could positively identify any of the defendants. On 13 September, the Trial Chamber examined Nenad Sare, Vukasin Vukasinovic and Lazo Nikic, all former JSO members. While Sare claimed that the rifle which Zvezdan Jovanovic allegedly used to shoot Djindjic had been kept in Ulemek's house, Nikic and Vukasinovic denied this. On 14 September, testimony was heard from the traffic police officers Goran Ilic and Rade Stevanovic who had arrived at the scene of the assassination attempt near the Limes sports hall in New Belgrade, as well as from Dragan Zlatanovic, one of the police officers investigating the assassination attempt. Next day, the Trial Chamber heard Ljubinko Jacovic, a police officer investigating the origin of the lorries bought by Miladin Suvajdzic that were to be used in the assassination attempt. Drago Cerqueta, whose stolen documents were falsified to buy to lorries, and Rade Pecikoza, who drew up the lorry purchase contracts, were also heard.⁸⁰

Although Ulemek spoke about the alleged sale of the 600 kg of heroin found in the Komercijalna banka strong room at the middle of June, the Serbian MUP submitted its report on the allegations to the Special Prosecutor's Office only in September. Special unit spokeswoman Maja Kovacevic-Tomic confirmed that the Special Prosecutor's Office had received two MUP reports: one on the heroin find and another on the weapons discovered inside the JSO store at Kula. Although judge Kovacevic declined comment on the MUP reports, some media published the first saying that the heroin was incinerated at the Nikola Tesla thermoelectric power plant on 9 March 2001.⁸¹

When the hearing resumed on 1 November, the Trial Chamber heard evidence from police officers Zoran Petrovic and Zoran Trajkovic who were on security duty at the Serbian Government building on the day of the

⁸⁰ The hearing was monitored by a representative of the Helsinki Committee for Human Rights in Serbia.

⁸¹ *Blic*, 17 September 2004. '10.6 kg of Heroin Missing'.

assassination. The following day, the Trial Chamber heard Dragoljub Micelovic, an employee of the Soko security firm who was on duty in the reception booth at 14 Admirala Geprata street on the day of the assassination. On 3 through 8 November, the Trial Chamber examined the witnesses produced by defendant Zeljko Tojaga: Milan Nikolic, Djordje Ivanic, Zeljko Mijatovic, Predrag Jovankic, Nebojsa Milovanovic, Predrag Ninic, Nikola Sepa and Stevo Vuksa, all former JSO members, said that at the time of the assassination attempt on Djindjic in New Belgrade Tojaga was with other JSO members on skiing training on Mount Kopaonik. Among the witnesses who testified in November were also Veselin Lecic, former JSO security officer, and Slobodan Ergarac, former JSO member currently employed by the BIA. At the end of the November session, the Trial Chamber decided to summon as witnesses Zoran Janjusevic, Vladimir Popovic (at the proposal of the prosecution and defence counsel), Biljana Stankov, Maja Vasic, Miladin Veruovic (at the proposal of the prosecution), Cedomir Jovanovic and Dejan Mihajlov (at the proposal of the lawyers for the injured party), and Dusan Mihajlovic (at the proposal of defence counsel). The Trial Chamber also decided to deal with requests for carrying out an event reconstruction and examining further witnesses at a later date. The Trial Chamber dismissed the request of Zeljko Tojaga's attorney that he be released from detention for the duration of the trial on the strength of Article 142 (1) of the Law on Criminal Procedure.⁸²

The hearing resumed on 20 December with the announcement that Dejan Milenkovic had been assigned counsel because his hitherto attorney Biljana Kajganic had resigned pleading pressure. The court assigned lawyer Aleksandar Djordjevic, former head of the State Security Service (SDB) VI Department and Slobodan Milosevic's personal bodyguard, to represent Milenkovic until Milenkovic or his wife engaged another attorney. Prior to the November session, it had been assumed that Kajganic would be succeeded by Miroslav Todorovic, who was stripped of his power of attorney as Dusan Krsmanovic's counsel by the Trial Chamber following repeated incidents in the courtroom. In this connection, *Glas javnosti* wrote that Todorovic 'could not say anything save that he had been contacted by Milenkovic's friends. They said that they would like him to take over, and their discussions are still in progress...'⁸³ After his extradition by Greece, however, Milenkovic engaged the Belgrade attorney Nikola Gavrilovic.

The witnesses who were heard in December included: former JSO members Igor Milivojevic and Dalibor Marjanovic, both confirming Zeljko Tojaga's presence on Mount Kopaonik at the time of the assassination attempt in New Belgrade; Vera Brankovic and Gordana Zivkovic, residents of nearby

⁸² The hearing was monitored by a representative of the Helsinki Committee for Human Rights in Serbia.

⁸³ *Glas javnosti*, 19 September 2004. 'Bagzi on the List of Repentant Witnesses!', D. Curuvija.

buildings on Admirala Geprata street; Milan Bojic, an employee of the Photogrammetry Office; Ivan Popovic, a former car park attendant who was on duty on Admirala Geprata street at the time of the assassination; Dejan Glisic, who happened to be in the street at the time of the assassination; Vljako Vujadinovic, a police officer on guard duty at the Serbian Government building at the time of the assassination; and Nevenka Simic, who was sitting in the nearby cafe Monument when the shooting occurred. The Trial Chamber also examined Rodoljub Milovic, the UBPOK officer who took Zvezdan Jovanovic's statement in the Belgrade District Court and was later present when Jovanovic made a statement in the presence of Special Prosecutor Jovan Prijic and his deputy. Criminal complaints had meanwhile been filed by several defence attorneys against the persons who were present at the time Jovanovic made the statement. Milovic appeared in court to explain the absence of his signature from the record of the interrogation of defendant Branimir Bezarevic, and he said that Bezarevic was questioned by two other police officers, not by him. Thereupon attorney Zeljko Grbovic requested that the Bezarevic interrogation police record be excluded from the case papers as no relevant evidence and the Trial Chamber agreed. On 28 December 2004 the Trial Chamber examined Zoran Mijatovic, the former BIA deputy director, who resigned after the JSO mutiny in November 2001.⁸⁴

The hearing resumed on 13 January 2005 with the examination of witnesses Sinisa Glisic and Ninoslav Garic. The court adjourned that same day because a third witness, Milorad Bracanovic, who should have testified in December, failed to turn up again. Judge Kljajevic said that the medical consultant's report, which had not been delivered in person, would be accepted conditionally, i.e. that if it proved incorrect the witness would next time be brought under escort. Sinisa Glisic, a soldier serving at the Topcider barracks, was driving his senior officer Branimir Puhalo on the day of the assassination when their car was hit on Admirala Geprata street by the blue Volkswagen Passat the assassins allegedly used as their getaway vehicle. Ninoslav Garic was a policeman on guard duty at the Serbian Government building at the time.

Dejan Milenkovic was extradited by Greece on 2 February 2005. He first appeared before the Trial Chamber on 14 February and asked for extra time to prepare his defence. The Trial Chamber granted the request and set the next hearing for 9 March 2005.

⁸⁴ The hearing was monitored by a representative of the Helsinki Committee for Human Rights in Serbia.

Cooperating Witnesses, Attorneys, and Old Pals...⁸⁵

We feel that this report would be incomplete and the specific atmosphere surrounding the trial less comprehensible without a reference to the defence attorneys and their use of the media.

In one of its March 2004 editions, the magazine *Reporter* published brief biographies of the defence attorneys linked to the Djindjic trial. The attorneys Slobodan Milivojevic and Marko Milivojevic are defending Ulemek in this trial as well as in connection with the murder of Ivan Stambolic and the assassination attempt on Vuk Draskovic in Budva. In the Djindjic trial, Ulemek has another attorney, Momcilo Bulatovic. A former member of the judiciary, Bulatovic was hired with Goran Petronijevic to defend Veselin Sljivancanin before the Hague Tribunal. The Tribunal objected on the grounds that their competence and knowledge of one of the two working languages had not been tested.⁸⁶ Petronijevic failed the subsequent tests but Bulatovic passed and remained one of Sljivancanin's counsel although 'Veselin Sljivancanin wanted to engage another lawyer but was ordered to hire Momcilo Bulatovic'.⁸⁷

The former judge and criminal law specialist, Goran Pejakovic, is defending Sasa Pejakovic in the Djindjic trial jointly with attorney Krsto Bobot, as well as defending Rade Markovic in the Stambolic and Draskovic trials. Petronijevic sat on the Belgrade District Court Trial Chamber which handled the case against the NATO leaders over the 1999 bombing campaign. During a spell in Kosovo, when he assisted the court in Pec, he sentenced 143 Albanian members of the so-called 'Djakovica Gang' to a total of 1,632 years in prison. In yet another trial, he sent an Albanian defendant, Ismet Berbati, to 12 years in prison, a sentence the Supreme Court later reversed after establishing, on the strength of the case papers alone, that Berbati could not possibly have committed the offence in question.⁸⁸

Krsto Bobot, also a former judge, is on record for sentencing three *Dnevni telegraf* journalists, Slavko Curuvija, Zoran Lukovic and Srdjan Jankovic, to five months in prison each over an article headlined 'The Murder Victim Criticized [Health Minister] Milovan Bojic'. As duty investigating judge, Bobot conducted the on-site investigation following the assassination of the SPO officials on the Ibar Highway although that ought to have been done by the investigating judge from nearby Lazarevac. On completing the investigation, Bobot submitted his report to the Prosecutor's Office in Lazarevac.⁸⁹

⁸⁵ Headline of Milos Vasic's article published in the weekly *Vreme* on 9 September 2004.

⁸⁶ www.rtvpolitika.co.yu/vesti, 10 July 2003.

⁸⁷ *Reporter*, 9 September 2004. 'A Career Built on Blemishes', Svetlana Preradica, Dijana Ivanovic.

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*

The former judge Miroslav 'Sera' Todorovic, of whom there is some mention in the preceding chapter, was relieved of duty by the president of the Serbian Supreme Court in 2000. Todorovic is not without literary ambitions and, at one time, media reported that the publication of his book *Sudija smrti* (The Hanging Judge) was being financed by Ljubisa Buha, an allegation Todorovic resolutely denied. Todorovic is among the people with first-hand experience of the brutality of the 'Zemun Gang'. As he relates what happened to him after he had been kidnapped after appearing in a TV show in October 2000: 'I blurted out [on TV] that there were a number of private prisons in Zemun. Some time later I was picked up and taken to the one on Silerova street. Although it was December, they took off all my clothes, threw me into an empty swimming pool and maltreated me for hours. As they stretched me out by means of some machinery, they kept jesting: "You can still grow, it would be a shame to stop at 175 cm seeing as you could go right up to 180." This went on for hours on end. They also used classic police techniques: for instance, Mile 'Kum' Lukovic would play the good cop with Dusan Spasojevic kicking me and yelling at me: "Don't give us that bullshit, you're too old for that!"'⁹⁰

When Todorovic also complained that co-operating witness Ljubisa 'Cume' Buha had been plotting against his life, Buha replied: 'He says that I, Ljubisa 'Cume' Buha, wanted to liquidate him and that I was talked out of it by a certain Djura Dragojevic. No person by that name ever talked me out of liquidating the thinker Todorovic because I've never had any desire to harm him in any way, let alone kill him.'⁹¹

However, since Todorovic kept insisting that he was receiving threats from Buha, judge Kljajevic decided to provide Todorovic with police protection. As it turned out, however, this proved unnecessary because Todorovic eventually hired personal bodyguards (see preceding chapter). The courtroom tactics of Todorovic and his colleague Mirko Tripkovic which resulted in their being barred by the Trial Chamber from defending Dusan Krsmanovic in the Djindjic trial are described in detail in that chapter. At one point Todorovic admitted that obstructing the trial was his defence strategy (see text marked by footnote 50).

The Trial Chamber bar on Todorovic did not prevent speculation that he might replace Biljana Kajganic as Dejan Milenkovic's counsel, a possibility suggested by Todorovic himself before the hearing resumed in December 2004 (see preceding chapter). In the aforementioned interview to *Glas javnosti*, Todorovic also commented on the possibility of Milenkovic being granted co-operating witness status: 'He meets the eligibility requirements and he would be in a more favourable position that way. However, he is an honourable man

⁹⁰ *Balkan*, 23 February 2004. 'I Fear a Stray Bullet Contract From Surcin Gang', D. Manojlovic.

⁹¹ *Vecernje novosti*, 17 February 2004. 'Sera Swims in Empty Swimming Pool', U.D.N.

and not one for making deals, because he would not like to compromise anyone.'⁹² An identical position had been taken by Milenkovic's former counsel Biljana Kajganic, who said that her client was not going to apply for co-operating witness status in the Djindjic trial. This decision, however, did not apply to possible other trials.

Zvezdan Jovanovic's counsel, Nenad Vukasovic, worked as an inspector for the Federal Secretariat for Internal Affairs (SUP) before becoming a lawyer. The *Reporter* article mentioned above has it that Vukasovic was recommended to Jovanovic by Jovica Stanisic.⁹³ Vukasovic is among the most quoted Djindjic trial defence attorneys in the media and a most uncompromising critic of the Trial Chamber, prosecution and former government. His comment on Ulemek's surrender in May 2004 was: 'Voluntary surrender always implies a prior arrangement with someone, for such things must operate like clockwork. This indicates that someone must have the relevant information and suggests that Legija's surrender will be a major turning-point at the trial. I expect that the former government's role in organized crime will now be clarified because a turnaround is already discernible in the panicky statements of former officials of the state. They can't stay untouched, and some of them will have to appear in the dock themselves. Mr Zoran Djindjic fell because of the people around him. The dam is about to burst and sweep away the former top officials including the Democratic Party itself.'⁹⁴ A man of volatile temperament, Vukasovic is noted for his abrupt manner in the courtroom: 'If Dejan 'Bagzi' Milenkovic drove the lorry with intent to kill, what's all that rubbish regarding the Zoljas [LAWs] about? Will you please put me on record as stating that Prijic's indictment is a nursery rhyme,' was one of his typical commentaries on the indictment.

Slobodan 'Boban' Milivojevic and his son Marko are members of the team defending Milorad Ulemek. During the police Operation Sabre, Slobodan Milivojevic was arrested on suspicion of collaborating with the 'Zemun Gang', i.e. of doing a number of small favours and receiving 250,000 euro from Dusan Spasojevic in return.⁹⁵ The impression that the defence attorneys had overstepped the bounds of propriety and had identified themselves with their clients was reinforced, among other things, by the following question Marko Milivojevic put to one of the witnesses: 'How long have you known *the greatest colonel of all* and what was his attitude to his men?'⁹⁶ At the Stambolic and

⁹² *Glas javnosti*, 19 September 2004. 'Bagzi on the List of Repentant Witnesses!', D. Curuvija.

⁹³ *Reporter*, 9 September 2004. 'A Career Built on Blemishes', Svetlana Preradica, Dijana Ivanovic.

⁹⁴ *Balkan*, 4 May 2004, 'Vukasovic: "Former Government People in the Dock"'.

⁹⁵ *Reporter*, 9 September 2004. 'A Career Built on Blemishes', Svetlana Preradica, Dijana Ivanovic.

⁹⁶ *Danas*, 20 February 2004. 'After the Assassination He Told Legija to Hide', Vuk Zoran Cvijic.

Draskovic trials Marko Milivojevic used these words in addressing Ulemek, whereupon Trial Chamber president Dragoljub Albijanic cautioned him that while outside the courtroom he was at liberty to express his personal impressions, inside it he was to address Ulemek strictly as 'defendant Milorad Ulemek'.

Before being called to the Bar, Dejan Milenkovic's former counsel Biljana Kajganic occupied a number of posts including those of City Assembly secretary and Federal MUP secretary. In the Djindjic trial, she stood out for her many objections, complains and motions and her criminal complaints against Trial Chamber president Marko Kljajevic and the investigators who questioned Zvezdan Jovanovic. She attracted media attention especially after Milos Vasic published his article 'The Aides, Attorneys, and Old Pals...' in the weekly *Vreme* in September 2004, in which he wrote that thanks to equipment acquired shortly before Djindjic's assassination UBPOK was able to locate Dejan Milenkovic in Greece in April 2004. In May, UBPOK intercepted Milenkovic's telephone conversation with Kajganic in which she told Milenkovic that she had arranged with the 'old pals' [Jocic and Bulatovic] for him to get co-operating witness status. Also, he was to say in court that he had enlisted a man nicknamed 'Teca' to shoot Momir Gavrilovic at the behest of Ljubisa Buha. When Milenkovic asked her: 'Why should I say something that isn't true?' she replied: 'Why, who's asking you to tell the truth? The truth is what I have arranged. Hey, these two are the most powerful men in the state, you fool!'⁹⁷ The then head of UBPOK, Boro Banjac, sent a transcript of the conversation along with an official memo to Vojislav Kostunica, Dragan Jocic, Zoran Stojkovic and Public Security head General Miroslav Milosevic. Banjac was duly sacked and all the recipients of the transcript denied its existence.

It was only recently that Minister of Justice Zoran Stojkovic said, in a TV B92 show called *The Trial*: 'I rang him up then and asked him [meaning Milos Vasic]: "Why didn't you come to ask? We've known each other long enough, I'm a man who will always tell you what he knows. Since you've kept up with what goes on in the judiciary for so long, you must be well aware that such reports can never reach me." I had no idea at the time that such reports existed. But then, when Mr [Vladimir 'Beba'] Popovic turned up in your studio and said by way of introduction that "Minister Stojkovic put pressure on the Special Prosecutor not to publish the report", I realized that the report existed and - what's most important for me - I realized that Mr Vasic's source of information was the Special Prosecutor. I then rang up the Republic Prosecutor's Office and said: "As you all know, I've never seen Jovan Prijic, I've never officially talked with him, he's never called on me and I've never called on him."⁹⁸

Biljana Kajganic's response to Vasic's article was: 'I am shocked by these blatant lies... Those who are steeped in crime are orchestrating many-pronged

⁹⁷ *Vreme*, 9 September 2004. 'The Aides, Attorneys, and Old Pals...', Milos Vasic.

⁹⁸ www.b92.net, 21 February 2005. 'Stojkovic: I Didn't Know of the Transcript'.

attacks in order to cover up their misdeeds and the lack of evidence.'⁹⁹ In the same interview, Kajganic also said: 'A while ago I informed minister of police Dragan Jocic that I had been receiving threats from co-operating witness Ljubisa 'Cume' Buha indirectly, through Milenkovic's wife Jasna... Buha has been telling Jasna to get rid of me as Dejan's lawyer.'¹⁰⁰

On 5 October 2004, *Svedok* published Kajganic's own version of the telephone call interruption incident and her defence of Dejan Milenkovic. For a start, she said that the Interpol wanted circular for Dejan Milenkovic had only gone out three days following his surrender to the Thessaloniki police, i.e. on 19 July 2004. As to Milenkovic's co-operating witness status, she insisted that she had never made any suggestion to him to that effect: 'The officials representing the Prosecutor's Office sent to talk with me - it was in December last year or January this year - insisted that I agree to the status they had offered 'Bagzi'. I declined and told this to Dragan Filipac, and he came on behalf of Djordje Ostojic to discuss the matter. They had apparently been informed that Milenkovic had expressed a desire to appear as co-operating witness.'¹⁰¹

The question of Milenkovic's status is very important and, judging by public reactions, some people are very keen that he should on no account be made co-operating witness. Thus a number of media outlets speculated that the announcement of Special Prosecutor Jovan Prijic's impending replacement had to do with the intention to grant Milenkovic co-operating witness status in the Djindjic trial. Apparently such an arrangement would not suit the rest of the defendants at all, and Biljana Kajganic resolutely denied that Milenkovic would agree to appear in that capacity. After her withdrawal from the proceedings (see the previous chapter), attorney Miroslav Todorovic, who suggested that he might succeed Kajganic as Milenkovic's counsel, said that Milenkovic was an honest man who would never accept such a status.¹⁰²

Some of the attorneys have very diverse role in the various organized crime trials. For instance, in the police General Bosko Buha assassination trial, Veljko Delibasic represented the late Buha's family; in the Stambolic and Draskovic trials he is defending Milorad Bracanovic; and in the Djindjic trial he replaced Mirko Tripkovic and Miroslav Todorovic as counsel for Dusan Krstanovic.

The attorneys' conduct and tactics inside and outside the courtroom have already been discussed. Their obvious strategy in the initial stage of the proceedings was to obstruct and render them meaningless by their numerous interventions. *It should be noted that the obstruction ceased after the new government*

⁹⁹ *Vecernje novosti*, 10 February 2004. 'Witness Testifies From Police Receiver', U.D.N.

¹⁰⁰ *Ibid.*

¹⁰¹ *Svedok*, 5 October 2004. 'Bagzi Won't Be Co-operating Witness', Branka Mitric.

¹⁰² *Glas javnosti*, 19 September 2004. 'Bagzi on the List of Repentant Witnesses!', D. Curuvija.

took over and announced at once its intention to abolish the special units (see chapter titled Pressure on the court, prosecutor, and trial chamber president). The defence attorneys greeted the announcement enthusiastically with Vojislav Nedic, president of the Belgrade Chamber of Advocates, saying that this was how the majority of members felt.¹⁰³

The Belgrade Chamber of Advocates and its president never reacted to the conduct of the defence attorneys during the trial and never issued a statement condemning the obviously impermissible and arrogant actions of its members. The only statement it made was to condemn the Hague Tribunal's decision to assign counsel to Slobodan Milosevic.

On 14 February 2004, two non-governmental organizations - the Lawyers Committee for Human Rights and the Humanitarian Law Center - issued a statement condemning the attitude of the defence attorneys and the Belgrade Chamber of Advocates. They wondered 'why the Chamber failed to react and to expel from membership defence counsel who tarnish the profession... Ethics require the lawyers to defend their clients, not to identify themselves with defendants and to run down the court.'¹⁰⁴ The attorneys in question reacted sharply and denied the charges. Milorad Ulemek's counsel Momir Bulatovic said: 'In making the accusation the organizations whose names include the attribute "human" have disqualified themselves. None of the defence counsel has made any gesture suggesting that he identifies with his client...'¹⁰⁵

However, several facts give the lie to Bulatovic's words. For instance, media reported the following incident before the hearing opened on 11 February 2004: 'The accused were escorted into the glass enclosure and the lawyers allowed to talk to their clients. Some ten lawyers entered the "aquarium"... Attorney Nenad Vukasovic, who was among the last to go inside, shook hands with defendant Zvezdan Jovanovic and they kissed each other three times on the cheek...'¹⁰⁶ Attorney Marko Milivojevic kept addressing defendant Ulemek as 'the greatest colonel of all' until he was forbidden to do so, and attorney Miroslav 'Sera' Todorovic 'demonstrated' highly emotionally on several occasions, e.g. by refusing to sit down after being ruled out of order by the Trial Chamber president.

The Serbian Society of Judges joined the Lawyers Committee for Human Rights and the Humanitarian Law Center by issuing a statement noting that 'some of the attorneys have committed a serious breach of their code, abused

¹⁰³ *Politika*, 31 March 2004. 'For And Against Special Court', Aleksandra Petrovic.

¹⁰⁴ *Balkan*, 17 February 2004. 'Trial Mired in Formalities, Murder Politicized', D. Manojlovic.

¹⁰⁵ *Balkan*, 17 February 2004. 'I'm Not in Touch With Legija, His Wife Aleksandra Hired Me', I. Cvetkovic.

¹⁰⁶ *Nacional*, 11 February 2004. 'Zvezdan and Attorney Vukasovic Kiss Each Other', K. Kapisoda.

their powers, harmed the reputation of the Court and, by making inappropriate attacks on the president of the Trial Chamber, discredited the profession.'¹⁰⁷

The president of the Belgrade Chamber of Advocates, Vojislav Nedic, replied that the 'Chamber will take up a position not only on the work of the lawyers but also on possible omissions on the part of the judge. A number of lawyers have called us to say that they will raise the matter of judicial misconduct with the Chamber... As the matter in question involves a complicated procedure with many participants, there is nothing unusual about judges and lawyers employing certain procedural means.'¹⁰⁸

There is no doubt that the conduct of the attorneys in the courtroom at times degenerated into a 'political demonstration of the basest kind',¹⁰⁹ as when defence attorney Dusan Masic, asked to pass an opinion on the Djindjic family's counsel Rajko Danilovic, said: 'He's irrelevant, a onetime politician, a played-out communist... He's grown old and somewhat demented, so much so that he forgets having been secretary of the Communist Party Belgrade branch under Buca Pavlovic, and now he's on the SSJ [Serb Unity Party] list... Danilovic is more and more often on the side of the prosecution and less and less an attorney. Let the clients decide in whom they will put their trust.'¹¹⁰ The impression that the defendants and their counsel on one hand and the injured parties' attorneys on the other belong to different political camps was reinforced when Ulemek said this to the Djindjic family's attorney Srdja Popovic: 'I will answer your question because you will have to justify yourself to your mentors!'¹¹¹

The Fourth Bullet and the Second Habsburg Empire

The 'Trial of the Century in Serbia', as the Djindjic trial is often referred to, has been at the focus of public attention from the very beginning. Although the proceedings are central to the many electronic and print media monitoring the trial, various matters directly or indirectly linked to the assassination are also reported.

Nearly all the facts relevant to the case and to the proceedings appeared in the media before the trial even started, both print and electronic media disclosing records of the investigation of the accused, co-operating witnesses

¹⁰⁷ *Blic*, 21 February 2004. 'Serious Code of Conduct Breaches', Beta news agency item.

¹⁰⁸ *Glas javnosti*, 21 February 2004. 'Impermissible Trial Through Media', Ivan Stojkovic.

¹⁰⁹ Attorney Rajko Danilovic's 19 February 2004 statement to *Blic* headlined 'Attorneys Lay Mines in Courtroom', Natasa Jovanovic.

¹¹⁰ *Nacional*, 11 February 2004. 'Some Engaged in Politics, Others Chased Petty Thieves', S.M.

¹¹¹ *Danas*, 7 September 2004. 'Difficult Questions for Chief Defendant', V.Z. Cvijic.

and other witnesses, autopsy findings, on-site investigation records, expert witness reports. Few pieces of evidence collected during the investigation escaped prompt disclosure by the media. Other than that, the media invited all kinds of experts and analysts to make comments and offer their views on the indictment and the course of the proceedings. The media published interviews in which friends, relatives and associates of defendants and injured parties offered tidbits from protagonists' lives, as well as gave their own versions of events, weighed and pronounced on the evidence accessible to them, commented on the proceedings, and passed opinions on the court, prosecution and defence.

The media also interviewed future witnesses who disclosed details of what they were going to tell the court and wrote books containing information relevant to the course of the proceedings. From detention, accused and co-operating witnesses addressed the public by means of various letters and statements and, not infrequently, parties to the proceedings argued with each other through the media.

At first the Special Prosecutor's Office responded by keeping the Belgrade First Municipal Prosecutor's Office informed of such breaches of the secrecy of proceedings and the appropriate prosecutor in turn demanded statements from the editors-in-chief and executive editors of the media outlets involved. While some outlets desisted from disclosing such information, others continued despite the caution because no effective action was ever taken in the form of criminal complaints or charges.¹¹²

Professor Momcilo Grubac is of the opinion that public disclosure of evidence can jeopardize the proceedings substantially: 'In substantiation of the veracity of this statement, one might say that the proceedings have already been compromised through record contents being impermissibly disclosed by some media. All the persons participating in the investigation and pre-trial proceedings stages are bound by law to keep official secrets. Although one may be held criminally responsible for divulging such information, we see that this has not prevented anyone from doing so... It is strange that after so much time there is still no word as to whether the Special Prosecutor's Office or the police have initiated proceedings or filed criminal complaints against the unidentified persons who have disclosed the information to the media. Nor have those who have been publishing it in serial form been called to account...'¹¹³

Some media went a stage further and published letters from accused in detention, e.g. the Belgrade weekly *NIN* Radomir Markovic's and *Revija 92* Ulemek's, in May 2004. The opinion of the professional public was that while the 'accused have the right to defend themselves, in this way the trial is being

¹¹² *Nedeljni telegraf*, 11 February 2004. 'Trial of the Century Torpedoed in Public', D. Belic.

¹¹³ *Glas javnosti*, 21 February 2004. 'Impermissible Trial Through Media', Ivan Stojkovic.

transferred to the press, which is no place for it.'¹¹⁴ Failure to react when accused persons write open letters and addresses the public otherwise from detention certainly does not contribute to the smooth and efficient conduct of a trial, and Milorad Ulemek must be well aware of the fact that 'media outlets in the wrong hands can be a dangerous thing'¹¹⁵ and possibly 'grist to the mill of the accused'.

The competent authorities failed to react even after, on 6 September 2004, *Kurir* published photographs from the autopsy of Dusan Spasojevic and Mile Lukovic under the suggestive headline 'This Is How They Were Executed'. This coheres with the intention of certain daily and weekly papers in Serbia to prove that Jovan Prijic's indictment is 'built on sand' and that Zoran Djindjic's closest associates and some foreign services were involved in his assassination.

There are several themes which keep recurring conspicuously in the media. One concerns the alleged 'execution' of Dusan 'Siptar' Spasojevic and Mile 'Kum' Lukovic during their arrest in Meljak as embarrassing witnesses who had much to say about the collusion before the previous government and the 'Zemun Gang'. There are several accounts of the incident, including that they were liquidated elsewhere and their bodies brought to Meljak. *Kurir* published autopsy photographs in substantiation of the 'execution' version.

Another pet subject of the Belgrade tabloids as well as of the weekly *NIN* and its journalist Nikola Vrzic is the tale about a 'third bullet' and a 'second shooter'. Week by week Vrzic wrote articles in which he sought to prove that the indictment of the Special Prosecutor's Office was insupportable. In order to demonstrate this, he disclosed information from the on-site investigations in Meljak and at 14 Admirala Geprata street, published and 'interpreted' information from the Djindjic, Spasojevic and Lukovic autopsy reports, and analyzed co-operating witness statements to point out the inconsistencies. In one of these articles, after discussing relevant material evidence in great detail, Vrzic offers the following conclusion: 'When all is said and done, does all this mean that *NIN* has risen to the defence of Zvezdan Jovanovic, the man who stands accused of killing Serbian Prime Minister Zoran Djindjic and wounding his bodyguard Milan Veruovic? No. Of course not. This whole story has but one object. Our object is to point to the new strange circumstances in the investigation of the Prime Minister's murder which cast fresh doubt on the official version. And, by virtue of this, which reinforce the fears that the Prime Minister's murder has not been clarified. Are police incompetence, arrogance, or bad intent on the part of individuals to blame? We may find out some day. Those 'Davidoff' cigarette butts still smoulder...'¹¹⁶

¹¹⁴ *Danas*, 1 June 2004. 'Legija Writes Without Permission, Media Publish Against Law', A. Roknic, B. Toncic.

¹¹⁵ *Vecernje novosti*, 15 July 2004. 'Private Newspaper', quote from Milorad Ulemek at the Djindjic trial.

¹¹⁶ *NIN*, 13 May 2004. 'Cigarette Butts in Office No. 55', Nikola Vrzic.

In order to render the indictment and the entire trial meaningless, the media are abused to the extent where, for instance, the 'third bullet' theory is no longer current, for there is already extensive speculation about 'the fourth bullet which, according to the court records, was not found' and about a 'third shooter'.¹¹⁷

On the strength of Ulemek's court statement about 600 kg of heroin having been sold at the initiative of Djindjic's closest associates Cedomir Jovanovic, Vladimir Popovic, Goran Vestic and Dragoljub Markovic, the 'disputable murder of Dusan Spasojevic and Mile Lukovic', investigative omissions, indictment content and so on, a number of media organizations have openly alleged that the assassination was organized by Djindjic's closest associates, e.g. 'Is Beba Popovic the Real Assassination Mastermind?'¹¹⁸ 'Dragan Jovic, the new minister of police, has begun to overcome the inherited problems in the sector and plans to re-investigate some old cases, such as the murders of Zoran Djindjic and Momir Gavrilovic, and to bring into the open Cedomir Jovanovic, Vladimir 'Beba' Popovic and Nenad Milic, reputedly the most powerful men in the former government. As *Evropa's* top police source claims, the authorities are busy collecting evidence which may send these DOS regime leaders to the dock.'¹¹⁹ In addition to *NIN*, whose professed aim, as we have seen, is to clarify Djindjic's assassination, the dailies *Kurir*, *Balkan* and *Inter-Nacional* are in the forefront of the present campaign. In April 2004, before Milorad Ulemek surrendered, *Balkan* published a series of texts under superscript headlines such as '*Balkan* investigates: The prime minister's government associates involved in the assassination, he trusted them while they lied to him - experts claim' and headlines such as 'The conspiracy hatched by people close to Djindjic, otherwise he would have known what he was coming to him',¹²⁰ or 'A second man fires in the assassination, the plot hatched by top officials!'¹²¹ 'Given that the prime minister was dissatisfied with Beba [Vladimir Popovic, Ceda [Cedomir Jovanovic, [Dusan Mihajlovic and [Marija Raseta [Vukosavljevic, perhaps they know something about Djindjic's murder'.¹²²

Backed by the media and the defendants, some members and officials of the Government of the Republic of Serbia have made clear that in their view the proceedings and the indictment should include the real organizers of the crime, i.e. the aforementioned associates of Zoran Djindjic, and that the indictment

¹¹⁷ *Vecernje novosti*, 27 May 2004. 'Fourth Bullet From Nemanjina Street?', D.P. Veljkovic.

¹¹⁸ *Inter-Nacional*, 10 May 2004. 'The Police Know', Niksa Bulatovic.

¹¹⁹ *Evropa*, 15 April 2004. 'Ceda, Beba, Milic, Cume...in Dock Soon?', J.P.

¹²⁰ *Balkan*, 27 May 2004. Text signed E.B.

¹²¹ *Balkan*, 23 July 2004. Text signed Danijela Cirovic.

¹²² *Kurir*, 24-25 April 2004. 'The Djindjic Enigma', Dejan Vranes.

should be revised accordingly (this is dealt with in considerable detail in the chapter 'Pressure on the court, prosecutor and Trial Chamber president').

Other than suggesting that the assassination organizers 'ought to be sought among Djindjic's closest associates', a number of media outlets and defence attorneys have claimed involvement by foreign secret services. The alleged role of such services, especially Britain's MI6, is made much of in the interviews and TV talks with various experts such as Marko Nicovic and Bozidar Spasic. In a guest appearance on Croatian TV, former Minister of Foreign Affairs Goran Svilanovic gave a possible line of Ulemek's defence, as launched by Gradimir Nalic, the former Human Rights Adviser of the FRY President, Vojislav Kostunica: 'Legija will tell the court that he had arranged with Djindjic to kill his bodyguard to provide Djindjic with a pretext to launch that large Operation Sabre and catch a whole bunch of criminals, but that some foreign service fired a third bullet and shot Djindjic, and that he had nothing to do with it.'¹²³ Gradimir Nalic denied this and said that, as far as he knew, '... this is not the first time that Svilanovic has talked nonsense abroad. He did that while serving as Foreign Minister. We now see him in a hurry to join in what former Prime Minister Zivkovic termed self-organization...'¹²⁴

In an article headlined 'Djindjic turns Serb prior to his death', the former media adviser to FRY President Vojislav Kostunica, Aleksandar Tijanic, wrote: 'He becomes a Serb prior to his death. Keeps his distance from crime. Prior to his death. Keeps his distance from foreigners. Prior to his death. Keeps his distance from Beba and Ceda. Prior to his death. Keeps his distance from Zemun. Prior to his death. Gets transferred from Berlin to Washington. Prior to his death. Wise. But, already dead. In the cortege, behind the coffin, in the DS which renounces his people yet beatifies him, everyone senses that there was more to Djindjic that met the eye. That he was not executed because of the things people knew... The trigger of the sniping rifle is being squeezed by two fingers. They are sending two messages. The one finger belongs to the angel of death. He did not approve of Zoran's having reneged on their deal. He said that in Serbian. The other finger? Its owner is opposed to Zoran's becoming a Serb. He did not say that in Serbian.'¹²⁵

The flood of tabloid texts in which various intelligence experts discussed the role of Djindjic's aides and foreign secret services in the assassination and put forward a number of conspiracy theories included an interview with Milan Vidojevic, published in *Svedok* on 18 May 2004, a few weeks before Ulemek was due to be examined in the Djindjic trial. Vidojevic was introduced as an 'intelligence work expert'. Towards the end of the interview, the reporter Boris Aleksic asked the question: 'Finally, could Prime Minister Djindjic have

¹²³ *Inter-Nacional*, 17 May 2004. 'Svilanovic: Djindjic and Legija Agreed to Fake Assassination Attempt'.

¹²⁴ *Ibid.*

¹²⁵ *NIN*, 4 March 2004.

possibly been shot because consciously or unconsciously he opposed a project in the making, the creation of a new Habsburg monarchy [sic] in which the Croats are to take over the role of the Serbs in the Balkans?' Vidojevic replied: 'This is a very broad topic. The new Habsburg monarchy is being restored through the EU. There is no doubt that Josip Broz Tito paved the way for Croatia's independence so that they would not have to account for the crimes they committed during the Second World War, for example, the concentration camps in which they murdered Serb children... Though it may occur to some that this thing is too big for the prime minister of small long-suffering country like Serbia, it was precisely such a small country that brought down the mighty first Habsburg monarchy.'¹²⁶

The Stambolic Murder and Draskovic Assassination Attempt Trials

The Ivan Stambolic murder trial and the Vuk Draskovic assassination attempt trial were initiated under the Special Prosecutor indictment (Kts. br. 1/03) against Milorad Ulemek, Branko Bercek, Dusko Maricic, Leonid Milivojevic, Nenad Bujosevic, Nenad Ilic, Radomir Markovic and Nebojsa Pavkovic. On 5 January 2004, the Non-Trial Chamber of the special organized crime unit of the Belgrade District Court decided to separate the proceedings against the accused Slobodan Milosevic.¹²⁷ The defendants are charged with seditious conspiracy under Article 227 of the Criminal Code of the Republic of Serbia (KZRS), homicide under Article 47 (2) of the KZRS, and other criminal offences.¹²⁸ The former JSO members including their commander Milorad Ulemek are charged with the murder of Ivan Stambolic and the assassination attempt on the life of Vuk Draskovic in Budva. The former SDB head, Radomir Markovic, is charged with complicity in the murder of Ivan Stambolic and the assassination attempt on Vuk Draskovic; the former Chief of the General Staff of the Yugoslav Army, General Nebojsa Pavkovic, is charged with complicity in the assassination attempt on Draskovic; the former deputy head of BIA, Milorad Bracanovic, is charged with failure to report before and after the fact; and Slobodan Milosevic of incitement to murder in both cases.¹²⁹

The hearing started on 23 February and was adjourned immediately after accused Nenad Ilic requested the disqualification of the Trial Chamber president, judge Dragoljub Albijanic, and the Belgrade District Court president, Radoslav Bacevic. The request having been cast aside by the competent

¹²⁶ *Svedok*, 18 May 2004. 'Prime Minister's Assassination Recorded by Two Cameras', Boris Aleksic.

¹²⁷ *Politika ekspres*, 23 February 2004. 'Milosevic Trial Separated'.

¹²⁸ Belgrade District Court, www.okruznisudbg.org.yu.

¹²⁹ *Politika ekspres*, 23 February 2004. 'Milosevic Trial Separated'.

authorities, the hearing resumed on 25 February. Radomir Markovic made a statement and Branko Bercek decided to use silence as defence. Markovic denied the charges although in the investigation he had told the Special Prosecutor's deputy, in the presence of his lawyer, that Milosevic had arranged directly with Ulemek to have Stambolic murdered, but that he himself took not part in it. Markovic's attorney insisted that the investigation record be excluded from the evidence because Markovic's statement had been obtained under duress, with Special Prosecutor Jovan Prijic allegedly threatening to 'give him twenty years in prison and have his family house torn down.'¹³⁰ The Trial Chamber decided to rule on the matter at some later date. Markovic's attorney Dusan Masic, who was present during Markovic's questioning, had declined to sign the record because 'the statement was made under duress'. He resigned as Markovic's counsel and decided to appear as witness in connection with the circumstances mentioned above.

The Trial Chamber next day heard Dusko Maricic, Nenad Bujosevic and Milorad Bracanovic, all of whom denied any involvement and insisted that their investigation statements had been extracted as a result of torture and threats. On 27 February 2004 Nebojsa Pavkovic and Nenad Ilic likewise denied any involvement, with Ilic adding that his investigation statement had been made in response of a promise of co-operating witness status. After hearing the two, the Trial Chamber announced its decision to exclude Radomir Markovic's investigation statement from the evidence because, in its view, it had been made under duress.¹³¹

The resumption of the hearing, set for 24 March 2004, was put off until May, the Trial Chamber having decided to wait for the result of a psychiatric examination of Leonid Milivojevic, who had until then been tried separately. In the interval between the February and March hearings, the Serbian Supreme Court upheld an appeal against the Trial Chamber's Markovic statement decision and the statement became evidence again.¹³²

The May session did not proceed according to the schedule because Milorad Ulemek, who had hitherto been tried in his absence (see previous chapter), had meanwhile surrendered. Ulemek's attorney requested an appropriate term in which to prepare his client's defence.

The proceedings resumed on 28 June 2004. At the start, the Trial Chamber decided on an additional psychiatric examination of Leonid Milivojevic, who had been cleared in a previous examination but kept complaining of headaches. At the request of Nebojsa Pavkovic's counsel, Pavkovic was to be tried separately on account of his poor health. Attorney

¹³⁰ *Danas*, 26 February 2004. 'Radomir Markovic: "I Learned of Stambolic's Disappearance From Media"', V.Z. Cvijic.

¹³¹ *Politika*, 28 February 2004. 'Pavkovic Denies Charges', Dorotea Camic.

¹³² *Centar*, 25 March 2004. 'Pavkovic: "It Is Not True That I Provided Transport for the Berets"', A. Savic.

Momcilo Bulatovic disclosed to the Trial Chamber, parties to the proceeding and the public the contents of a threatening letter he had received recently. After that, Ulemek denied the charges implicating him and former JSO members in the murder of Ivan Stambolic and the assassination attempt against Vuk Draskovic. The Trial Chamber continued examining Ulemek next day, 29 June.¹³³

At the September hearing, which started on 20 September, Leonid Milivojevic's attorneys requested a separate trial for their client in view of their rejection of the psychiatrists' original findings. At that, the Trial Chamber president cited the new medical report of 17 September 2004. The attorneys also insisted that Milivojevic's investigation statement be excluded from the evidence because, in their opinion, the statement had been made at a time when 'no communication with him may have been possible on account of his health condition'. On being reminded that Milivojevic had also been examined before being questioned by the investigators, they insisted that the investigation records be excluded from the evidence because they were not convinced that the examination had been proper. The attorneys maintained that the findings of the Belgrade Psychiatric Prison doctors was not valid 'because everybody knows how they arrive at their opinions'. After that, Milivojevic denied his investigation statement saying he did not remember having said that. The Trial Chamber president then decided to read Milivojevic's statements given to the police of 3 April 2003 and to the investigating judge on 5 September 2003. After that, Milorad Bracanovic's attorney Veljko Delibasic asked the Trial Chamber to exclude his client's statement from the evidence on the strength of the Serbian Constitutional Court's decision that the decree extending police custody beyond 48 hours, which was passed during the state of emergency, was unconstitutional. In Delibasic's opinion, Bracanovic's statement to the police could not be used in evidence because he made it eight days following the start of his detention. The Trial Chamber said it would decide on the matter at a later date.¹³⁴

On 21 September 2004 the Trial Chamber examined the late Stambolic's son Veljko, witness of the kidnapping Slavisa Bogdanovic, and Branislav Kovacevic, president of the League for Sumadija, who testified about Ivan Stambolic's political activities prior to the Serbian presidential election of 2000. Next day, co-operating witness Nenad Sare was examined behind closed doors. On 24 September the Trial Chamber heard the testimony of Milan Radonjic, the former head of the Belgrade DB Centre, Veselin Lecic, the former JSO security officer, and Radovan Bozovic, the former Deputy head of the DB III

¹³³ The hearing was monitored by a representative of the Helsinki Committee for Human Rights in Serbia.

¹³⁴ *Ibid.*

Department and an expert on 'Albanian extremism'. Their testimony related to DB surveillance of Vuk Draskovic in Budva.¹³⁵

The Trial Chamber examined Vuk Draskovic on 25 October and Zoran Grozdanovic, a VJ officer, the next day. The Stambolic family's attorney Nikola Barovic asked the Chamber to hear Goran Petrovic, the former head of BIA, the *Politika* and *Vecernje novosti* reporters who in August 2000 had cited information unavailable to the investigators, and Branko Djuric, the former head of the Belgrade Police Department (SUP), who insisted that the men who followed Draskovic were telephone exchange repairmen going about their work. The defence requested showing the video footage of the on-site investigation on Mount Fruska Gora where Stambolic's remains were discovered.¹³⁶

In November the Trial Chamber examined Milutin Visnjic, a ballistics expert, and Bojana Kecman, an expert with the Forensic Medicine Institute.

Radomir Markovic's driver Radul Kujovic was examined in January. Deputy Special Prosecutor Miroљub Vitorovic asked the witness questions about Markovic's property status, suggesting that it improved drastically after Stambolic's murder. The Trial Chamber decided that Milorad Bracanovic shall be tried separately on account of his very serious health complaints. Milan Kunjadic, a ballistics expert, was examined by the defence attorneys the same day. Goran Petrovic, the former head of BIA, and Branko Djuric, the former head of the Belgrade SUP, testified as witnesses the following day. On 21 January 2005, Belgrade SUP inspector Branislav Mozgun was examined in connection with the discovery of Stambolic's body and the on-site investigation, after which the Trial Chamber president read the on-site investigation record. On 24 January the court was shown two video cassettes shot after the on-site investigation on Mount Fruska Gora.¹³⁷ The proceedings are still pending.

The Ibar Highway Assassination

The trial concerns the assassination of four SPO officials - Veselin Boskovic, Zvonko Osmajlic, Vusur Rakocevic and Dragan Vusurovic - and the assassination attempt against Vuk Draskovic on the Ibar Highway on 3 October 1999. In January 2003 the Belgrade District Court sentenced the former JSO members Nenad Ilic and Nenad Bujosevic to 15 years in prison each and the former head of DB Radomir Markovic to seven years, at the same time acquitting Milan Radonjic, the former head of the Belgrade DB Centre. The

¹³⁵ *Ibid.*

¹³⁶ *Politika*, 22 November 2004. 'Judicial Decision on Witnesses Expected', D. Carnic.

¹³⁷ *Glas javnosti*, 25 January 2005. 'Stambolic Body Ripped Out Not Disinterred', D. Curuvija.

Serbian Supreme Court quashed the first-instance judgements and ordered a retrial before the Belgrade District Court.

The retrial started on 2 February 2004 with defendant Nenad Ilic denying the charges.¹³⁸ In addition to the four defendants mentioned above, the indictment included as accomplices Dragisa Dinic, the former MUP general and head of the Traffic Police Department, and Vidan Mialilovic, the former head of the Belgrade traffic police. Radomir Markovic and Nenad Bujosevic were examined the next day. At the end of the hearing, the lawyer for the injured parties, Radomir Zivkovic, announced that a new indictment would include the former JSO members Milorad Ulemek, Leonid Milivojevic and Dusan Maricic, and the former head of the Belgrade SUP Branko Djuric.¹³⁹ Dragisa Dinic and Vidan Mijailovic were examined the following day, the second saying that he had been called by Dinic and attorney Miroslav Todorovic to 'harmonize their positions and accounts' or else the 'prosecutor will have a field-day'.¹⁴⁰

Milan Radonjic was examined in March, when Vuk Draskovic and his wife Danica were also due to testify in their injured party capacity but did not turn up. The following day the Trial Chamber examined witness Zoran Milenic, a tyre repairman who confirmed that the lorry used to ram the victims' car belonged to the JSO as he had made repairs to it only two days before the incident. After that, defence attorney Dusan Masic and the plaintiffs' attorney Nikola Barovic engaged in an argument threatening to turn into an exchange of blows at any time. The Trial Chamber adjourned the proceedings after the incident.¹⁴¹

When the hearing resumed on 31 March there was another incident involving the two sides' attorneys. After the Trial Chamber president, judge Bojan Mistic, ordered the plaintiffs' attorney Vladimir Bozovic out of the courtroom, the other counsel for the plaintiffs and the late Zvonko Osmajlic's brother Veselin walked out in protest.¹⁴²

On 1 April the Trial Chamber examined Mihalj Kertes, the former director of the Federal Customs Administration, and Administration employees Josip Rajda, Slavoljub Radojic, Djordje Banovic, Dragan Miajilovic and Milan Raseta, a BIA member. The witnesses who appeared the next day were the road hauliers Nenad Stojanovic and Predrag Radosavljevic and the head of the Valjevo DB Centre, Ljubodrag Gajic.

21 April was reserved for a reconstruction of the incident where it occurred near the village of Petka.¹⁴³

¹³⁸ *Balkan*, 3 February 2004. 'Massacre Suspect Comforted by Legija and Ceda Jovanovic', T. Ivancevic.

¹³⁹ *Kurir*, 4 February 2004. 'Legija Aped Mihajlovic', Lj. Kekovic.

¹⁴⁰ *Glas javnosti*, 5 February 2004. 'Generals and Colonels Trade Accusations', M. Radulovic.

¹⁴¹ *Politika*, 3 March 2004. 'Fist-fight Between Attorneys Prevented', D. Carnic.

¹⁴² *Politika*, 1 April 2004. 'Injured Parties' Lawyers Walk Out of Court', D. Carnic.

¹⁴³ *Vecernje novosti*, 3 April 2004. 'They Saw the Killer Lorry', Z. Uskokovic.

When the hearing resumed in May, Radomir Markovic's attorney Goran Petronijevic requested that the trial be adjourned pending the indictment of Milorad Ulemek, Leonid Milivojevic, Dusan Maricic, Branko Bercek and Branko Djuric since their investigation had been completed. The Trial Chamber declined and Nenad Ilic demanded the disqualification of Deputy Prosecutor Milun Dragutinovic.¹⁴⁴

Milorad Ulemek, who had been put forward as witness, became available to the judicial authorities following his surrender in May (see the previous chapter) and was due to be examined when the hearing resumed on 18 May 2004. But since the president of the Trial Chamber in charge of the Djindjic trial forbade Ulemek's transfer to the Palace of Justice on security grounds, Vuk Draskovic's driver Branislav Lazarevic was heard that day.¹⁴⁵

On 31 May the Trial Chamber examined witnesses Dragan Pavic, a BIA employee, and Rade Cetkovic, a former employee of the Federal Customs Administration.

At the end of August 2004, the indictment was enlarged to encompass Milorad Ulemek, Dusan Maricic, Leonid Milivojevic, Branko Bercek and Branko Djuric.¹⁴⁶ Before the September session, Milun Dragutinovic was replaced by a new Deputy District Prosecutor. Following their walkout at the end of March, the lawyers for the SPO and the victims' families decided to boycott further proceedings because they considered Trial Chamber president Bojan Mistic partial.¹⁴⁷

Mihalj Kertes was examined by a Belgrade District Court judge at the beginning of October and on 14 October 2004 he was indicted as accessory before and after the fact.¹⁴⁸

The trial restarted on 6 December 2004 after the indictment was substantially enlarged and expanded to include six other suspects, all of whom denied any involvement in the criminal offences attributed to them.¹⁴⁹ Branko Djuric told the Trial Chamber that some of the defendants were followed and their telephone conversations intercepted during 2001, with Belgrade attorney Toma Fila explaining that the procedure had been approved by the then president of the Serbian Supreme Court, Leposava Karamarkovic.¹⁵⁰

The proceedings resumed on 11 January 2005 with the hearing of defendants Dragisa Dinic, Leonid Milivojevic and Dusan Maricic and witnesses Lazar Kovacevic, Nedeljko Galovic and Milorad Budimir. Meanwhile, attorney

¹⁴⁴ *Politika*, 12 May 2004. 'About-turn in Ibar Highway Trial', D. Carnic.

¹⁴⁵ *Danas*, 19 May 2004. 'Milorad Ulemek Fails to Appear, Cedomir Jovanovic Summoned Too', V.Z. Cvijic.

¹⁴⁶ *Vecernje novosti*, 28 August 2004. 'Legija Charged With Crime Too', N. Bijelic.

¹⁴⁷ *Danas*, 1 September 2004. 'Trial Chamber to Decide on Indictment Joinder', V. Z. Cvijic.

¹⁴⁸ *Vecernje novosti*, 15 October 2004. 'Kertes Hid Killer Lorry?', E. Radosavljevic.

¹⁴⁹ *Danas*, 7 December 2004. 'All Defendants Disown Guilt', V.Z. Cvijic.

¹⁵⁰ *Ibid.*

Toma Fila had filed criminal complaints against Goran Petrovic and Dusan Mihajlovic over the unauthorized interception of the telephone conversations. He told reporters he was unable to establish whether his telephone had been bugged with the permission of the then president of the Serbian Supreme Court.¹⁵¹

Witnesses Dusan Mihajlovic and Goran Petrovic were examined the following day. The resumption of the proceedings was set for February 2005.

The Bosko Buha Murder Trial

In connection with the shooting of the police General Bosko Buha, the following members of the so-called 'Maka Gang' were indicted by the Special Prosecutor: Zeljko 'Maka' Maksimovic, Slobodan 'Kole' Kostovski (both at large throughout the proceedings), Nebojsa Maljkovic, Vladimir Jaksic, Dragan 'Limar' Ilic, Dragan Alijevic and Goran Rajic, the last two Serbian MUP members. The defendants were charged with a terrorist act, criminal conspiracy and illegal possession of arms and ammunition. According to the indictment, the gang's object was to assassinate Prime Minister Zoran Djindjic, General Bosko Buha and a number of other high-ranking officials in the previous government in order sow chaos in the country and thus be able to engage in crime unopposed.

The trial opened in the Palace of Justice and was then transferred to the Special Court building in Belgrade. On the first day, 16 September 2003, Dragan Ilic testified but Nebojsa Maljkovic and Vladimir Jaksic refused to speak out of concern that their voice recordings might be tampered with by the police officers who had been eavesdropping on their telephone conversations. Ilic denied membership of the 'Maka Gang' and told of how he had been tortured during his arrest; it was then that it was established for the first time that JSO members and 'Zemun Gang' leader Dusan Spasojevic took part in his arrest.¹⁵²

Next day Dragan Alijevic and Goran Rajic also denied the charges.

The presentation of evidence began on 28 October 2003 and the Trial Chamber heard testimony from the following witnesses: General Buha's widow Bozana Buha, BIA employee Aleksandar Aleksic, BIA employee Slavko Peica, former head of the PTT security service Vladan Sokovic, and Blagoje Marinkovic and Ljubomir Stojanovic who had visited Dragan Ilic on the day of his arrest. The witnesses who were examined the following day were: Nikola Maljkovic's former girlfriend Ljubica Stajkovic, Maljkovic's best friend Bojan Bojic, Branislav Djeric, Ana Matic and Katarina Pavlovic all of whom were with Bosko Buha at the time he was shot, and Sead Abdic and Nenad Mihajlovic, the

first police officers to arrive at the scene of the crime. On 30 October the Trial Chamber heard eyewitness Milan Bogdanovic, Nadezda Lazovic who was present when a quantity of weapons was seized in Maljkovic's flat, and BIA employees Momcilo Petrovic, Zoran Aleksic, Srdjan Jelenkovic and Igor Jovanovic who explained the procedure at the central depot for storing and issuing weapons.¹⁵³

The December session opened with the Trial Chamber examining the key witness, Slobodan 'Sloba-Talijan' Resimic, who had incriminated Nikola Maljkovic in his statement by saying that Maljkovic had told him vaguely that he had shot Buha. However, during the examination it was established that the witness was 'under the protection of Dusan Spasojevic, the head of the "Zemun Gang"; that he was the author of the letters published in the media under the signature "Ljiljana Buha"; and that it was Spasojevic who had directed the investigation toward the "Maka Gang"'. When the court summoned him again, Resimic could not be found.

Miladin Suvajdzic, Ljubisa Buha and Slobodan Pazin were examined on 17 December and Dobro Ljubojevic and Slobodanka Rmus on the 18th, the last day of the 2003 session. It was then that the court heard for the first time that a ballistics expert had established that Zeljko 'Maka' Maksimovic could easily have shot Zoran Djindjic since his house and Djindjic's residence were next to each other. As it turned out, however, the expert was out by a whole block of houses because the name of the street on which Djindjic lived as given to him was wrong.¹⁵⁴

On the first day of the February 2004 session the Trial Chamber examined Tatjana Grabovac, Igor Spasov and Slobodan Balac. Velimir Ilic was heard next day while Milorad Bracanovic refused to testify until released from keeping state secrets since he occupied the post of BIA Deputy Director at the time of the investigation. Zoran 'Vuk' Vukojevic testified on 13 February, as did the police officers Rasko Vujovic and Branislav Tepavcevic who had assisted Inspector Pazin in the investigation of Bosko Buha's murder. Their testimony was heard behind closed doors.

The next hearing was on 6 April when the Trial Chamber examined witnesses Dusan Krsmanovic and Kosto Zvjer, a construction worker who helped build Maksimovic's house designed by the late architect Dragan 'Tapi' Malesevic.¹⁵⁵ General Buha's friends Vladislav Zivkovic and Dragoslav Vuletic testified the following day. Attorney Borivoje Borojevic requested the examination of the ballistics expert in connection with his absurd finding. Borojevic pointed out that Djindjic's residence was 700 metres distant from Spasojevic's house, as well as that Spasojevic began building it in 1998, i.e. two

¹⁵¹ *Vecernje novosti*, 13 January 2005. 'Every Word Written Down', V.N.

¹⁵² The hearing was monitored by a representative of the Helsinki Committee for Human Rights in Serbia.

¹⁵³ *Ibid.*

¹⁵⁴ *Ibid.*

¹⁵⁵ *Danas*, 7 April 2004. 'Krsmanovic Fit to Testify', V.Z. Cvijic.

and a half years before Djindjic became Prime Minister and moved into the Dedinje district residence.¹⁵⁶

At the beginning of June the ballistics expert clarified his error by explaining that he had been taken to the wrong address by members of the Belgrade SUP III Department and told that the house in question was Prime Minister Djindjic's residence.¹⁵⁷ On 3 June expert witness Milan Kunjadic assessed the value of the weapons taken from the BIA store. Two car park attendants gave testimony on 4 June, after which recordings of telephone conversations between a man calling from the Netherlands and a person nicknamed Karlos were played. The Trial Chamber listened to more recordings on the next working day.

Milorad Ulemek appeared as witness on 30 September and confirmed the participation of the 'Zemun Gang' in the arrest of Dragan 'Limar' Ilic.

The Prosecutor presented his closing argument on 12 November 2004 and demanded the maximum penalty for Zeljko 'Maka' Maksimovic; the defence did the same on 16 November and demanded acquittal owing to lack of evidence. On 18 November the Trial Chamber acquitted the defendants of murdering General Bosko Buha and of criminal conspiracy to assassinate top officials of the state. Nikola Maljkovic, Dragan Ilic, Vladimir Jaksic and Dragan Alijevic were sentenced to a total of nine years and six months in prison for illegal possession of arms, and Goran Rajcic received a suspended sentence for negligence.¹⁵⁸ The detention of Nikola Maljkovic, Dragan Ilic and Vladimir Jaksic was discontinued and they were set free. In his brief explanation of the judgement, Judge Tatalovic said that evidence was lacking and that the defendants could not have been convicted on the strength of mere suspicion.¹⁵⁹

Following the acquittal of the defendants, Special Prosecutor Jovan Prijic on 19 November 2004 wrote to Miroslav Milosevic, the head of the Public Security Department. The letter was published on 24 November by *Srpska rec* under the headline "'Maka' revives 'Siler'". The main point of the letter was as follows: 'In pursuit of the said indictment during the principal hearing, we obtained concrete information, substantiated by several examined witnesses, that, before and after making his pre-trial statement on the premises of the Belgrade Secretariat, witness Resimic spent some time on Silerova street in Zemun, where he was sheltered by the head of the "Zemun Gang" criminal organization Dusan Spasojevic. I am sure that the indictment would not have been brought had the then regular Public Prosecutor concerned been aware of the fact. I myself had been led to believe that the statement of this "witness" was

¹⁵⁶ *Balkan*, 8 April 2004. 'Expert Witnesses Look at Wrong House Instead of Djindjic Residence', D. Manojlovic.

¹⁵⁷ *Politika*, 1 June 2004. 'Experts Witnesses at Wrong Address?', Milos Lazic and Milan Galovic.

¹⁵⁸ *Danas*, 19 November 2004. 'All Acquitted of Murder', V.Z. Cvijic.

¹⁵⁹ *Politika*, 20 November 2004. 'Buha Case Back to Square One', Dorotea Carnic.

of crucial importance for the raising of the indictment, the witness having been described as a person of flawless integrity. In the light of the subsequent findings, i.e. that the crucial information concerning Resimic had been withheld, one might infer that this is essentially a case of deceit on the part of certain Serbian MUP circles for the purpose of misleading as to the true integrity of witness Resimic.'

The Serbian Government officials who have been insisting on the dismissal of the Special Prosecutor find justification in the handling of the 'Maka Gang' trial, among other things. The fact remains, however, that the Serbian MUP itself contributed to the failure of the prosecution on at least two occasions: first, as Special Prosecutor Prijic maintains, by concealing information about the key witness Slobodan Resimic and his 'integrity'; second, by taking the ballistics expert tasked with inspecting Djindjic's residence to the wrong address. There is no doubt that the indictment was seriously undermined by this 'blunder' on the part of the police. In view of the several other omissions during the investigation, as when Milorad Ulemek and members of the 'Zemun Gang' 'arrested' the suspects and 'interrogated' them under monstrous torture, as well as the fact that the prosecution's 'key witness' Slobodan Resimic disappeared into thin air and was therefore unavailable during the trial, the Trial Chamber's verdict came as no surprise.

Conclusion

In spite of the fact that Jovan Prijic remains Special Prosecutor following announcements of his impending dismissal, the efforts of some of the parties making up the ruling coalition, especially the DSS, to annul every accomplishment of its predecessor are manifest. One of their priorities being to discredit the police Operation Sabre, their efforts are directed at abolishing the District Court's special organized crime unit, dismissing the Special Prosecutor and rendering meaningless the Djindjic indictment and trial regardless of the consequences.

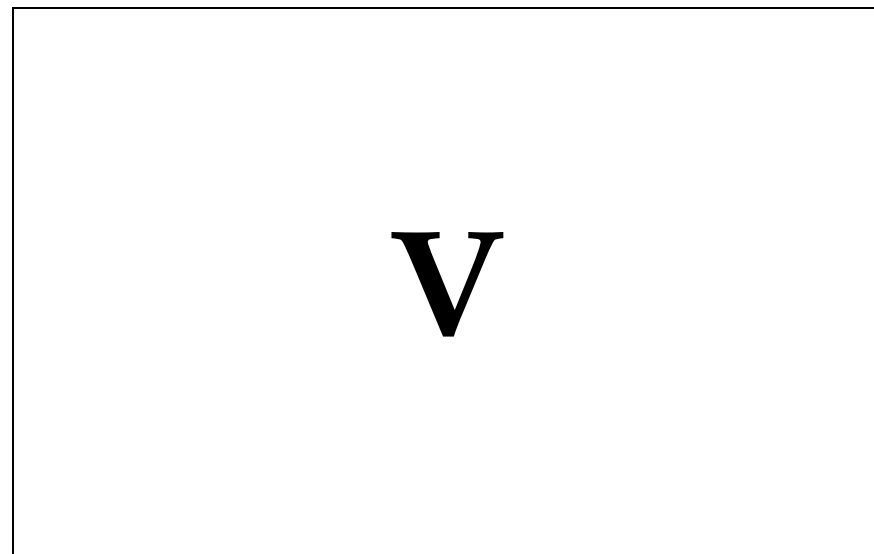
In denying all the positive effects of Operation Sabre and laying emphasis on its negative results and consequences, these parties make much of the amount the state will have to pay in compensation to the arrested persons who were later not charged. That every citizen unlawfully deprived of his liberty should be entitled to a money payment in compensation for the material and consequential damage thus caused is not in question; what is at issue is the amounts awarded and the promptness of their payment. For instance, BIA Director Rade Bulatovic was awarded 600,000 dinars (75,000 euros) in compensation for his unlawful three-month detention and 69,700 dinars (8,700 euros) to cover the costs of litigation.¹⁶⁰ Although it remains unknown which

¹⁶⁰ *Balkan*, 30 August 2004.

court handled this case, as well as when the suit was filed and the judgement rendered, the case was over in record time given the length of time domestic courts take to decide such cases. For instance, three Albanian students arrested in May 1999 and unlawfully held in detention for over a year were only awarded 40,000 dinars (5,000 euros) each in October 2004, that is, three and a half years after the Humanitarian Law Center filed a suit with the Belgrade First Municipal Court on their behalf.

In order to expedite payment of compensation to unlawfully detained persons, the Ministry of Justice has set up a compensation commission authorized to determine the nature and amount of compensation jointly with injured parties out of court. Although this kind of settlement is in conformity with domestic legislation, the procedure is also very long. In this case, however, the Ministry of Justice, which has received over 400 such claims, is giving priority to the cases related to Operation Sabre and has awarded a total of 39 million dinars (4,875,000 euros) to some 120 citizens in the last six months.¹⁶¹

The Constitutional Court's decision declaring the imposition of the state of emergency unconstitutional is often cited as proof that Operation Sabre was a showdown with political opponents. The present government also insists that the Djindjic trial indictment is 'built on sand', that Djindjic's closest associates who 'sold' him to foreign secret services are behind the assassination, that the special organized crime unit ought to be abolished. Such claims on the part of the DSS and some coalition partners are clearly calculated at undermining the present trial. It goes without saying that the defence attorneys are entitled to choose a strategy to the best of their knowledge and ability; but their deliberate obstruction of the court and the proceedings and their fraternizing with their clients to the detriment of their professional standing clearly goes beyond the bounds of good taste. For their part, by publishing all manner of conspiracy theories, 'expert' and 'scientific' interpretations and eulogies to the defendants, some media outlets are out to render the indictment meaningless and to 'prove' that Milorad Ulemek and the rest are 'scapegoats'. This compact bloc comprising the DSS, media and defence attorneys is opposed not only to the Special Prosecutor's indictment and the court's special unit, but to the political orientation championed by the late Prime Minister.



¹⁶¹ *Kurir*, 10 November 2004.

Between Economic Reforms and Political Restoration

In the fourth year of transition, Serbia's new economic system was still not rounded off nor was its institutionally "roughly reformed" economic environment stabilized, although the year passed in the sign of the revival of overall economic activity - which is synthetically confirmed by a very high increase in real GDP in 2004, i.e. by 7.5%, as compared to the crisis year 2003.¹

Namely, despite that last year's upswing (industry and agriculture increased their outputs by 7.2% and 19.8% respectively), the greatest part of the population did not feel any greater "economic relief", while high unemployment was alleviated by a slight rise in employment by 0.8%. The main reasons for such a discrepancy lie in the fact that a rise in output had no influence on real wages, which even declined (although, according to the IMF, they are still beyond the ability of the economy to pay them); that the level of public consumption is still too high (over 50% of GDP), due to which fiscal charges were significantly increased, by over 20% (when the revenues of the republican budget and the budget of the State Union of Serbia and Montenegro and the subsidies to public funds are added) and that privatization revenues, "inherited" from the previous government, were used to cover the government's old bad debts and to consolidate government apparatus and public enterprises - and not for development infrastructure investments.

Thus, the statistical increase in GDP per capita from \$2,550 in 2003 to \$2,950 in 2004 was actually offset by the country's increased foreign obligations (debt servicing and an increase in the world market prices of oil), subsidies to loss-making enterprises and the basic financial consolidation of the army and other parts of national security apparatus.

¹ At the end of December 2004, when the final data for 2004 were still not released, the Serbian Government announced that, as compared to 2003, GDP increased by about 8.5%, which was the highest annual growth rate in the last 15 years. However, some analysts pointed out that the growth rate in 2004 was somewhat lower, about 8%. At the end of January 2005, the Economics Institute from Belgrade announced that the growth rate in 2004 was definitely 7.5% and that GDP in 2004 amounted to \$22.1 billion, as compared to \$19.1 billion in 2003, but that the data and relative ratios were blurred due to a fall in the value of the US dollar (see *Danas*, 29-30 January 2005).

In 2004, the cumulative effect of external and internal factors brought about a relatively high inflation rate of about 13.7%. At the same time, wages increased in nominal terms by less than 9% (from December 2004 to December 2005, the average monthly net pay of the employed increased from 15,918 dinars to 17,346 dinars). On the other hand, the "floating depreciation" of the dinar against the euro, by 3.7%², increased the debt burden of Serbian citizens arising from most financial obligations, since they are mostly contracted with a "foreign exchange clause" (credits, leasing, rents, etc.). On the other hand, incomes are earned mostly in dinars. So, the burden of transition is increasing, while its favourable effects are nowhere in sight. Social frustration is also increasing, allowing the radical political forces of the "old regime" to regain strength.

In fact, the main problem that imposed itself in Serbia, in 2004, was a contradiction between the programme of "political restoration" of the old nationalist system with which - after the parliamentary elections of 28 December 2003 - power was assumed by the "centre-right coalition" (led by the Democratic Party of Serbia of Dr Vojislav Kostunica), and the inertia of Djindjić's economic reforms (which were actually slowed down in mid-2002 already). Namely, although the political forces, which had won the parliamentary elections, announced a major revision of the hitherto reforms, Kostunica's coalition government dismissed this idea very soon for a number of practical reasons, but mostly due to the cumulative effect of outside pressures for the continuation of reforms (from the IMF mission, in particular) and the influence of his coalition partner, G-17 Plus, which assumed the crucial positions in the economic sphere, especially in finance.

However, one could also defend quite convincingly a thesis that the new authorities realized very soon that economic reforms were well underway and that their radical cancellation was not possible any more. Therefore, they are trying to make a hybrid, albeit unrealistic, combination of political restoration and gradual economic reforms. So, institutional changes in the economic system - implying the country's openness, equality, competitiveness and private entities as autonomous market participants - have been continued, while at the same time "rehabilitating" Milosević's national "patriotic programme" and old Balkan centralism.

For this reason, Serbia found itself in an awkward position. On the public scene, it is reviving "old political ideas" (i.e. "strong government" - a unitary Serbia; Kosovo as an "inseparable part" of Serbia and the mainstay of Serbian nationalism; "unified national space", including also Montenegro and the Republic of Srpska in Bosnia and Herzegovina; "strong national companies"

² In 2004, the value of the euro in dinars increased from about 70 dinars to nearly 80 dinars, but the dinar depreciated against the euro in real terms by the mentioned 3.7%, taking into account the ratio of our inflation of 13.7% to the inflation of 2.1% in the euro zone.

in the infrastructural sector, as well as the favouring of "domestic lettuce" or, in other words, the revival of a thesis about the need to "protect" the national economy from foreign competition, etc.). At the same time, the Serbian Parliament passed the resolution on the "European aim" (without the Radicals), thus continuing to follow the course of economic reforms set after Serbia's "democratic transformation" after 5 October 2000. This major contradiction is heightening internal tension, thus increasing the risk of taking further steps within the process of restructuring and privatization of the largest infrastructural systems (energy, mining, transport), as well as within the reform of the overall system of public consumption (health care and pension funds, social security, the financing and conception of the army, etc.).

The mentioned internal tension can be felt along the whole "social vertical", beginning with the unclear rules of cohabitation between the Serbian President (now the leader of the opposition Democratic Party, Boris Tadić) and the Serbian Government (headed by the leader of the Democratic Party of Serbia, Dr Vojislav Kostunica). It is evident that different economic concepts also "cohabitate" within coalition's "minority government" itself. It is easy to observe the essential differences in the approaches to the current economic policy taken by the ministries concerned with economic issues and run by different political parties. It should also be noted that, insofar as the economy is concerned, the political party G-17 Plus (in addition to the position of Vice Premier concerned mainly with economic issues, which is held by Dr Miroljub Labus) holds the positions of the Ministers of Finance and Agriculture (as well as the position of the Governor of the Central Bank); the Democratic Party of Serbia runs the Ministries of Economy and Privatization, Foreign Economic Relations and Mining and Energy; New Serbia runs the Ministry for Capital Investments (transport, telecommunications and construction); the Serbian Renewal Movement runs the Ministry of Trade and Tourism, and the Social Democratic Party is concerned with social welfare and labour relations. However, these Ministries (like all other ones) depend on the support provided by Milosević's Socialist Party of Serbia to the Serbian Government in Parliament. It is indicative that in the first year of the new Government there were no more serious conflicts with this political party.

After the local elections (September 2004), the conglomerate of different economic philosophies of the people making important economic and financial decisions became even more politically diversified, because most of the leading local government positions were assumed by the two differently oriented opposition parties - the Democratic Party and the Serbian Radical Party. All this contributes to intolerable confusion in the formulation of Serbia's basic economic strategy in the further process of transition, although the turning point in this process, beyond which market-oriented economic reforms are an irreversible process, was probably reached as early as 2003, with the expansion of the privatization process. In short, Serbia is in such a position that it cannot

go back, but, as it seems, it does not want to move forward. On the other hand, its current position is not good.

Kostunica's coalition cabinet, which had been formed as a "minority government" only at the end of February 2004, tried at the very beginning to set "new rules" in Serbia's relations with the International Monetary Fund. To that end, the Serbian Assembly quickly secured a majority to vote for some kind of "development budget", with the projected public revenues and public expenditures amounting to about 560 billion dinars and about 593 billion dinars respectively. Accordingly, it planned a higher deficit than the one agreed between the previous Government and the Fund (the deficit was increased from the original projection of about 15 billion dinars to 32.7 billion dinars). It was aimed at financing the "reconstruction and consolidation of government institutions" and providing scope for the new governing team to "promote economic growth", thus alleviating the pressure of record unemployment (the rate of unemployment is over 30%), in particular.

In essence, such a budget was not accepted in the May consultations with the IMF in Washington, so that it was revised with a delay. By doing so, in November 2004, the budget deficit was actually reduced to the previously agreed level - 22.3 billion dinars. The Fund's firm stand was the first signal to the new Government that its ambitions - which surpassed the usual transition dynamics and Serbia's current economic power - would not be given an unconditional international support (Djindjic also tried unsuccessfully to obtain from the IMF a "discount" for Serbia as regards the control of the budget deficit). The Serbian Government was even forced to continue with a rather fast reduction in the share of the fiscal deficit in GDP - from 2.5% in 2004 to 1.4% over the next three years already.³

In practice, the Fund's principled refusal to accept the doubled budget deficit resulted in the Government's fast desistance from the "verification of the legality" of the hitherto privatization transactions which, in the first half of 2004, almost suspended the privatization process and left the government budget without the inflow of privatization revenues. The change of such a policy can be evidenced by the abrupt replacement of the newly appointed Director of the Privatization Agency, Branko Pavlovic, who was evidently obsessed with the idea of "stopping plundering through privatization" and, thus, had been appointed to this delicate position. Almost simultaneously, Dragan Marsicanin, a high DSS official and the major proponent of the "revision of privatization", left the position of the Minister of Economy and Privatization after he had been nominated by the ruling coalition as its candidate at the presidential elections where he fared very poorly. It is evident that the approach of Kostunica's party to privatization changed, since Marsicanin was replaced by Predrag Bubalo, who advocates not only accelerated privatization, but also the write-off of all

³ According to the Memorandum on the Budget and Economic and Fiscal Policies for the Period 2005-2007.

government claims and claims of state enterprises vis-à-vis socially-owned firms, which cannot find new owners because of their old debts.

Although the idea of "revising privatization" was dismissed and the new Director of the Privatization Agency, Miodrag Djordjevic, was given a green light to speed up the privatization process so as to generate the anticipated privatization revenues of about €250 million in 2004, it was impossible to make up lost time. In 2004, according to Director Djordjevic,⁴ out of 386 enterprises offered for sale, 323 (with 27,000 employees) were sold and their new owners, apart from paying the gross price of €166.9 million, promised to invest €108.2 million as well. These data show how much the privatization revenues declined in 2004, after the formation of Kostunica's Government. Namely, after the sale of 791 enterprises in 2003, total privatization revenues amounted to €927.7 million and investments worth €325 million were agreed. Consequently, the revenues in 2004 dropped more than five and a half times, which points to the investors' lack of confidence in the commitment of Kostunica's Government towards continuing with the reforms and modernization of Serbia.⁵

According to Belgrade's well-known economic analyst Stojan Stamenkovic⁶, the increase in privatization revenues, which had been achieved during the DOS Government in 2003, enabled, in essence, such an upturn in economic activity, i.e. a rise in industrial output and BDP in 2004 - of which Kostunica's Government is now boasting. For this reason, Stamenkovic expresses his concern that a slowdown in privatization in 2004 will generate adverse effects on output in 2005.

Although a drastic slowdown in privatization, coupled with the initially wrong approach, is also the result of a number of objective economic circumstances, this process lost its momentum mostly due to the fact that foreign investors, in particular, are still not quite sure of the course Serbia is now following in a political sense. Namely, Kostunica's Government hard line on the Hague Tribunal and some other major problems relating to Kosovo, Montenegro, as well as the Republic of Srpska, is not lessening foreign investment risks. On the contrary, it is increasing them, because it is pushing the country into international isolation once again. This fact cannot be compensated by continuity in the enactment of new economic legislation (i.e. the energy law, bankruptcy law, company law and the law on the business register, imposition of the value-added tax on 1 January 2005, successful

⁴ *Economist magazine*, 17 January 2005.

⁵ It must be noted, however, that foreign bankers persist in their efforts to penetrate the Serbian market, which is evidenced by a very high price paid by the Greek Alpha Bank (under the agreement signed on 26 January 2005) for 89% of the capital of Jubanka, which was in a majority state ownership, i.e. a total of €152 million (the price was higher than the bank's book value by 50%).

⁶ Stamenkovic said: "The main reason for industrial growth lies in privatization which was carried out in 2003 (*Economist magazine*, 17 January).

introduction of fiscal cash registers into trade in goods and services, as well as the regulation of many other modern, market-economy institutions).

The fact that the Serbian Government realized that the privatization process should be continued is also evidenced by the position taken by its leading ministers (Labus, Bubalo and Dinkic), who are now emphasizing the need to speed up the preparation of infrastructural systems (especially energy-related ones) for privatization, that is, for their restructuring as well.⁷ However, is such a policy possible parallel to the general hypostatization of the theory of "national interest", which is naturally accompanied by monopolistic "national companies" in the vital sectors of the economy? Once again it is the question of a contradiction between Serbia's economic necessities and the general orientation of the "centre-right government").

The contradictory attempts of the Serbian Government to "combine" privatization with "patriotic politics" could best be observed in the case of its clumsy and unfortunate interference with the "outside" takeover and privatization of the government share in the mineral water and soft drink factory Knjaz Milos from Arandjelovac. This transaction was carried out outside the stock exchange, according to the tendering procedure and with the Government's direct yet unsuccessful intervention in favour of the Anapurna Group, whose frontman was the Serbian basketball player in the USA, Vlade Divac, and capital was provided by the French mega company Danone. This is why the transaction attracted such public attention. To put it simple, the government offered its complete block of its shares (about 42%) for sale hoping that it would be purchased by the French, with whom the deal was negotiated through government channels. However, the rivals, gathered around the London-based investment fund FPP Balkan Ltd with a mysterious ownership structure, tipped the scales thanks to better and longer preparations, as well as a higher bid price for the purchase of employees' shares. Considered from a strictly financial viewpoint, such a government's move, i.e. to sell its complete block of shares at one time, confined the long battle over the controlling interest in Knjaz Milos to the battle over only ten or so per cent of the shares held by individuals, who thus found themselves under strong pressure from potential investors, all the more so, because the government indicated that it would ask at least 20,000 dinars per share and invited small shareholders to join it.

In the end, the new Government failed to achieve any of its aims, since it did not dare to completely violate the prescribed procedures and ruin the reputation of the Privatization Agency, the Share Fund and the Securities Commission. However, their reputation was seriously tarnished, especially in the eyes of foreign investors, because those intending to do business in Serbia without the Government's support were sent a message that it was ready to violate the rules, while those securing the Government's support could

⁷ In fact, that is also one of the Fund's basic requirements.

convince themselves that it was not in a position to do everything it had promised.

Despite all this, the new Government cannot complain that, in 2004, it did not have the support of international factors as regards the settlement of Serbia's financial relations with foreign creditors and the world's leading financial institutions. As already mentioned, although the IMF refused to approve to Serbia to double its budget deficit, in May 2004, the Board of this institution released the previously agreed credits under a stand-by arrangement and, after a half-year blockade, sent a signal that it would cooperate with the new Government and the new Governor of the National Bank of Serbia⁸ (Radovan Jelasic from G-17 Plus). During 2004, Serbia also received significant donations from the European Union totalling €617 million (of which €223 million in grants and the remainder in the form of very favourable loans). Consequently, in 2004, Kostunica's Government received clear financial support both from Washington and from Brussels.

Among the favourable international arrangements concluded pursuant to the above mentioned Fund's decision in May, special attention should be given to the one concluded with the London Club (1 July 2004) after decade-long negotiations. These negotiations seemed hopeless, because Serbia was asking the 66% write-off - the same as the one approved for its debts to private creditors, which had been agreed with the Paris Club in 2001 - for its commercial debts to foreign private creditors (\$2.7 billion) before their rescheduling. To tell the truth, a little lower percentage (62%) was agreed, but a significantly higher interest on the repayment of the outstanding debt (about \$1 billion) had to be accepted over the 20-year period (i.e. 3.75% over the first 5-year repayment period and 6.75% over the remaining 15-year period - which really seems to be too high).

Despite this success, which enabled Serbia to obtain its international credit rating, the concern over the maintenance of the country's external liquidity has remained, because its trade and balance-of-payments deficits continue to increase. Namely, in 2004, the trade deficit reached \$7.4 billion, thus increasing by nearly \$1 billion, as compared to the previous year. Imports amounted to \$11.1 billion, while exports were valued at only \$3.7 billion. This year's balance-of-payments deficit will also remain high, i.e. 11-13% of GDP. Therefore, the question that imposes itself is whether Serbia will be able to provide sufficient funds for servicing its rescheduled debts in the critical year 2007. In other words, the question as to whether Serbia will plunge into a debt crisis, is increasingly burdening its development plans.

⁸ In May 2002, the Federal Republic of Yugoslavia (now Serbia and Montenegro) concluded a three-year arrangement with the IMF for its financial assistance of \$994.6 million, of which \$612 million have so far been withdrawn.

Namely, during 2004 already, Serbia had to service its matured foreign obligations arising from old loans at the expense of some important development policy measures that had to be implemented. So, it paid \$885 million (that same year, Serbia was also a total "net creditor" vis-à-vis other countries, which means that its outward financial flow exceeded the inward one). The concern over this situation has not diminished due to the fact that, in 2004, the foreign exchange reserves of the National Bank of Serbia increased by \$694.4 million (or by 19.6%), thus totalling \$4.2 billion at the end of the year, and that the country's total foreign exchange reserves (including the reserves of commercial banks) reached \$5.1 billion. However, that increase was not the result of increased exports of goods and services. Namely, due to a more up-to-date exchange rate policy, which brought about an enormous growth of exchange business (i.e. by 35%), \$1.8 billion from that source also flowed into the country's foreign exchange reserves in 2004. After that difficult year, the year 2005 will be no less difficult, because it will be necessary to earmark \$878 million for debt servicing.

In fact, all this is the result of a heavy public debt of Serbia and Montenegro (despite the write-off of a part of this debt by the Paris Club), as well as its relatively too fast reduction over the past years. The following data of the Serbian Ministry of Finance point to such a conclusion.⁹

At the end of 2000, Serbia's total dollar-denominated public debt amounted to \$13.4 billion (51.7% of GDP), while by the end of August 2004 it was reduced to \$11.4 billion (31.3% of GDP). In so doing, the external part of public debt was reduced from \$9.3 billion to \$6.5 billion, while the internal one increased from \$4.1 billion to \$4.9 billion. It may be argued that a reduction in total public debt by \$2 billion over the period of three and a half years cannot be regarded as a radical confrontation with Milosevic's legacy. However, this still can be regarded as such, since it has been estimated that for its transition process Serbia will need new investments of at least \$2 billion a year.

Over the past years, the level of indebtedness of Serbia and Montenegro has relatively been the highest, as compared to that of the neighbouring countries. According to the 2002 data, with its 81% share of foreign debt in GDP, Serbia and Montenegro is more indebted than Croatia (70%), Bulgaria (69%) and Hungary (54%) - and it is well-known that these countries rank among the most heavily indebted European countries. The situation improved to a degree by the end of 2004, since the share of foreign debt in GDP of 117.6% in 2000 has so far declined to about 32% of GDP, thanks to which Serbia and Montenegro ranks among moderately indebted countries according to the world standards. However, according to the European standards, our state union is still near the top as regards its level of indebtedness.

⁹ According to the data of Dr Marinko Bosnjak from the Serbian Ministry of Finance (the state as on 31 August 2004).

The servicing of Serbia's public debt (in foreign currency) has already fuelled strong inflationary pressures, which will not be alleviated in the coming years. As estimated by the Serbian Ministry of Finance, the share of total public debt repayment in GDP of 3.4% this year will increase to 4% next year, to 4.3% in 2006 and to 4.5% in 2007. Therefore, it is now being attempted to restrict personal consumption, which means that the legacy of the last decade of the 20th century has not been paid off and that this will not be easy until the foreign trade deficit has been placed under control. Although monetary restrictions are the worst form of protection against a country's trade and balance-of-payments deficits, Serbia has almost no other choice.

However, if credit restrictions can be understood from a macroeconomic viewpoint, there remains the problem of their political repercussions in 2005, the possible election year, since it is predicted that after the elections Serbia might shift further to the right. Should the current restriction of consumption destabilize the Government dramatically, the political risks of investing in Serbia will increase still further. This would slow down the rate of economic growth and bring the country into the zone of dangerous uncertainties once again. Therefore, the pressures for new early elections are lessening, despite the deteriorating social situation.

Socioeconomic Rights

Institutional – Legislative Framework

In 2004 the Serb parliament was very pro-active in its legislative work. In fact it passed 95 acts, the majority of which had been already prepared by the previous government. Majority of acts were economy related, though only few may be considered important: Act on Value Added Tax, Act on Economic Associations, Act on Bankruptcy Procedure and Act on Power Generation. Of some importance are also the Act on Railways, and Act on Postal Services passed in early 2005, for they created prerequisites for the overhaul of the aforementioned systems and their de-monopolization. Long in making Labour Act and Family Act were adopted in early 2005.

Act on Economic Societies, was adopted on 15 November 2004. It clearly defined that companies belonged to owners; gave precedence to free negotiations over the prescribed forms of organization and envisaged many solutions long-applied in economies of developed world, with a view to attracting foreign investors in the past oft complaining about obsolete character of our legal provisions. However, the Act failed to meet expectations of many: many salient problems remained unregulated and many inaccurate details gave rise to suspicions that the room for manipulations and various kinds of shady deals was intentionally left. The said Act was bereft of definition of public companies as share-holding societies with the majority ownership of state, from which stems the state's right to run them. Even the process of take over of economic companies was not clearly defined. That left room for an unlawful overhaul of public companies and public take-over of share-holding, and a major influence of different interest groups and lobbies. From legal standpoint the Act contained a host of inaccuracies and inconsistencies, which, as the things stand now, are legally insoluble. However there is a possibility that in the process of harmonization of the existing acts with the Act on Economic Societies all bad solutions therein contained may be corrected via amendments.

Long-needed *Act on Bankruptcy Procedure* was adopted on 23 July 2004. Total collapse of economy during the Milosevic regime, made many companies insolvent. According to the 2002 data of the National Bank of Serbia,¹ there

were 58,435 insolvent companies employing over 843,000 workers. Bankruptcy procedure for 28,955 companies with 294,000 workers, with debts exceeding 63.5 billion dinars were proposed. Services for compulsory payments of the National Bank of Serbia in the course of 2003 submitted to courts of law as many as 27,904 proposals for launching bankruptcy procedures. But such an excessive workload, has slowed down the work of commercial courts. Hence most bankruptcy cases are still pending. Added to that the instituted bankruptcy procedures lasted too long, hence some companies which could have been salvaged in fact collapsed during the very bankruptcy procedure. There were also objections that some bankruptcy-relating decisions were in fact taken on the basis of various political interventions, while some have never been taken because some companies enjoyed "political protection."

New Act on the Bankruptcy Procedure took effect on 1 February 2005. It concerns all instituted bankruptcy cases, if 50% of company's property was not sold. The Act limited duration of the said procedure to one year, and also laid down that bankruptcy procedure could be instituted only if a company was not salvaged through its overhaul or re-organization. In charge of the procedure would be qualified bankruptcy managers or creditors in trust to be issued relevant licences by a newly-found agency, responsible for the whole job. This new measure aimed at curbing malpractice from the past period, that is various dealings and wheelings of incompetent and corrupt bankruptcy managers. But the question remains whether the state is able to find so many qualified cadres for the said job. The novelty is that all creditors, including workers, are obliged to take part in bankruptcy procedures, if they have at least 30% of credits. Labour, Employment and Social Affairs Minister, Slobodan Lalovic, maintained that employees unable to recover their credits from companies' property would be able to count upon the assets from the Solidarity Fund², and those provided for by the National Employment Services. The new strategy of the Labour Ministry and the National Employment Services aims at providing assistance to redundant workers. By pooling of the aforementioned assets they could kick-start new lines of business and thus fund a stable, long-term livelihood. But it has been established that to date the majority of redundant workers spent all their severance pays. It was also noticed that most employees opted for an outright sale of their shares. On the other hand one must state that the paid out sums were insufficient for kick-starting any business (particularly in the case of payment of severance pays), while loans and credits were not available for the majority of physical and legal subjects. It became evident that the state and competent services had to provide much larger assistance. But it remains to be seen whether it would come to pass and what its effects would be.

² The new Labour Act, adopted by the Serb Parliament on 18 February 2005, envisaged the Solidarity Fund. According to Minister Lalovic, the Fund would have at its disposal 300 million dinars.

¹ *Danas*, 14 January 2005

Non-existence of the *Act on Investment Funds*, poorly regulated market of securities and practical problems which have emerged during recent privatizations, exact a new host of legal regulations or amendments to the existing ones. After recent scandals surrounding the sale of companies "Knjaz Milos" and "C-market" the foregoing became obvious. Expert public and employees expected that the announced Act on amendments to the *Privatization Act* would remove some of the observed shortcomings. Pertinent bill was discussed in parliament in February 2005, but due to numerous objections and obvious lack of political backing, it was taken off the agenda. Representatives of the ruling coalition have long-asserted that the Act would enjoy the backing of all parliamentary parties, barring the one of the Serb Radical Party, but that Act is yet to be passed. Experts had voiced many objections, most of which were related to writing off debts of companies undergoing overhaul. Minister of Economy, Predrag Bubalo, explained that the said provision was realistic in view of the fact that 90% of companies' debt was the one owed to the state creditors, most often to the Republican Fund for Pension and Disabled Insurance, the Republican Fund for Health Insurance, Inland Revenue Authorities, and Republican Directoriat for Commodity Reserves.

Since those debts are a real hindrance to finding good buyers of companies, the Bill, duty-binds the state creditors to write off total debt of the subject undergoing privatization, and get the overdue money from the tender- or auction-style sale of the subject. Detractors of such a solution underscore its anti-constitutional character, that is, maintain that "it places in an inequitable position different forms of property, and also employees, already unequal due to different social programs, and their status regulated by a contract with a new owner, etc. However it bears stressing that writing off debts on the basis of public revenues of subjects of privatization was a practice in recent past, the one regulated under the Decree.³ The said Bill elaborates in detail the cases in which a buyer fails to comply with his contractual obligations (earlier regulated also by a sub-legal act). It proposes a novelty: Sale Contract is broken by the Privatization Agency, and not by a court. Agency may act as a creditor in trust, if so appointed by a bankruptcy council. In the said Bill the existing legal solutions were defined and explicated in detail. Added to that, experts, workers and shareholders were also against the said Bill, in view of their assessment that under the Bill the property rights of small share-holders would be still blocked.

Since the state may take part in a tender with its shares, the Union of Workers and Shareholders demanded that small share-holders be allowed to pool their shares with the state package and thus make use of the tender method of sale. Added to that the Union is disgruntled with the solution

³ Decree on the Mode of Settlement of Public Revenues Matured for Payment by the End of 2001 Relating to Subjects Being Privatized by dint of Public Auctions or Tenders, Official Gazette of the Republic of Serbia, no. 91/02.

according to which small share-holders are practically excluded from consultations when offering the Contract on Sale to other buyer, though they jointly sometimes have as much as 30% of total shares of company. Small share-holders have insisted on a precise deadline by which management must submit to the Shares' Fund a depliant with the company data in order to prevent in future directors' blocking of small share-holders shares- trading. Arrogant announcement of adoption of the Act on Amednments to the Privatization Act under summary procedure, and its subsequent taking off the agenda without any reasonable explanation, gave rise to suspicions that political deals would once again prevail over economic logic. Its seems that the Union of Small Share-Holders in its negotiations with representatives of MP groups⁴ achieved its first positive result. However we are yet to know the real outcome of those negotiations once the Bill is anew included in the parliamentary agenda: namely, whether the small share-holders have been granted a better legal protection, or their interests have been once again overlooked?!

The ruling coalition expressed unrealistic optimism regarding elaboration of the new Labour Act. Namely Labour Minister in mid-April 2004 announced a swift adoption of amendments to the act in force, which had been adopted despite vocal protests of trade-union two years earlier.⁵ That promise was also made by the Democratic Party of Serbia and Vojislav Kostunica to the Independent Trade Union and "Nezavisnost" Trade -Union, in exchange for their electoral support. Trade-unions mostly complained of a vast authority vested in job-givers/employers and weak protection of employees, disrespect of the institute of collective negotiations, avoidance of payment of even guaranteed (minimum) wages, "black market" work, etc. Minister Lalovic, himself a major detractor of that Act⁶ and of previous government, guaranteed re-affirmation of collective contract, major protection of workers, limited rights of employers, establishment of a special fund for payments of guaranteed wages... But in parallel demands of job-givers were to be met. In fact they did not welcome the news of adoption of the new act. Also into account had to be taken interests of potential foreign investors, and their strong dislike of frequent changes in legislation. Foreign investors are very much against their

⁴ At 27 January 2005 press conference, President of the Union of Workers and Share-Holders, Branko Pavlovic, stated that the Union was having intense talks about the Bill with all MP groups. Branko Pavlovic was director of the Privatization Agency. He was appointed to that post by the incumbent authorities, and after only few months relieved of his duties by the same coalition.

⁵ Previous Labour Act was adopted on 12 December 2001. It was considered by many experts the most progressive act passed by the DOS coalition.

⁶ Labour Minister, Slobodan Lalovic, thus assessed the previous act: "In 2000, when we embarked upon the path of changes, we were 'greater Catholics than Pope', hence in that area we even surpassed the EU standards. Under the current legal solutions, a worker cannot react when a job-giver hands him resignation papers. Civilized world has not put in place such a solution." (*Politika*, 22 April 2004)

money being used for buying of social peace and political credibility. Since it was difficult to fine-tune or, rather, meet all those diverse expectations, the debate on the Bill was much delayed. In fact it was put on the parliamentary agenda only in early 2005.

In order to turn trade-union into "true partners in a joint work" (in fact avoid to repeat the error of the previous government, which was first deprived of trade-unions' backing and later even faced its open antagonism), the Labour Ministry included in the process of elaboration of the Bill's amendments representatives of the three largest trade-unions. The fact that the official talk about amendments was soon replaced with the talk about elaboration of the new act, indicated that the new authorities (notably Democratic Party of Serbia) were much more sensitive to workers' demands and more willing to effect many concessions. But such a stance soon proved to be counter-productive: trade-unions' wishes were stiffly opposed first by job-givers/employers, and later representatives of foreign investors, the World Bank and IMF, along with the Finance Minister, Mladjan Dinkic and Vice Prime Minister, Miroljub Labus, high officials of the party, G 17 plus, a coalition partner of DPS. Trade-unions threatened with new strikes and blockades, while the other side threatened with stalling of investments and credit and loan line arrangements. G-17 plus cautioned that the Act drafted in line with workers' demands would destroy the Serb economy, while economists and jurists maintained that the government was bereft of a reform potential. In the general negotiating mood riddled with mutual accusations and pressures, information and misinformation, many months passed before a compromise was reached. Even then that compromise was not to the liking of any party involved, as attested to by a large number of relating amendments submitted in Parliament.

However both trade-unions and workers have now reasons for satisfaction: collective negotiating was introduced as a mandatory category, and as such may be introduced even into those companies devoid of collective contract; Social-Economic Council has the authority to determine the minimum wage amount; protection of workers in case of their laying off is the highest-level one and complex, while for those considered a technological surplus, larger severance pays are envisaged. However the Act proper is a step backwards with respect to the previous one, for it has nearly reinstated "workers' management" into economy. Thus its consequences may be dire in view of a total economic situation in the country. The other adopted acts or pending ones have mechanisms characteristic of the socialist economy and administrative management. Return of the social function into companies, more difficult laying off of workers instead of creation of a healthier business milieu providing for creation of new jobs, an increased influence of the state on total economy, shall make the labour more expensive, companies less competitive on the market, help accumulation of workers' surplus, and is likely to boost inflation and the growth of foreign trade deficit. All the foregoing is not likely to attract already cautious, foreign investors.

The two newly-adopted Acts also deal with economic-social rights: *Act on Social-Economic Council* and *Act on Peaceful Resolution of Labour Disputes*. Both acts were adopted by the Serb parliament on 15 November 2004. The first Act resulted from failed attempts of representatives of trade-unions, government and job-givers/employers to establish good communication, while the second one is in a way a spin-off of the second one for it envisages peaceful resolution of and arbitration in individual and collective labour disputes. Both acts obviously aim at forestalling strikes which in recent times have shaken up the Serb economy. Those strikes were a major problem of the previous government too. Though the second Act came into force immediately, its provisions relating to a peaceful resolution of disputes took effect only as of January 1, 2005. In the meantime a special Agency tasked with selecting arbiters for labour disputes was to be formed. However it is still not known whether a list of arbiters has been drawn up, and its arbitration procedure is still an imponderable.

Act on Social-Economic Council was envisaged under the agreement reached by Djindjic-led government and trade-unions⁷, but numerous obstructions on many sides have made senseless the very existence of the Council, which, by the way, never became operational in the desired way. The said Act has not brought about new solutions relating to agreements on the Social-Economic Council. Added to that the national Social-Economic Council, (whose number was increased to 18, and is composed of six representatives of government, 6 of trade-unions and 6 of job-givers), the Act envisages the possibility of establishing such councils on provincial and local levels. What is also envisaged is financing from the republican, that is provincial or municipal, budget, the Council's mandate is laid down, and similar. The Act is essentially more similar to a declaration, and consequently it fails to more precisely establish relations between participants in a social dialogue. Thus Article 10 of the Act envisages forwarding of council's opinion to the competent ministry, which then, within 30 days, should inform the Council of its stances. In case of the Ministry's refusal to give its opinion, the Council may forward its own to the government. Under the Act, the government is not even duty-bound to read it, let alone reply to the Council. No harmonization is envisaged, there is no principle of obligation, or responsibility and consequently of possible sanctions. However, due to the planned creation of Secretariats professionally servicing the work of every council, new posts have been immediately opened. In view of totality of social relations and those between "social partners", it is not expected that their dialogue would be institutionalized in the long-term and continually.

⁷ Agreement on Founding, Mandate and Mode of Work of Social-Economic Council of the Republic of Serbia was signed on 1 August 2001; eight months later, on 15 April 2002, the Agreement on Promotion of Work of Social-Economic Council was adopted. That Agreement envisaged elaboration of the legal framework, that is, an agreement between trade-unions, job-givers/employers and government leading to the joint Bill on Social-Economic Council.

Thus contribution of the aforementioned Act in that regard would be negligible.

In view of the recent overhaul of ministries, social policy was included in the mandate of the Labour and Employment Ministry. However neither the government nor the public at large showed much interest in that area. Though G-17 plus managed to prioritize the social issues within the ranks of the Serb government, the government's results in that field were objectively limited. Frequent public statements of Labour and Social Affairs Minister, Lalovic may be attributed more to his deft political marketing than to his concrete results. In fact two important acts from his mandate, the Family Act and Labour Act were very long in making. Many provisions thereof are yet to be discussed by the Serb parliament, so employees and beneficiaries of various kinds of social assistance are yet to see the effects of those acts.

Family Act is of major importance because of its legal novelties with respect to protection of children, sanctioning of family violence, arrangement of marital relations, etc. Amendments to the Social Security Act were passed,⁸ while amendments to the Act on Financial Assistance to Families with Children, National Strategy for Disabled Persons, Act on Employment, Act on Strike, Act on Safety and Health at Work, etc, are yet to be discussed.

Former government completed a difficult job, the results of which are visible. It laid a solid groundwork for the future work of the new authorities: several, key laws were passed,⁹ initial funds for launching of many new programs were ensured, and outstanding debts to beneficiaries of social funds were significantly reduced. Labour Ministry also inherited 12 pending projects aiming at the overhaul of the labour market, development of inspection services, promotion of social policy and public administration, an ensured support to programs for unemployed and surplus of employees, disabled and refugees cared for by social institutions, etc. Concerted efforts were made to provide for the proper functioning of the Social-Economic Council and neutralizing of dire consequences of poor relations between the former Labour Minister and leading trade-unions,¹⁰ but the entire performance of that Ministry was far from satisfactory.

⁸ Official Gazette of the Republic of Serbia no. 84/04

⁹ Labour Act (Offic. Gaz. of the RS no. 70/01), Act on Financial Assistance to Families with Children (Off. Gazz. of the RS, no. 16/02), Act on Pension and Disability Insurance (Off. Gaz. of the RS no. 34/03), Act on Employment and Insurance in Case of Unemployment (Off. Gaz. of the RS no. 71/03).

¹⁰ Former Labour Minister Dragan Milovanovic used to be President of the Association of Free and Independent Trade-unions. That fact gave rise to a vilification campaign mounted against him for "favouring AFIT over other trade-unions."

Trade - Unions Entrapped by Their Own Demands

At the very outset of its mandate, the new government heralded "a social pact on non-aggression", that is, signing of an agreement on social peace with representatives of trade-unions and employers. Representatives of the three trade-unions responded differently to Lalovic's offer of a three-year social peace. Trade-union "Nezavisnost" was in favour of a five-year long social pact, in case of harmonization of stances on national strategy of economic and social development. Independent trade-union decided that any agreement on strike-and protest-renouncing was impossible in view of the general situation. As early as on 31 March 2004 the Serb government staged a meeting with representatives of the three leading trade-unions (UGS, SSS and ASNS). The meeting was also attended by Prime Minister Vojislav Kostunica, Vice Prime Minister Miroljub Labus, Finance Minister Mladjan Dinkic, the then Economy Minister Dragan Marsicanin and Labour Minister Slobodan Lalovic. Then it was agreed to swiftly re-arrange Social-Economic Council in order to make it operational. In its communique the government underscored "the importance of the joint work on elaboration of social contract, in order to ensure social peace necessary for continuation of a fundamental re-arrangement of the state and an accelerated revival of economy"¹¹. Trade-unions were, however, more restrained. They announced a careful monitoring of the government's work, and did not exclude the possibility of strikes. However, long-strained relations between trade-unions, their poor relations with employers, unprincipled agreement-making and horse-trading with political parties, surfaced very quickly. As early as on April 14, President of "Independent" trade-union Branislav Canak accused the government of not wanting to sign a social pact, of humiliating the very idea of social dialogue and its participants, of re-introducing the criterium of "suitable" trade-unions by picking members of "Independent" trade-union to lead the Management Boards.¹² Although UGS "Nezavisnost" had major merits in effecting the downfall of the previous government-namely it openly backed the Democratic Party of Serbia- Branislav Canak stressed that "my trade-union has many problems because of our support to this government, for many European countries think that our support of the right-wing option is illogical. On top of everything we got very little in return from this government"¹³.

Faced with great expectations and threatening dissatisfaction of trade-unions, the Serb government tried to "buy" time by dint of some concrete moves. Namely the process of determination of representation of trade-unions and association of employers was initiated, as a prerequisite for a kick-off of the new Social-Economic Council. It was hoped that results would be achieved

¹¹ *Danas*, 1 April 2004

¹² *Glas*, 15 April 2004

¹³ *Glas*, 15 April 2004

smoothly, without any conflict and problems, in view of the long-established profiles of the three leading trade-unions. A swift adoption of the new Labour Act was promised, and privatization was stopped, to calm the spirits. However the events did not take the desired turn. Because of the Labour Act the Serb government teetered on the brink of ruin, while a revived privatization process was tinged with many scandals. Government was compelled to renounce revisions. Social-Economic Council is yet to be become operational. During determination of representation, impotence and impassioned stance of trade-unions became glaring, as did various political sways, misuses and obviously, insincerity of all prime movers of public life. All the foregoing laid bare the key problem of Serbia: its lack of will-power to effect and implement the necessary reforms.

In order to determine representation of trade-unions Minister Lalovic set up a census of 181,357 members¹⁴, in line with the provisions of the existing Labour Act. The very census, methodology, composition and mode of work of the Central Commission set up to carry out that job, were taken to task by the trade unions "Nezavisnost" and ASNS, but also by job-givers/employers. Hence the initial deadline for completion of procedure (1 May) was extended to 1 June 2004. But the procedure was not completed even by early 2005! "Independent" trade-union from the very outset took a very arrogant stand by claiming that due to its 600,000-strong membership, the other two trade-unions and Employers Association did not qualify for representation. On the other hand UGS "Nezavisnost" and ASNS assessed as unrealistic the quoted membership of "Independent" trade-union, though they never called into question its representation. At a later date SSS and UGS challenged representation of ASNS, while the Employers Association protested against the very possibility of Association of Industrialists of Serbia¹⁵ becoming a second representative association of employers. All in all, after a series of insults and sporadic walk-outs of the Central Commission, by 1 June only representation of SSS was determined on the basis of its 455,260 membership cards. Later representation qualifications of UGS "Nezavisnost" and Employers Associations were proved too. Status of ASNS is still unresolved, for the other two trade-unions challenge the number of their members. If this problem is shortly resolved and funds provided the Social-Economic Council could start its work. Government shall have 6 representatives in that Council: Labour Minister, Finance Minister, Economy Minister, Capital Investments Minister, Education

¹⁴ Census for determination of representation of trade-unions on the national level, is 10% of the total number of employees. According to the Labour Ministry data, 1,813,570 citizens are employed in Serbia. That number does not include employees from the territory of Kosovo.

¹⁵ Association of Industrialists of Serbia is considered a powerful economic-political organization, whose members are most successful entrepreneurs and company-owners. It was founded in late 2000. The Association's president is Bogoljub Karic.

Minister and Health Minister. Trade-unions assessed that composition as "satisfactory and representative"¹⁶. That indicated their more conciliatory stance with respect to the salient problems in 2005, notably, a further rise in unemployment, overhaul of public companies and major systems, and limitation of pays of budgetary beneficiaries.

It is manifest that trade-unions don't have a solid inner structure, that trade-unions headquarters are not able to control their branch offices, and that their membership is not ready for transition challenges. Trade-unions face lack of funds, and a division of trade-union property inherited from the Socialist era, which is currently used only by SSS. Announced talks on those topics never came to pass. The Serb government delays resolution of that problem, since it is aware that instituting of property-division procedure would cause a "veritable" war between trade-unions. In parallel another key issue is put on the back burner-division of property taken over by the Socialist Party of Serbia in early 90's, the value of which exceeds several billion dollars.

Unwillingness of employees to shoulder the burden of transition and their unrealistic expectations, as well as continual calculations and political compromises of their representatives, affected their rating and the public trust in them. Findings of the public opinion poll covering both employed and unemployed citizens¹⁷, indicated a sharp fall-nearly 40%- in the number of trade union membership (with respect to 2002.). Membership of UGS "Nezavisnost" and ASNS has decreased, while SSS managed to maintain its membership. 56% of total trade-union members in Serbia belong to SSS, 32% to "Nezavisnost", 5% to ASN trade-unions, and 7% to other trade-unions. Interestingly enough among social sector employees, 39% are not members of trade-unions, while in private sector only 13% of employees belong to some trade-unions.

The foregoing indicated how much private sector employees feared sanctions in case of their trade-union activities (and furthermore attested to a rather rigid stance of the majority of private entrepreneurs and company-owners, but also to the state's tolerance of their unlawful business-management). On the other hand the above data also indicated both impotence and disinterest of large trade-unions to protect and animate workers. The poll findings also indicated the prevailing stance on privatization: of total number of respondents, 47% understood that privatization was a necessity, 31% considered it "a sheer plunder", while 22% were in the dark with respect to character of privatization in Serbia. However, from the poll emerged one surprising result: an unexpectedly high awareness of ties between privatization

¹⁶ *Danas*, 28 January 2005

¹⁷ That poll was part of the project "Trade-union barometer". It was conducted by UGS "Nezavisnost", Education and Research Centre "Nezavisnost" and Italian trade-union headquarters *Progetto Sviluppo*. Poll covered a sample of 1,222 respondents in 50 Serb municipalities. *Politika*, 9 January 2004.

and more efficient economy as expressed by 43% of respondents; 30% thought that privatization would lead to a massive job loss and reduction of labour rights, 11% thought it would not bring about essential changes, and 15% were ignorant of privatization effects.

Repeated research within the same project and with the same sample¹⁸, confirmed the prevailing stance on privatization and fear of loss of jobs; sociologist Srecko Mihailovic highlighted the fact that the obvious transition era losers were employees with the lowest wages and lowest education. Hence their reluctance to co-operate and embrace changes. For example, only one fourth of respondents manifested their readiness to work more for the same pay, one third was willing to attend new vocational training courses, etc. The poll indicated that the most stiff opponents of transition were one sixth of employees receiving pays lower than 50 EU (4,500 dinars) per family member, half of employees receiving wages in arrears, and 91% of unskilled or semi-skilled workers slated for axing. Similar conclusions were drawn by other analysts and researchers. Moreover they also noticed that resistance to reforms was accompanied by a marked xenophobia and anti-Americanism on the one side, and the populist-style nationalism, on the other side. In such a situation broad masses are easily manipulated and their shift towards the right-wing parties advocating egalitarianism is -commonplace. The right-wing parties' pandering to low classes has proved to be lethal both in the past and present, as much as a similar move by trade-unions, prompted by their wish to preserve their positions during the transition. Lack of agreement between prime movers of the society on objectives and course of transition, their irresponsibility and unwillingness to pay the price of transition, tend to favour consolidation and strengthening of conservative and populism-minded parties.

However, contrary to all expectations, the stiffest resistance to reforms is put by members of elite, who tenaciously fight to preserve their posts and standing. They are the population strata which mostly fear any changes. Hence it is wrong to conclude that the socially-owned property and the Socialist-style collective management suit only members of the lowest social strata. On the contrary, "elites" in the past and present have always drawn largest benefits from such a system (both as regards status and financial standing). Moreover such a system helped them successfully hide their propensity for corruption and lack of business and management acumen.

Government's Reforms

A serious analysis of workers' strikes and sporadic work stoppages in 2004, indicated the absence of serious opposition to key moves made by employers and state. Most protests were in fact staged because of a poor

¹⁸ "Trade-union barometer 3", magazine *Reporter*, 15 September 2004.

financial situation and unmet obligations. Workers in hundreds of insolvent companies mostly staged strikes in order to demand their long overdue wages. They mostly complained about lack of competence of their management, and even more frequently accused their management of corruption and plundering at the expense of workers and companies. Strikes were frequently spontaneous and self-styled, and prominent trade-union leaders rarely took part in them. Of such a model were also farmers' protests-in the shape of blockades of highways-which last summer presented a big headache for government. Blockade-style protests were staged by farmers in Vojvodina, and raspberry producers in Central Serbia.

More numerous were strikes of budgetary beneficiaries and employees of companies depending on the state subsidies. Work stoppages and strikes were staged in succession by health, education and judiciary sector employees; there were also strikes of Yugoslav Airlines, Railway System, Power-Generation, Mining Basin "Bor", Zastava Car Plant employees. All of them are highly dependent on budget or state subsidies and their fate hinges on delayable, but unavoidable system reforms. Though their demands were purely of financial nature, beneath the surface was evident their resistance to any reforms, introduction of international standards, market competition and loss of positions. Due to their major social importance, those strikes attracted major attention of the media, public opinion, politicians and trade-union leaders. Behind the cover of "national interests" and "protection of workers and property" there was much jockeying for influence, power and position. In that battle the rights of employees were rarely mentioned.

Strikes staged against controversial privatization belong to a special category. Government, some ministries and the largest trade-unions tended to engage themselves very much in cases of highly valued companies pursued by several, important buyers, and less so in case of companies with lesser value. The main feature of controversial cases of privatization in Serbia were covert interests fueled by large kickbacks rather than shortcomings of the procedure proper. Contested privatization cases, notably of "Jugoremedija" of Zrenjanin, Veterinary Institute of Zemun, and "Keramika" of Kanjiza for months now have been the press fodder.

Public faces every day a host of contradictory and scandalous information, courts pass and annul judgements, workers fight each other or private security services, privatization documentation is amply doctored, and accusations are flying around. Trade-unions, politicians and government ministries are divided over that issue and even partial to the parties in the contested tenders. Government is also to be blamed for failing to replace ministers unable to resolve those cases. In such a situation citizens of Serbia responded adequately by showing their increased distrust in the ruling coalition.

No-one lends credence anymore to repeated assertions of the leading officials of the ruling coalition that "Serbia has an honest, responsible,

untainted, that is, scandal-free, government." Population at large increasingly recalls that the incumbent authorities exacted the early elections in December 2003 thanks to a virulent smear campaign then staged against "the corrupt and scandal-riddled DOS". Analysis of a year-long performance of the current government indicated that no case of DOS corruption was proved. Moreover those much hyped scandals from 2003 are no longer mentioned. Serious accusations relating to the "Sugar Affair", bombastic announcement of police and judicial investigations (as if their work depended on political demand or permission?), demonization of the prime suspect Miodrag Kostic (and in fact of Democratic Party and Zorana Djindjic) etc, ended with several charges for tax-evasion against small-scale smugglers!

Some media which have "seriously understood" the government's intention to effect a showdown with organized crime, for weeks running disclosed information on the smuggling channels (Kosovo, Montenegro, Republika Srpska), without unveling the names of their gang-leaders. And then the related coverage was suddenly cut short. "Power-generation scandal" has not been resolved, despite the probe launched into the case by the newly-founded parliamentary investigation commission. Aleksandar Vucic, head of that commission and secretary general of the Serb Radical Party, questioned only 20 witnesses, instead of 50 intitially announced (including former ministers and directors, notably Vuk Hamovic and Vojin Lazarevic from the British company EFT). After the commission's final ruling that not only the initial contract was detrimental to the state, but that many Milosevic era personalities as well as parties making up the incumbent coalition engaged in shady deals, malpractice, and mismanagement, the case was placed *ad acta*.

Former Transport and Communications Minister, Marija Raseta Vukosavljevic was a key protagonist of the two scandals: one related to the case of conflict of interests, which was soon dismissed, and the other related to the kickbacks she allegedly received for the tender envisaging the re-vamping of VIP room of the Belgrade Airport and re-design of "Terminal 2". That topic was amply exploited for two months by the state-run TV and some print media, but investigation produced no results. Thus "theft of 800,000 Euro"¹⁹ is no longer mentioned. In line with its pre-election promises that "many privatizations would be revised and corruption cases uncovered", the ruling coalition mounted another major smear campaign: namely former Djindjic's aides Zoran Janjusevic and Nemanja Kolesar were accused of money-laundering. Probe was also launched into privatization of Smederevo company "Sartida" by the Council for Anti-Corruption Combat and Branko Pavlovic, Director of Privatization Agency. That case, like many others, was suddently hushed up and Dinkic and Labus managed to fire Branko Pavlovic in July 2004. President of SAS trade-union, Milenko Smiljanic, then made a following statement: "I took part in negotiations relating to the sale of 'Sartid' and I can say that it went

¹⁹ *Kurir*, 6 October 2004; *Vecernje novosti*, 24 November 2004.

smoothly, workers are satisfied, they work well, and get their wages on time. Moreover production was successfully kick-started. The incumbent authorities, having failed to pin down Kolesar for money-laundering, obviously decided to mount another smear campaign against him."²⁰

Other contested privatizations were not resolved, and charges against officials of the previous administration were never proved. However, continual marketing of scandals has risen tensions in society and deeply divided the broad masses and public opinion. Some assessed the government's moves as retribution towards followers of assassinated Prime Minister, while others tended to equalize so-called "democratic forces" and judged their conflicts as a quarrel over division of booty. Having in mind totality and background of relations between former opposition parties, divisions and conflicts within the ranks of DOS coalition proper, and their current stances on key democratic challenges, as well as the level of their engagement in resolution thereof, (war crimes, the ICTY, trials before the Special Court, Kosovo and Montenegro, decentralization of the state, national minorities, civil liberties and rights, etc.), it is difficult not to notice that the leading government party-Democratic Party of Serbia, and parties and institutions (the Serb Orthodox Church and the Serb Academy of Arts and Sciences) which had backed Milosevic's policy, share the same ideological blueprint.

Zoran Djindjic was assassinated after announcing a showdown with organized crime, and the subsequent moves of his government towards putting in place a legal framework. The incumbent authorities intentionally curtailed that anti-crime combat, and staged the society's return to the bleak previous period. By concocting scandals and covering up the true gangland activities, the incumbent authorities stripped citizens of Serbia of their already slim hope that a legal state would be finally put in place and that serious crimes and dangerous criminals would be punished.

In parallel it cut short two scandals related to the involvement of the incumbent Finance Minister Mladjan Dinkica (former Governor of National Bank of Serbia) and Vice Prime Minister Miroljub Labus in founding and business operations of the National Savings Office and Report of Anti-Organized Crime Directoriat on financial operations of G-17plus. Open conflict between Mladjana Dinkic and Bogoljub Karic, relating to the extra profit payment and structure of capital in company "Mobtel" was also placed *ad acta*: Dinkic succeeded in his objective- that is extra-profit was paid- and consequently became the Finance Minister, but the state's share in "Mobtel" is still an imponderable. Added to the aforementioned, publicly voiced suspicions about the nature of privatization of "Jugoremedija" and Veterinary Institute (and shady role of some politicians, police and judiciary bodies), the two scandals in which the government was clearly involved were much hyped by the media. The first scandal related to the sale of the largest commercial chain in Serbia, C-

²⁰ *Balkan*, 4 June 2004.

market. In early August, Slovenian chain of department stores/super markets "Merkator" submitted its offer for the purchase of shares of *C-market* to the Securities Commission. The said Commission accepted "Merkator"'s offer to take over 33% of shares (18,000 dinars per share) and provide an accompanying social program. Then a hysterical campaign was orchestrated in cities of Serbia to warn small shareholders against selling their shares, for "such a move would jeopardize national interests".

G-17 party, as an advocate of "patriotic economy", managed to convince inexperienced minority shares holders and other employees of *C-market* that the sale of their shares would be harmful. In order to protect its interests the company's management ensured the political-economic support in the shape of initiative for the formation of Consortium of Domestic Companies, tasked with coming up with a counter-offer and thus securing non-sale of the largest Serb commercial chain. Though Prime Minister Kostunica said that the government of Serbia would not interfere in the sale of *C-market*, ministers for days kept publicly explaining why "Merkator"s offer should not be accepted. That government-orchestrated campaign in fact foiled the right of minority shareholders to freely dispose of their shares. Company's management went even a step further: it orchestrated a signing of support petition. In parallel a number of shareholders stated that pressure was piled on them not to sell their shares. The situation escalated into an open conflict between those fighting for their right to do what they want with their actions and those denying them that right. Thus even the police was compelled to intervene. Salvation came in the shape of the decision of the Privatization Agency to stop the whole process "on technical grounds". Namely when it was established that many small shareholders were not registered with the Central Securities Register, the sale of stocks was stopped.

Notorious sale of shares of "Knjaz Milos", a leading producer of mineral water and fruit juices from Arandjelovac, showcased even more blatant manipulations and violations of laws. Several months-long agony of small shareholders of that company would serve as an example of uncontrolled conflict of interests for many years to come. During that protracted and unsuccessful tender the state proper repeatedly violated its laws, breached the prescribed procedure, ridiculed its own institutions and showed clearly to prospective foreign investors that both the Serb market was not regulated and absence of the official will to regulate it. Because of several scandals surrounding the sale of "Knjaz Milos" shares, the Serb Parliament set up a special Investigative Committee headed by Miodrag Vucelic, a high official of the Socialist Party of Serbia, to launch a probe in that sale. Choice of Vucelic as a top probe officer was interpreted as an evident intention to put a legal coating on the whole affair and then file it away. The general public is yet to learn the findings of recently completed inquiry of that Committee. On the other hand some parties involved in that sale have announced new inquiries and it is even possible that the whole case would end up before an international arbitration

body. The magnitude of that scandal and prominence of its main protagonists should have led to resignation of some government official and even their criminal prosecution.

In recent times the print media and NGOs have reported a host of corruption cases involving customs offices Serbia-wide, town-planning malpractice, shady tenders and public purchases, corruption in state institutions. However both the government and public opinion chose to ignore such information. Arguments that the government is scandal-free are not founded and indicate another problem: namely that the print media involved in scandal- mongering relating to the previous government, which ultimately led to its fall and early elections, are key instruments of some interest groups.

VI

Vojvodina: Autonomists on the Defensive

The Assembly of the Autonomous Province of Vojvodina was dissolved after its President Nenad Canak called local and provincial elections in mid-September. Constituted in October 2000, the Assembly had adopted a number of important decisions, for instance introducing Croatian as an official language alongside Serbian, Slovak, Hungarian, Ruthenian, and Romanian. In the domain of minority rights, headway was made by the establishment of the newspaper publishing houses Hrvatska rijec and Them.¹ Also, the human rights protection mechanism was improved by the innovation of the office of provincial ombudsman, the first people's attorney in Serbia. In an effort to redress the injustices committed in the past as much as possible, the Assembly also passed a resolution repudiating collective guilt and a declaration on the return of all who had left the province between 1990 and 2000. Ever mindful of its chief strategic task and objective of maximizing the province's autonomy, the Assembly created a number of institutional prerequisites to this end.² Although the new 'omnibus law' has not given Vojvodina the degree of autonomy its political parties have been promising and demanding, many of its powers taken away by the Milosevic regime have been restored to it. Thanks to the omnibus law, Vojvodina's budget is now larger than it was, though most of it still consists of revenue apportioned by the Republic rather than of locally-generated income. There was yet another important development worthy of notice, namely that it was during the life of this Assembly that Vojvodina was admitted to the Assembly of European Regions, the largest regional association in Europe.

¹ By a subsequent decision of the Vojvodina Assembly, the founding rights over these and other minority media organizations were transferred to the national minority councils.

² The Vojvodina Assembly set up guaranty and development funds, provincial commodity reserves, provincial institutes for culture, environmental protection, and sports, an institute of pedagogics, a provincial socioeconomic council, a provincial institute for gender equality. Vojvodina also established public enterprises such as the Vode Vojvodine water-management company, the Vojvodinasume forestry company and others.

Political Controversies

A number of decisions of the provincial Assembly, especially those of great symbolic importance, gave rise to bitter controversies among the political parties. Thus, the decision that Vojvodina should have its own emblems, i.e. its own coat-of-arms and flag,³ provoked a fury among the nationalists, with representatives of the Serbian Radical Party (SRS), the Socialist Party of Serbia (SPS), and the Democratic Party of Serbia (DSS) stressing repeatedly that Vojvodina should and must not have any distinct symbols because to use them would be flying in the face of the Serbian state and its symbols.⁴ For instance, Velibor Radusinovic, head of the DSS parliamentary floor group, insisted that a separate 'coat-of-arms, anthem, and flag are elements of quasi-statehood' designed to 'bolster the project of those bent on presenting Vojvodina as a state within the state'.⁵ Another critic, Vladimir Jelic, a member of the Main Board of the Serbian Renewal Movement (SPO), held a news conference to explain the insistence on Vojvodina's symbols in an election year: this insistence, he said, betrays the intention of Nenad Canak, the leader of the League of Social Democrats of Vojvodina (LSV) and President of the Vojvodina Assembly, to push through while he is still in power in Vojvodina everything that might destabilize the province in the future.⁶ Jelic stressed that the Assembly's only correct decision was the one to dissolve itself and to call early provincial elections because such as it was it represented no one.⁷

Views that the composition of the Assembly was at variance with the political will of the citizens of Vojvodina were aired several times in the course of the year and, at one time, there was even speculation that the Serbian Government, elected with the help of Milosevic's Socialists, may call an early

³ Vojvodina's coat-of-arms was adopted in 2002 and its flag in 2004. A proposal to adopt the Ode to Joy as Vojvodina's anthem was turned down. Among those who opposed it was the Democratic Party, saying that in view of its state-building policy it could not back a motion to invest Vojvodina with a state attribute. *Danas*, 28/9 February 2004.

⁴ 'Toying with state symbols in these Balkan lands is not naive at all,' warned Milan Bjelogrić, President of the Zrenjanin branch of the Svetozar Miletić Serb National Movement. 'Wherever many flags of different colours fluttered, war ravaged; wherever coats of arms lacked, graves abounded.' *Gradjanski list*, 20 July 2004. Bjelogrić took part in a performance during which Vojin Kerleta, president of the Petrovgradska cirilica (Peterburg Cyrillic) society, pasted over the Vojvodina arms on the town hall in Zrenjanin in protest at the 'display of an illegal ensign by the local authorities'.

⁵ *Gradjanski list*, 31 January 2004. Dejan Mikavica, Radusinovic's party colleague, declared that whereas a football club may have its flag and arms, Vojvodina as an administrative self-governing entity may not. *Dnevnik*, 1 March 2004.

⁶ *Dnevnik*, 27 February 2004.

⁷ *Dnevnik*, 27 February 2004. Similar views were held by the Radicals, who during March collected signatures in support of the calling of early elections.

election.⁸ Although the speculation proved groundless, Jelic's allegations, the views mentioned above, and the Radicals' canvassing for early provincial elections were clear evidence that local opposition politicians were in a hurry to occupy positions of power which would enable them to influence future developments. This was especially true of the SRS which, along with the SPO, failed to win a single seat in the Vojvodina Assembly in the October 2000 elections. But in view of its growing influence, the SRS decided that the time was ripe to make political capital of the shifting mood of the electorate.

Confronted with a surge in the Radicals' popularity on the one side and an anti-autonomy government in Belgrade on the other, Vojvodina's autonomist parties at the end of February called an All-Vojvodina Convention,⁹ the move taking place a mere day following the adoption by the provincial Assembly of its flag decision. Invitations to participate in the Convention were sent to nearly all autonomist parties, non-governmental organizations, and prominent individuals. It was by no accident that the event was scheduled for 28 February, for it was on that date in 1974 that a federal Constitution was adopted granting Vojvodina full autonomy. When later Milosevic took over in Serbia, however, this autonomy was reduced to a mere administrative shell. The Convention participants adopted by acclamation a document entitled the 'Subotica Initiative'. The document called for international help in solving the Vojvodina question, the calling of elections for a constituent assembly of the Republic of Serbia, the adoption of a basic law of the Autonomous Province of Vojvodina, and the adoption of a new election law to lay down a minimum vote requirement compatible with the specifics of political organization in Vojvodina. In a Proclamation, the Convention, held amid heightened security arrangements,¹⁰ appealed to all democratic forces in Serbia to help overcome the totalitarian past and to support a programme of attaining legislative, executive, and judicial autonomy in Vojvodina.

⁸ Vojvodina Assembly President Nenad Canak told the Hungarian-language daily *Magyar Szó* that he would not be surprised if Belgrade decided to dissolve the Vojvodina Assembly and call new elections. In such a case, 'we would internationalize the status of Vojvodina right away.'

⁹ Invitations to attend the gathering were sent to almost all regional autonomist parties, national councils, non-governmental organizations and individuals, as well as to members of the diplomatic corps from the United States, European Union members, neighbouring countries, and countries of the former Yugoslavia. Invitations were not extended to the Vojvodina Coalition, the Democratic Union of Vojvodina Hungarians, and the Reformers of Vojvodina; however, members of the last party belonging to a splinter group as well as those loyal to the leadership turned up in Subotica. Parties operating in Vojvodina but headquartered in Belgrade were not invited either. The Democratic Union of Vojvodina Hungarians turned the invitation down.

¹⁰ The police laid on extra security during the event following tip-offs that 'discontented citizens' were going to break it up.

The Subotica gathering, billed as a closing of ranks and a first step towards an election coalition to promote the autonomist idea, provoked a stormy reaction: with the exception of the Democratic Party (DS) and G17 Plus,¹¹ the conclusions of the 'Subotica Initiative' were criticized by all political parties and some academicians.¹² Slobodan Zikucin, the President of the SPO Provincial Board, said that the drive to internationalize the Vojvodina question boiled down to a call for a protectorate under an appointee in the person of Nenad Canak¹³ The SPS issued a statement condemning the Subotica gathering and the outrageous 'passion with which the autonomist parties run down, ostensibly in the name of the citizens of the Province, all that constitutes the symbols of the Serbian state.' The SPS saw at work secessionist aspirations, endeavours to break up the state, and attempts to anticipate the new Serbian constitution by giving Vojvodina the desired constitutional structure and enlisting foreign support for it.¹⁴ Zoran Stojanovic, head of the City Board of the New Serbia (NS) party, wondered why the national minority parties kept backing the initiatives of the LSV, given that the Serbian Assembly had abolished the 5 per cent vote turnout rule to make it possible for them to win seats.¹⁵ Igor Mirovic, head of the Novi Sad Radicals, pointed out that the Serbian elections had borne out the will of the citizens and likened the Subotica gathering to the last gasp of a political corpse.¹⁶ Judgement on the Subotica gathering was also passed by the presidents of two Hungarian parties, Ágoston András of the Democratic Union of Vojvodina Hungarians (DZVM) and Páll Sándor of the Democratic Party of Vojvodina Hungarians (DSVM): the first declared that the representatives of the Hungarian national community had been manipulated and that the matter of autonomy ought to be decided by the

¹¹ Replying to charges of secession, Istvan Istvanovic, a G17 Plus member of the Serbian Assembly, said that the Subotica gathering manifested no such aspirations. He said that none of the participating parties advocated secession in its programme and that their demands were merely for sweeping autonomy. *Vesti*, 1 March 2004.

¹² In a statement to the Belgrade paper *Balkan*, Academician Kosta Cavoski insisted that the international community was not going to support the Subotica initiative, as well as that Canak enjoyed the backing of the Croatian Government for having pursued a pro-Croatian policy for a number of years. In the opinion of another academician, Cedomir Popov, the call to the international community was potentially dangerous for the independence, national identity and unity of the Serb people. *Ekspres*, 2 March 2004.

¹³ *Danas*, 1 March 2004. 'After failing at the elections,' Zivkucin said, 'the two of them [Kasza and Canak] launched the Vojvodina question in their mad and desperate desire to remain in power, even if with the help of the international community.' *Vesti*, 1 March 2004.

¹⁴ *Danas*, 1 March 2004.

¹⁵ *Gradjanski list*, 1 March 2004. Stojanovic charged that the ultimate goal of Nenad Canak, the LSV leader, was the 'secession of Vojvodina' and that the DS was 'using Vojvodina as a last bastion of corrupt authorities.' *Dnevnik*, 1 March 2004.

¹⁶ *Vesti*, 1 March 2004.

Serbian political elite; the second described the announced internationalization of the Vojvodina question as unpromising and unnecessary.¹⁷

On the same day as the Convention was held in Subotica, a gathering of a 'national-democratic bloc', as the participants described themselves, took place in Novi Sad. The local branches of the DSS, SPO, NS, National Democratic Party (NDS), and the Serb National Movement (SNP) 'Svetozar Miletic' adopted a Declaration condemning the announcement of the internationalization of the Vojvodina question and pressed for early parliamentary elections in the province, the rationale being that the Serbian elections had proved that Vojvodina's Government had lost the backing of the electorate. The signatories of the Declaration undertook to work towards the 'annulment of all the decisions of the Provincial Assembly which undermine the territorial integrity of Serbia and jeopardize the interests of the Serb people.'¹⁸

At a news conference held the next day, members of the 'national-democratic bloc' flayed the Vojvodina authorities mercilessly: Slobodan Zivkucin portrayed them as a political minority intent on imposing its will on a political majority and observed that 'each such attempt betrays a dictatorship and, not infrequently, Fascism';¹⁹ and Djordje Srbulovic, the President of the Executive Board of the SNP Svetozar Miletic, whose attack was just as scathing, described 'Vojvodina, with the exception of Kosovo, [as] the only bastion of autocracy in these regions'.²⁰ The Convention organizers responded to the criticism, denying that the Subotica gathering was a meeting of secessionists bent on tearing Vojvodina away. In the words of Zivan Berisavljevic, president of the Union of Socialists of Vojvodina (USV), the drawing of international attention to the question of Vojvodina was no demand for a protectorate; it was merely a call to the European Union to give due weight to and consider carefully the fact that the latest elections had given fresh legitimacy to Milosevic's crusade against Vojvodina which ended in the abolition of its autonomy.²¹

Harsh disparagement of the provincial authorities, ever-recurring charges of separatism and ineptitude,²² dismissal of the need for Vojvodina's

¹⁷ *Politika ekspres*, 2 March 2004. Commenting on the mood of the voters at the December elections, Páll Sándor concluded that the provincial Assembly was illegitimate because it was drastically different from the political will of the voters.

¹⁸ *Dnevnik*, 1 March 2004. The Declaration condemned the decision to institute a flag and coat of arms, as well as the drafting of the Vojvodina basic law.

¹⁹ *Dnevnik*, 1 March 2004.

²⁰ *Dnevnik*, 1 March 2004.

²¹ *Danas*, 6/7 March 2004.

²² Branislav Ristivojevic, a DSS official, accused the provincial government of not being equal to the powers transferred to it under the omnibus law.

autonomous status, and clamouring for early provincial elections²³ are among the many signs that the political situation in Vojvodina had taken a sharp turn for the worse. The radicalization reflects a change of heart on the part of the voters as was manifested at the early republican elections in December; as a result, the nationalist SRS entered the Assembly as the single most powerful political party, with Vojvodina's regional and minority parties remaining outside owing to the high minimum vote rule.²⁴ The high number of seats secured by the Radicals shows that they succeeded in capitalizing not only on their cheap demagoguery, but also on society's lack of determination to pursue reforms with greater vigour and on the lack of political will in Serbia to disown the legacy of the Milosevic regime. As it turned out, Seselj's Radicals gained in strength and Milosevic's Socialists, without whose support the Serbian Government could not have been constituted, made a public comeback. In addition, since the assassination of Prime Minister Zoran Djindjic, criticism challenging the accomplishments of the previous republican administration had spread amidst evidence of growing political ambitions of the Serbian Orthodox Church (SPC). By skilfully playing upon the identity crisis of the majority nation and by capitalizing on the inefficiency and lack of cohesion of the state, the SPC is out to impose itself not only as a political arbiter but as the only factor of integration. Problems obstructing cooperation with the Hague Tribunal, manifestations of support for the Hague indictees, and nationalist outbursts in public have both emboldened nationalists and extremists and provoked conflicts. Initially confined to the political sphere as a dispute between autonomists and centrists over provincial symbols and state organization, these conflicts towards the end of last year spilled onto the sensitive ground of ethnic relations.

²³ At one time, a voice from the party of the Serbian Prime Minister hinted that, according to an 'interpretation of statute', the President of the Serbian Assembly could have dissolved the provincial Assembly and called early elections. However, the Assembly President apparently refrained from acting according to the 'interpretation' so as not to incur the wrath of the international community. Nonetheless, there is no doubt that 'interpretations' of this kind contributed to the polarization of the situation in the province.

²⁴ Leaving the high minimum vote requirement aside, the failure of the regional parties to enter the Serbian Assembly lies in the fact that the Vojvodina parties marched to the polls in two columns. The coalition led by the League of Social Democrats of Vojvodina came the closest to succeeding. On the other hand, the camp led by the Vojvodina Reformers polled under 1 per cent of the votes.

Ethnically Motivated Incidents

It has been estimated that in 2004 alone Vojvodina saw more ethnic incidents than during the last seven years of Milosevic's rule.²⁵ The targets included both anonymous and prominent citizens, laymen and clerics, Serbian citizens and foreign diplomatic representatives. The incidents involved desecration of cemeteries, the making of threats and passing of death sentences, the smashing of windows, wrecking of shops and bars, and defilement of facades. After the windows of the Croat Club in Sombor were broken on 27 December 2003, incidents multiplied and more and more ethnic minorities became their targets.²⁶ As a result of violence in Kosovo, there was an escalation in March with 40 incidents being registered in only five days, that is, on 17-21 March. Although the authorities acknowledged that incidents existed, they kept treating them as isolated and individual affairs rather than as a tendency and a social phenomenon.²⁷ The essentially dismissive position of the Serbian Government²⁸ irritated the minorities, especially the political leaders of the Hungarian community, who threatened to call international attention to the attacks on their ethnic kin unless the state took energetic action to halt the further deterioration of inter-ethnic relations.²⁹ Because the state failed to move, the Vojvodina Hungarians decided to enlist the services of their mother country³⁰ to bring their situation to the attention of European political forums.³¹

²⁵ The data were presented at a panel discussion in Subotica towards the end of December by the Civil Society Development Centre from Zrenjanin. *Hrvatska rijec*, 24 December 2004.

²⁶ Persons belonging to nine minorities - Croats, Hungarians, Roma, Ashkali, Slovaks, Ruthenes, Albanians, Muslims, and Gorani - were targets of incidents registered in the course of the year.

²⁷ During a visit to Subotica, Minister for Human and Minority Rights Rasim Ljajic said, 'These talks have confirmed that incidents did happen, but it would be far from the truth to say that they have the character of a common occurrence or that they can disrupt the harmonious inter-ethnic relations.' *Dnevnik*, 9 September 2004.

²⁸ The Civic Alliance of Serbia (GSS), LSV and SVM moved that the Vojvodina Assembly pass a declaration on inter-ethnic relations. Natasa Micic said the declaration had been proposed in view of increasing inter-ethnic incidents as well as because the competent state authorities had failed to respond adequately. *Dnevnik*, 30 October 2004.

²⁹ The SVM Presidency said in a statement, partly quoted by *Dnevnik* of Novi Sad, that the party had decided to internationalize attacks on Hungarians in Vojvodina 'because domestic governing authorities...have done nothing to prevent increasingly frequent and widespread attacks on citizens of Hungarian nationality.' *Dnevnik*, 11 July 2004.

³⁰ Officials in neighbouring Hungary expressed concern about the situation of the Vojvodina Hungarians on several occasions. Thus Hungarian Foreign Minister Kovacs Laszlo demanded that the incidents should be put an end to. In his interview with the Budapest Klubradio was unambiguous: 'Either the attacks on Hungarians in Vojvodina

First the treat of internationalization and then the internationalization itself³² provoked a stormy reaction. The view taken by the Serbian authorities was that the internationalization was totally groundless³³ and detrimental.³⁴ Politicians in general qualified it as a 'cheap trick and inappropriate move'³⁵ that will 'bring only harm and no good',³⁶ as 'interference in internal affairs',³⁷ an 'attempt to revise the Treaty of Trianon', 'continuation of the policy of destruction of Serbia',³⁸ and so on and so forth. Other than laying bare the fact

are stopped, or Belgrade will have to kiss goodbye to its chances of entering the European Union.' *Gradjanski list*, 4 August 2004.

³¹ In response to a motion by several deputies of the Parliamentary Assembly of the Council of Europe to put into procedure a document on the situation of Hungarians in Vojvodina, Serbian Prime Minister Vojislav Kostunica said that while there had been incidents, they were not nearly so serious as to call for such an initiative. *Dnevnik*, 10 September 2004.

³² At the middle of September, the European Parliament adopted a resolution expressing deep concern about increasingly frequent human rights abuses in Vojvodina and, particularly, harassment of the Hungarian minority. Warning that the incidents might escalate in various directions, the resolution stressed that Belgrade was expected to take tangible measures. The European Parliament also decided to dispatch a commission to Vojvodina at the end of January to ascertain the state of inter-ethnic relations there.

³³ This position was put forward repeatedly by Prime Minister Kostunica and Minister for Human and Minority Rights Rasim Ljajic. A similar position - that there was no reason to spoil the good relations between Serbia and Hungary - was aired by Miroljub Labus, the Serbian Deputy Prime Minister. Kostunica said during his stay in Subotica that an internationalization having the character of interference in the internal affairs of another country could itself be internationalized.

³⁴ 'I think that the move of the Hungarian Government is, above all, counter-productive for the simple reason that some in Vojvodina will be only too glad to see a further political radicalization and polarization of the political situation. After all, this way of dealing with problems will only strengthen particular nationalist options and particular political forces.' Rasim Ljajic, *Danas*, 23 August 2004.

³⁵ This is the position of New Serbia, *Dnevnik*, 3 September 2004. Zoran Sami, a high-ranking DSS official, said that 'untruth about the incidents is spreading through Hungary in the form of cheap political tricks'. *Dnevnik*, 10 September 2004.

³⁶ 'History has shown that each time a mother country has tried to internationalize the position of its diaspora, there were adverse effects on the diaspora itself,' said Nenad Canak. *Gradjanski list*, 19 August 2004.

³⁷ Prime Minister Kostunica said during his visit to Vojvodina that inter-ethnic incidents were being exaggerated and that Hungary was interfering in Serbia's internal affairs. *Gradjanski list*, 9 September 2004.

³⁸ In the words of Branko Balj, the SPS candidate, 'under this scenario, Vojvodina would be split into two entities of which one would comprise seven northern municipalities under the patronage of the SVM.' He said that the attention the Hungarian officials were paying to the position of the Vojvodina Hungarians indicated an 'attempt to revise the Treaty of Trianon.' *Dnevnik*, 14 September 2004. His party colleague, D. Bajatovic, told a news conference that Zolt Nemeth, the president of the

that Serbia had no (proactive) minority policy and that its Government had no wish to address the problem of deteriorating inter-ethnic relations, the internationalization occasioned internal political score-settling and recriminations.³⁹ Besides eliciting such comments, the internationalization raised awareness of two facts, namely that the institutions were not functioning properly and that Vojvodina possessed no effective means of dealing with problems such as incidents. This was especially true of policing: there is no provincial secretariat for internal affairs, the province has no control over the police force, and popular dissatisfaction with the work of the police force has been expressed repeatedly.⁴⁰

In drafting Vojvodina's basic law, its authors made provision for provincial control of the work of the police force. Thus, in section four of the preliminary draft, Article 70 gives the province rights and powers regarding the organization and operation of local police or, alternatively, rights to 'regulate and provide public safety on the territory of the Autonomous Province of Vojvodina'. The preliminary draft also provides for a substantial enlargement of the province's present competence and the establishment of legislative, executive, and judicial authority. The provincial authorities commissioned the

Hungarian Parliament Foreign Affairs Committee, 'ought to have been pulled by the ears back to Hungary for having come to aggravate the inter-ethnic relations in Vojvodina.' *Dnevnik*, 2 September 2004.

³⁹ SPS Vice-President Dusan Bajatovic accused the state leadership of a failure to react to the direct interference of Hungarian officials in the internal problems of the country; and Tomislav Nikolic, the SRS Deputy President, criticized SVM leader Kasza József for not speaking the truth about inter-ethnic incidents in Vojvodina, as well as accusing the 'separatist-autonomist Vojvodina authorities' of being 'the extended arm and contractor' in the internationalization of the Vojvodina question. On the other hand, Vojvodina Assembly President Nenad Canak said the Belgrade authorities were guilty of the 'criminal offence of failure to act' to prevent incidents and of trying to destabilize Vojvodina, and Kasza József reiterated charges that the police were in effect encouraging incidents and tensions by not doing their job.

⁴⁰ At a news conference, SVM President Kasza József made a number of accusations against the police, saying, among other things, that they were not taking necessary measures to halt inter-community incidents, and that their method of work actually encouraged incidents and heightened tensions. He wondered what the Security Intelligence Agency (BIA) was up to: 'It's not clear whether they're doing their job to protect the citizens or are organizing these incidents themselves.' *Dnevnik*, 26 August 2004.

After meeting Prime Minister Kostunica - who also had meetings with Ágoston András, Páll Sándor, members of the National Council and the Magyar Szo daily, and church leaders - Kasza told the Novi Sad daily *Dnevnik* that Kostunica had suggested setting up a multi-ethnic police unit to prevent chauvinist attacks. This was denied by the Serbian Government's Office for Cooperation with Media the following day. Subotica Mayor Kucera Geza expressed surprise that Kostunica should have retracted so good a proposal. He also said that the police had lost the trust of the citizens during the reign of the Milosevic regime when many minority police officers left the ranks.

drafting of the law⁴¹ for several reasons, notably to make good on their election promises, to let the Serbian authorities know their views on the province's future constitutional status and, lastly, to expedite work on the new Serbian constitution and to have provincial representatives on the team drafting it. With this end in view, the provincial authorities submitted a draft⁴² to the Serbian Assembly and warned that 'a democratic constitution cannot be passed without the legal and legitimate representatives of Vojvodina.'⁴³ All the same, they doubted that their draft would be taken into consideration 'for the simple reason that the Republic Government and the parties that make it up tend towards the abolition of Vojvodina and its autonomy.'⁴⁴ Bojan Kostres, the new President of the provincial Assembly, let it be known that Vojvodina would find the means of informing the public, the Republic Government, and the international community of its views on the Republic Government's draft constitution.

Wrapping Up Centralism

The draft constitution prepared by the Republic Government elicited various responses: while some politicians described it as a 'neatly wrapped centralist package',⁴⁵ a 'complete negation of the political personality of Vojvodina',⁴⁶ a 'dangerous project', a 'perfidious move', and a 'crude blow against Vojvodina',⁴⁷ others praised it as an 'excellent solution'⁴⁸ and a

⁴¹ The Vojvodina Assembly started work on the basic law in 2002. It entrusted the drafting to a commission set up in December 2001 and headed by Aleksandar Fira, one of the authors of the 1974 Constitution. The expectations that the basic law might be adopted by the same Assembly that had initiated it did not materialize although some provincial politicians (e.g. Canak) insisted that it might be adopted as early as April.

⁴² It ought to be noted that the Vojvodina Movement (VP) sharply criticized the Vojvodina Assembly for being overly deferential towards the Serbian Assembly, i.e. for requesting that Vojvodina's representatives be allowed to take part in the drafting of the constitution without however being granted any decision-making rights. The VP stressed in a statement that the Serbian Assembly had no constituent mandate. 'Should it dare to adopt the new constitution, with only six parties making it up, it will have usurped the constituent function. By requesting to take part in the work of the Committee for Constitutional Questions without any voting rights, the Vojvodina Assembly has acquiesced in such an usurpation.' *Dnevnik*, 6 April 2004.

⁴³ *Gradjanski list*, 17 December 2004.

⁴⁴ *Gradjanski list*, 9 December 2004.

⁴⁵ Aleksandar Kravic, Vojvodina Assembly Vice President, *Dnevnik*, 6 June 2004.

⁴⁶ Slobodan Budakov, leader of the Vojvodina Movement, *Dnevnik*, 11 June 2004.

⁴⁷ Zivan Berisavljevic, President of the Union of Socialists of Vojvodina, *Dnevnik*, 11 June 2004.

⁴⁸ Dejan Mikavica, Vice-President of the DSS Novi Sad Board and member of the Constitution Committee of the Serbian Assembly. *Dnevnik*, 6 June 2004.

'constructive proposal aimed at achieving a broad consensus'.⁴⁹ The opposing assessments of the Government's constitution project⁵⁰ were followed up with calls from various quarters to Vojvodina's political parties to come together and work out a common platform to secure the most favourable status for the province in the new constitution.⁵¹ However, by the autonomists' own admission, not even so important a document as a constitution was enough to unite the provincial politicians. For instance, the calls for presenting a united front were highly selective: Miodrag Isakov, leader of the Reformers of Vojvodina (RV), would not collaborate with Kasza József and Nenad Canak, whom he accused of betraying Vojvodina and trading on its interests;⁵² the LSV for its part was willing to liaise with all save with the Reformers, whose conception of Vojvodina allegedly runs counter to that of the majority of its citizens;⁵³ and the Alliance of Vojvodina Hungarians (SVM) signalled that, for all the disagreement between the LSV, SVM, and RV, the authentic Vojvodina

⁴⁹ Korhecz Tamás, the provincial Secretary for Administration, Regulations and National Minorities, *Dnevnik*, 6 June 2004. In his words, this draft recognizes the status of the Autonomous Province of Vojvodina more explicitly and provides for the establishment of new provinces. He said that the competence and original revenues of the province would be laid down in greater details by statute.

⁵⁰ The text of the draft constitution submitted to the Committee for Constitutional Questions at the end of December was hammered out by the DSS, G17 Plus, New Serbia, and SPO and incorporated suggestions by the SRS. The draft constitution guarantees the right of citizens to a provincial autonomy which lays down, autonomously and in accordance with its own statute, the organization and competence of its organs and public services as and when necessary. A unicameral Assembly is the supreme organ of the Autonomous Province. The provinces enjoys independence in regulating local aspects of spatial planning, development planning, farming, animal husbandry, forestry, hunting, fisheries, tourism, education, culture, health protection and social welfare, etc. Under the draft constitution, the National Assembly may, by a two-thirds majority vote, delegate to an autonomous province the statutory regulation of matters falling within the competence of the Republic of Serbia. An autonomous province uses its own original revenue, which is fixed by a provincial organ, to finance matters falling within its competence. Should a provincial assembly or government commit a serious breach of the Constitution or statute or jeopardize the unity of the legal system of the Republic, the Serbian Assembly may make a recommendation to the Constitutional Court to dissolve the provincial Assembly. On the other hand, should an individual act or action be deemed as encroaching on the competence of the province, the province may appeal to the Constitutional Court.

⁵¹ For instance, Ratimir Svircevic, member of the Presidency of the Reformers of Vojvodina, called on all regional parties in Vojvodina to come together and cast aside their ideological, conceptual, and personal differences to make sure that Vojvodina is not excluded from decision-making on the new constitution.

⁵² *Dnevnik*, 16 December 2004.

⁵³ *Ibid.* Emil Fejzulahu, member of the Presidency of the LSV, appealed to the Reformers and the Vojvodina Coalition to join the LSV. The Vojvodina Coalition turned this down as being in bad taste. *Dnevnik*, 30 January 2004.

Alliance might gather together again.⁵⁴ As it turned out, however, no reunion and no common front materialized either on the occasion of the constitution or the local and provincial elections.⁵⁵

The Rise of the Radicals

Although the LSV and SVM contested the early republican parliamentary elections together, within the Together for Vojvodina coalition,⁵⁶ they failed to enter the Assembly what with the high minimum vote requirement and the haemorrhage of 'autonomist votes'. At a news conference, Bunik Zoltán, the SVM Vice-President, aired the party's disappointment at the results and noted that the SVM alone had succeeded in approaching its projected share of votes while all other coalition members had failed. Also, he said that the Together for Tolerance coalition was no longer a promising option,⁵⁷ a clear message to the LSV that the SVM was going to seek another coalition partner for the provincial elections. There was a regrouping on the political scene because the DS, the SVM's coalition partner at the September elections, also distanced itself from Canak's LSV on several occasions.⁵⁸ The regrouping was also due to the poor performance of the SVM at previous polls, at which its 'loyalty to the autonomist idea'⁵⁹ robbed it of seats in the Republic

⁵⁴ *Dnevnik*, 16 December 2004.

⁵⁵ Participants in a round table in Novi Sad at the beginning of June said that the constant strife and struggle for popularity between political parties, as well as the general decline in prestige of the leaders of Vojvodina's largest parties, were disastrous for Vojvodina and that the time had come to make a fresh start and find new leaders. It should be noted that, towards the end of the year, the City Board of the Reformers of Vojvodina adopted a set of conclusions stressing among other things that Vojvodina's constitutional position could be improved only if the party leaders stopped their private feuds. As a consequence, the party leader, Mile Isakov, tendered his resignation. *Gradjanski list*, 29 December 2004.

⁵⁶ The Together for Tolerance coalition comprised these two parties, the Sandzak Democratic Party, and the Sumadija Coalition.

⁵⁷ *Dnevnik*, 14 January 2004.

⁵⁸ On the first occasion, the Democrats refused to vote for the anthem because, they stressed, it was a mark of statehood; on a later occasion, party President Boris Tadic made clear that the party could not support any initiative based on the 1974 Constitution nor any arrangement taking Vojvodina towards statehood. Besides, the Democrats objected to the ideas put forward by the supporters of the Subotica initiative, especially to internationalize the Vojvodina question and to bring in a Council of Europe monitoring team.

⁵⁹ Regarding the decision of the SVM to leave the Vojvodina Alliance, SVM Vice-President Egeresi Sándor said that the alliance as a whole must strive to convince the majority population that the autonomy demands were justified because the Hungarians could not win autonomy on their own. *Dnevnik*, 6 May 2004.

Assembly, and to the radicalization of the political scene and the ever more rapid rise of the Radicals. Thus at the December elections the SRS won more votes than all the autonomist parties together, and after the provincial elections⁶⁰ it established itself as the most powerful party in the provincial Assembly, having won as many as 36 seats.⁶¹

The Radicals did just as well at the local elections. In Backa Palanka, for instance, where they had had no deputy for the previous four years, they topped the list of winners with as many as 19 mandates. They were also successful in other Vojvodina municipalities such as Novi Sad, Zrenjanin, Kikinda, Vrbas, Stara Pazova, Srbobran and others.⁶²

The Radical victory raised a number of questions, notably whether their election success would not affect the inflow of donations and investments into the municipalities governed by them. For all their assurances during the electioneering that Europe would not refuse to cooperate with them, the initial reactions pointed to the contrary. Thus Vojvodina Prime Minister Djordje Djukic told the *Gradjanski list* daily that he had been told by a foreign embassy that 'the municipalities in which Radicals have won can no longer expect donor assistance'. But in his words, a far bigger and more important problem was the possibility of the suspension of investment. In all probability, the projects already under way will be continued and completed, he said, but whether there will be any new ones is anyone's guess. The Radical victory in Novi Sad, where they won 34 out of 78 seats in the City Assembly and entered into a ruling coalition with the DSS and SPS,⁶³ adversely affected cooperation between the cities of Novi Sad, Osijek in Croatia, and Tuzla in Bosnia-Herzegovina. The Mayor of Tuzla, Jasmin Imamovic, said that owing to the Radical victory in

⁶⁰ In connection with the provincial elections, one ought to note two things: first, the electoral rules were amended in the election year, which was incompatible with sound democratic practice; second, the model to be employed depended on the outcome of the presidential election. The DS, LSV and SVM decided that one-half of the 120 deputies of the provincial Assembly should be elected according to a proportional and the rest according to a majority model.

⁶¹ The most successful parties after the Radicals were the DS with 34 seats, the SVM (11), and the SPS (8). The DSS, Power of Serbia Movement, and Together for Vojvodina Coalition won 7 seats each. The Reformers of Vojvodina and G17 Plus secured 2 seats each, while 1 seat each was won by the DSVM, the 'Subotica Is Our City' Coalition, and four groups of citizens - 'Knowledge and Heart for a Successful Municipality', 'For Backi Petrovac Municipality', 'Only the Best for Indjija', and 'We Can Do It - We Will Do It'.

⁶² The Radicals have the most deputies in these municipalities.

⁶³ Vojvodina's Prime Minister Bojan Pajtic believes that the matter of who commands the majority of seats in the city has national and international implications: the first, because the future DS-DSS relations are bound to be affected by what goes on in Novi Sad; the second, as far as its cooperation with the international community and sister cities is concerned, it does matter whether or not Novi Sad is dominated by the Radicals. *Gradjanski list*, 6/7 November 2004.

Novi Sad, cooperation with that city's administration would be in abeyance until a more propitious time, but that economic cooperation and liaison with local non-governmental organizations would continue.⁶⁴ In January 2002, Novi Sad, Osijek, and Tuzla had signed in Tuzla an Agreement on Inter-ethnic Tolerance, the first such document since the end of conflict in the former Yugoslavia.⁶⁵

There were two rather interesting and indicative developments at the heels of the Radical victory. In Kikinda, where the Radicals rule together with the SPS and one deputy of the Power of Serbia Movement, they made a point of proving that their threats regarding the provincial symbols were no mere promises to attract votes: they first took down the flag from the municipal assembly building,⁶⁶ then removed the Vojvodina coat-of-arms from the office of the mayor, then - by amending the municipal statute - abolished City Day, 12 November, because, in their opinion, it offended against Serb sentiments.⁶⁷ The other development was even more interesting: in spite of repeatedly urging the abolition of Vojvodina's autonomy in the course of the year, they upheld the provincial Government's request to the Republic for a 360-million-dinar increase in the provincial budget.⁶⁸ However, the condition of their support was that the title of the document to be submitted to the Serbian Government should be amended from 'resolution' to 'recommendation', and they had their

⁶⁴ Unlike Imamovic, Zlatko Kramaric, the Mayor of Osijek, told *Dnevnik* that civil decency enjoins that the will of the electors should be observed regardless of whom they choose. *Dnevnik*, 2 December 2004.

⁶⁵ The Agreement lays emphasis on protecting minority rights, fostering the life together, and fighting any racial and national intolerance.

⁶⁶ The Vojvodina flag was also removed from outside the 'Vojvodina' Sports and Business Centre (SPC). An attorney from Zrenjanin, Vladimir Krleta, claims that the flag and coat of arms decisions of the Vojvodina Assembly are unconstitutional and has asked the Constitutional Court to look into the matter. *Danas*, 14 December 2004.

⁶⁷ The former government, made up of the LSV, DS, Reformers of Vojvodina, and SVM, decided to honour 12 November instead of Liberation Day as the most important date. It was on 12 November 1774 that the Austro-Hungarian Empress Maria Theresa granted certain privileges to the Kikinda Serbs and conferred city status on the town. The Radicals branded the promotion of this date a treasonous and vassal-like decision.

⁶⁸ This Radical about-turn can simply be explained by the need to find sinecures for deserving party activists. Apparently, those who have been loyal to the party and have worked hard for its success do not consider moral satisfaction alone sufficient award; they also want some pecuniary award such as a managerial or governing position. The provincial government employs 1,265 people at present, i.e. nearly as many as it did when Vojvodina enjoyed a far greater degree of autonomy. Since Vojvodina has no hydrometeorological and statistical offices of its own, and since national defence, judiciary and other spheres lie outside its competence, its government clearly is overstuffed.

way.⁶⁹ Although the provincial amendment was turned down during the budget debate,⁷⁰ in a subsequent meeting between the two governments' representatives, the Serbian Government made an oral commitment to provide the increase requested. Bojan Pajtic, the provincial Prime Minister, argued that Vojvodina must have the budget increase in order to be able to meet its obligations under the omnibus law,⁷¹ as well as to fund demographic projects in view of the growing age of its population. Demographic data shows that the number of residents of Vojvodina aged 60 and over has increased nearly 2.5 times since 1948. According to general points of reference, since 1998 the population of 21 municipalities has been designated as demographically old and that of 24 municipalities as demographically very old.⁷²

In order to halt and reverse the unfavourable demographic trends, it is necessary to co-ordinate the activities of the various societal sub-systems. While a productive economy does not automatically bring about the desired results, it certainly is a most important prerequisite. Because it borders on the European Union and because economically and commercially it is the best-regulated part of Serbia, Vojvodina is a highly attractive region in terms of drawing investment capital, as well as being able to help Europeanize Serbia. Tihomir Stanic, Vojvodina's Deputy Prime Minister, insists that Vojvodina's advantages

⁶⁹ A number of DSS deputies upheld the SRS-backed recommendation and were criticized by their colleagues for doing so. The SPS declined to make known its position on the recommendation. The recommendation was passed by 102 out of 120 deputies of the Vojvodina Assembly.

⁷⁰ Nikola Novakovic, a G17 Plus deputy, said that in making the request the provincial government had continued irritating, blackmailing and defying Belgrade, a policy which was bound to produce a backlash. On the other hand, Bojan Pajtic said that the Serbian Government showed no consideration for Vojvodina and accused the DSS and G17 Plus of exercising revanchism by not participating in the provincial Government. *Dnevnik*, 27 November 2004.

Although the provincial budget for 2005 was increased by 2.7 per cent in nominal terms, it was actually reduced by some 6 per cent in real terms on account of projected inflation of 9 per cent. The provincial budget is set at 18 billion and 780 million dinars, 80 per cent of it consisting of funds paid in by the Republic to cover the cost of wages in the education, health, culture and other sectors, and the remaining 20 per cent comprising original revenue from personal income and company income tax. The Republic budget about 100 times larger than the provincial.

⁷¹ E.g. environmental protection, spatial plans, protection of the rights of national minorities and religious communities, sports, current investment maintenance in education, culture and other fields.

⁷² *Dnevnik*, 13 June 2004. The provincial Secretariat for Demography, Family and Social Child Care has worked out a demographic development programme which encourages families to have a third and/or fourth child to prevent a population decline. Head of the Secretariat Novka Mojic says that every third and/or fourth child in a family will be entitled to a provincial child benefit and free nursery attendance regardless of the material status of the parents. *Dnevnik*, 17 December 2004.

can be capitalized upon if the leaders of Serbia's institutions realize that Vojvodina's European region status is, at this moment, Serbia's sole tangible link with the European Union. However, the importance of this does not appear to have sunk in: Rade Bulatovic, head of the Security Intelligence Agency (BIA), told a meeting of the Security Committee of the Serbian Assembly that the agency monitored company privatizations by investors from neighbouring countries because of a tendency on their part to establish nationally and economically homogeneous entities in this way.⁷³ Pastor István, Vojvodina's Deputy Prime Minister in charge of privatization, qualified the allegation as ignominious. He said that out of 400 companies privatized in Vojvodina only five were owned by Hungarian investors and just about as many by their counterparts from Croatia. Pastor pointed out that neither domestic investors nor their opposite numbers from Hungary, Croatia, Bosnia-Herzegovina and other state had shown much interest in investing in Vojvodina.⁷⁴

Conclusions and Recommendations

The developments in Vojvodina during 2004 show that the rise of nationalist forces continued. The lack of determination on the part of the state organs to respond to inter-ethnic incidents adequately was a further encouragement to the perpetrators. On the other hand, the deterioration of inter-ethnic relations raised concerns among minority communities and led to the internationalization of the 'Hungarian question'.

The rise of the Right indicated that the autonomist bloc lacked cohesion and was on the defensive. The autonomists failed in their efforts to rally and to oppose at the polls the political forces regarding Vojvodina as an exclusive Serb province; further, their invitations to attend the All-Vojvodina Convention in Subotica was ignored by the representatives of some influential members of the international community. In the words of Johannes Svoboda, deputy head the European Parliament mission for the countries of the old Yugoslavia, Kosovo is the European Union's top priority in its dealings with Serbia, indicating that the question of Vojvodina will reach the agenda only after the Kosovo problem is solved.⁷⁵ The growing prospects of Kosovo being granted independence has raised concerns among the autonomists that the international community may make concessions regarding Vojvodina's autonomy in order to appease the Serb nationalists. These concessions may not necessarily lead to the complete abolition of the autonomy because, as the attitude of the Radicals themselves indicates, not even the most bitter enemies of autonomy are prepared to forgo

⁷³ *Gradjanski list*, 30 December 2004.

⁷⁴ *Ibid.*

⁷⁵ *Dnevnik*, 19 October 2004.

the opportunity to provide institutional sinecures for their faithful party activists.

Reducing the autonomy to a front for a unitary nation state would fuel demands for territorial ethnic autonomies, block the development potentials of Vojvodina, and expand the distance between Serbia and its professed goal of integration with the European Union.

The Helsinki Committee therefore makes the following recommendations:

- Vojvodina should enjoy a measure of autonomy in conformity with its cultural, historical, and economic peculiarities;
- the Government should pursue a proactive minority policy and spare no effort to ensure that persons belonging to national minorities feel as equal citizens of Vojvodina and Serbia;
- the international community should do everything in its power as soon as possible to turn Vojvodina's capacity into a prime mover of development in Vojvodina and Serbia;
- Vojvodina's regional cooperation with Croatia, Hungary, and Romania should be accelerated with a view to the earliest possible revitalization and economic recovery of the whole region.

Sandzak: Still a Vulnerable Region

Sandzak covers a large area between Serbia, Montenegro and Bosnia and Herzegovina. It is administratively divided by the two state-members of the State Union of Serbia and Montenegro. Serbia runs 6 Sandzak municipalities (Novi Pazar, Sjenica, Tutin, Priboj, Prijepolje and Nova Varos), and Montenegro runs 5 (Bijelo Polje, Rozaje, Plav, Pljevlja and Berane). That administrative division was put in place after the end of the First Balkans War in 1912. Before that war Sandzak made part of the Ottoman Empire. That region did not have a special status or enjoyed any form of autonomy in former Yugoslavia, or after its administrative division. Nonetheless Bosniak population of Sandzak has a strong feeling of regionalism. Serbs living in that region tend to call it the Raska area and consider it a cradle of the Serb statehood. In the vicinity of Novi Pazar once existed Ras, the first Serb medieval state with its renowned monasteries of Sopocani and Djurdjevi stupovi.

Bosniaks account for 80% of Novi Pazar population, 97% of Tutin population, 85% of Sjenica denizens, 40% of Prijepolje denizens, 10% of Priboj population, 8% of Nova Varos population, 95% of Rozaje locals, 45% of Bijelo Polje denizens, 80% of Plav locals, 30% of Pljevlja population, and 30% of Berane locals. According to the 2002 census total population of the Serb part of Sandzak is 235,567, of whom 132,350, are Bosniak Muslims (a vast majority of members of that people at the census declared themselves as Bosniaks, while only a small number of them declared themselves as Muslims. The term Bosniak was adopted at the rally of Bosniak intellectuals in Sarajevo in 1993.), 89,396 are Serbs and other 5,000 are of other ethnicities. 136,087 Bosniaks and 19,503 Muslims living in Serbia account for about 2% of population of Serbia. In Montenegro Bosniaks are the third largest people. Of total population of that republic-672,656- 64% or 273,366 are Montenegrins, 30.01% or 201,892 are Serbs, 9.41% or 63,272 are Bosniaks, 7.09% or 47,682 are Albanians, and 4.27% or 28,714 are Muslims.

After the end of war in Bosnia and Herzegovina and armed conflicts in Kosovo, most Western and local analysts predicted that Sandzak would become a new crisis area. Fortunately their predictions did not come true, for in Sandzak only sporadic incidents were reported. At the outset of war in Bosnia

and Herzegovina, there were several armed attacks on Bosniak villages and abductions of citizens of Bosniak nationality, mostly in border areas, Bukovica and Priboj. Most notorious were abductions and killings of 17 Bosniaks from village Sjeverin, in Priboj municipality, and 19 passengers from the train Belgrade-Bar at the station Strpci. For both crimes were accused members of the military formation headed by the Hague indictee, Milan Lukic from Republika Srpska. The legacy of the past was also the Novi Pazar trial of 24 Bosniaks, mostly members of SDA, who in 1993 were convicted of association with a view to committing hostile activities to undermine the FRY territorial integrity. In 1995 the Supreme Court of Serbia overturned the first instance court ruling and ordered a new trial. As in the meantime some indictees had left the country and others had died, the court in Novi Pazar kept deferring the new trial. Some indictees believe that the state bodies are intentionally delaying a new trial in order to shun admission that the first-instance one was stage-managed.

Since the end of war in Bosnia and Herzegovina, no gross violations of human rights were reported in Sandzak. But in that region there were sporadic provocations. Since the 5 October 2000 political changeover, Sandzak Bosniaks became more involved in the political life of Serbia and the new authorities in different ways tried to prove that a new and better policy towards members of ethnic minorities was being pursued. Thus Rasim Ljajic, one of political leaders of Sandzak Bosniaks was elected Minister for Human and Minorities Rights of Serbia and Montenegro, Dr. Mehmed Becovic was appointed the state union's ambassador to Morocco, Novi Pazar University was granted operational licence, and the state began to more actively assist in renovation of the Islamic community institutions and to bankroll various industrial projects in the region.

Recent Past, Islamic Fundamentalism and Wahabis

How difficult it is to forget recent past, notably Chauvinistic ideology marking a long rule of Slobodan Milosevic, was best demonstrated by the early January 2004 incident. Namely on the Orthodox Christmas day, emergence of leaflets with the message "Hey, Sjenica, the second Srebrenica" and "Hey, Novi Pazar, the new Vukovar", and the image of the two-headed eagle, deeply disturbed the locals. Police investigation produced no results, while nearly all local Serb parties failed to respond to that incident. Only the municipal committee of Democratic Party "condemned the phenomenon" and demanded a quick arrest of its masterminds. Sandzak intellectual circles and Sandzak Committee for Protection of Human Rights and Liberties in Novi Pazar responded by issuing a joint press release¹. Those two organizations, though bereft of the national hallmark, mostly rally Bosniaks.

¹ *Danas*, 15 January 2004

Since Milosevic's ouster, inter-ethnic hostilities in Sandzak were down-scaled to minor incidents, notably fights between football fans, sporadic emergence of chauvinistic leaflets and graffiti, verbal assaults and stoning of priests. Fortunately those incidents produced no casualties. However the year 2004 in Sandzak was marked by violent inter-Bosniak political conflicts and escalation of Islamic fundamentalism.

Since February 2004 statement of Colonel Momir Stojanovic, the then head of the Military-Security Agency relating to the existence of militant Islamic organizations in Sandzak, alleged home-grown Sandzak fundamentalism was one of the most frequent topics covered by the Belgrade media. The Interior Secretary, Dragan Jovic, cautioned against the danger of Islamic extremism in Sandzak region. Namely in mid-March 2004 addressing the foreign MPs in the Serb-Montenegrin parliament, he pointed to the Wahabi presence in some Sandzak cities, and declared them "one of biggest security threats to Serbia." Jovic added that there were enough hard fact to prove that "a Wahabi group is being trained for something...hopefully, not a terrorist action."

In hyping of Wahabi danger, analyst Tomislav Kresovic went as far as to tell Belgrade daily *Internacional* that Islamic fundamentalists during the June presidential campaign and visit of presidential contender, Tomislav Nikolic of the Serb radical Party to Novi Pazar, would carry out a terrorist action, and subsequently accuse the Serb Radicals of staging it. Kresovic, one of principal advocates of the theory of the "green transversal" and Islamic threat to Serbia also asserted that the militant Bosniaks in Novi Pazar wanted a repeat of the "Markale market" scenario in order to internationalize the Sandzak issue. Tomislav Nikolic visit to Novi Pazar and his pre-election rally in a local church however were incident-free. No bomb exploded, no fight broke out during his stay in Novi Pazar. Association of citizens from Tutin called "Ruka" filed a criminal complaint against Kresovic for spreading misinformation and falsities, but the official bodies reaction to that complaint never ensued in any shape or form.

In the public spotlight was an interview by the then director of the Military-Security Agency, Colonel, Momir Stojanovic. Namely he cautioned that "according to intelligence gathered by domestic intelligence services and contacts with security agencies of other countries, in the forthcoming period we may expect a considerable advent of militant Islam and Islamic terrorism in the Western Balkans, including the territories of Serbia and Montenegro."

Colonel Stojanovic also underscored the following: "According to operational knowledge of the Military-Security Agency in Raska-Polimlje area, and in north of Montenegro (Sandzak) are active militant Islamic organizations 'Wahabi' and 'Red Rose', 'Taricat' is active in Macedonia, but in Kosmet and in North of Albania there are also active cells of 'Al Qaida'."

- Our intelligence also points at strongholds of Al-Qaida in Kosovo and Metohija, in north of Albania, notably in localities Bajram Curi, Kruma and

Tropoja and in Western Macedonia, that is, in Tetovo, Kicevo and Gostivar - said Stojanovic.²

The then Defence Secretary of Serbia and Montenegro, Boris Tadic, however assessed that "there is no dramatic threat posed by terrorist organizations... in fact is it of the same size like in recent years." In commenting the messages of Stojanovic's interview, Tadic maintained that "Colonel Stojanovic words were misinterpreted".³ But that claim about 'wrong interpretation' failed to satisfy many parties in Montenegro, notably, Democratic Party of Socialists, and some Albanian and Bosniak parties. In the Serb part of Sandzak there were however reactions of the Islamic community and all leading Bosniak parties. Namely they demanded either disclosure of evidence supporting Stojanovic's claims or his resignation. Stojanovic was in fact dismissed by the decision of the Supreme Council of Defence, several months later. But at the same session of that body Stojanovic was both dismissed and promoted to the rank of Colonel General.

All Bosniak parties, including citizens' associations, and the Islamic Community rejected claims about rampant Islamic extremism in Sandzak, but admitted existence of Wahabis. A growing sense of belonging to the Islamic religion among Sandzak Bosniaks is visible in the streets of Novi Pazar, the largest Sandzak city. Namely veiled girls are commonplace there, though that phenomenon several years ago was unimaginable in the regional cities. In streets of Novi Pazar boys with Muslim-style beard and donning folk costumes similar to those worn by Arabs can be frequently seen. Such manifestations of allegiance to Islam are due to social-psychological reasons, but also to political ones.

War in Bosnia, international anti-Islamic campaign after 11 September 2001, and the US occupation of Iraq, have strengthened the Islamic feelings of Sandzak Bosniaks. Generally speaking in former Yugoslavia attempts to revive "traditional religious values" are on the rise, but faiths are not equitably treated. While only few Belgrade politicians see danger in re-embracing of the Orthodox Christianity by young Serbs, they tend to indiscriminately label similar attempts by young Bosniaks with respect to their religion, Islam, as manifestations of Islamic Fundamentalism. However the local police and the SIA are yet to come up with any data indicating existence of an organized militant Islamic group in Sandzak and the exact number of Wahabis. Top Sandzak cleric, Muamer Zukorlic said the following: "It is true that there are people who look and think differently, hence their experience and perception of faith may be also different."

He added: "The foregoing is best seen in the streets. Boys wear a longer beard and wider slacks. But do such stylistic innovations provide enough evidence for accusing several dozen individuals or even the whole people and

² *Tanjug*, 1 February 2004

³ *Beta*, 2 February 2004

their institutions of extremism and nationalism?"⁴ Zukorlic also stressed that only a negligible number of innocuous Wahabis live in Sandzak. Moreover, he thus commented Minister Jocić's wahabi-related statement: "It is not good that the highest authorities are making anew arbitrary statements. If they are really in possession of some information then they should take adequate actions. Such stories are particularly harmful after torching of mosques in Nis and Belgrade, and don't constitute an adequate and clear reply to the question which the Bosniak people posed to the highest officials of this state, namely, "Are Bosniaks and Muslims safe in this state?" Consequences of such statements are dire, for they come at the time still burdened by Kosovo developments, and the general anti-Islam campaign orchestrated by the media".⁵

Minister for Human and Minority Rights of Serbia and Montenegro, Rasim Ljajic, also thought that the media attached too much importance to Wahabis. Namely he noted: "Wahabis don't pose a threat to the state. They pose a much greater threat to the Islamic community and Islamic teachings, for their tenets have not been recognized by Islam. Media hyping of Wahabis is harmful for the state. Dealing with Wahabis is a job for the Islamic community and not for the state bodies."⁶

The March Kosovo violence shook up inter-ethnic relations in Central Serbia, and torching of mosques in Belgrade and Nis shocked local Bosniaks. During those days fear was palpable in the streets of Sandzak cities and many citizens anticipated the Serb-Bosniak conflict in the region. But no inter-ethnic incidents took place and the Bosniak parties and Islamic community responded by declarations and appeals for peace. All Bosniak parties condemned violence and desecration of Orthodox churches and monasteries in Kosovo, and attacks on non-Serbs and torching of mosques in Central Serbia.

But government officials responded differently to those incidents. Minister for Human and Minority Rights of the state union of Serbia and Montenegro and leader of the Sandzak Democratic Party, Rasim Ljajic thought that motives behind attacks on Orthodox monastries in Kosovo and of attacks on mosques in Serbia were different, and that organized political groups were not accountable for the mosque-torching. In the aftermath of the mosque-torching campaign Ljajic met with ambassadors of Islamic countries in Belgrade to give them assurances that the state was condemning those incidents and ready to protect citizens of Muslim faith.

Other Sandzak politicians and Imam Muamer Zukorlic were not convinced of readiness of the state to protect Muslims, while Sulejman Ugljanin, leader of the Bosniak National Council of Sandzak (BNCS) believed that the top state officials were responsible for the incidents in Belgrade, Nis, Novi Sad and other cities of Serbia. At its session BNCS condemned violence in

⁴ *Danas*, 6 February 2004

⁵ *Blic*, 8 May 2004

⁶ *Blic*, 8 May 2004

Kosovo, but also expressed its concern over "lack of readiness of the state bodies to preserve peace in the country." According to Ugljanin "torching of mosques was a culmination of anti-Islamic campaign in Serbia...and violence in Kosovo was had been a motive for escalation of that campaign."

At the BNCS session, Sulejman Ugljanin established a linkage between attacks on Muslims and their mosques and statement of the then director of the Military-Security Agency, Momir Stojanovic, namely, that "in Sandzak, in Kosovo and Montenegro several militant Islamic organizations are priming for terrorist attacks." According to Ugljanin after that statement "a strong anti-Bosniak and in general, anti-Muslim campaign was orchestrated."⁷

In a response to violence in Kosovo and in central Serbia, Imam Zukorlic organized a meeting of Bosniak parties, NGOs and representatives of several municipalities. In the adopted Declaration violence in Kosovo and attacks on all religious institutions were sharply condemned. Zukorlic assessed that Muslims and Bosniaks did not consider torching of mosques in Serbia only as an ordinary attack and material loss. He added that "Bosniaks cannot accept the rhetoric of some Belgrade officials and their attempts to justify acts of violence against sacred Muslim institutions in Nis and Belgrade." In the text of declaration concerns and fear were also expressed with respect to re-emergence of "hate speech" in public statements and media coverage, and it was underscored that "the recent anti-Islam campaign which tends to equalize Islam and terrorism is impermissible."

The Serb Orthodox Church and the Islamic Community

Both in central Serbia and in Sandzak the Serb Orthodox Church is an institution in which Serb have the greatest trust. For the SOC Sandzak is of primary importance because in its territory are located important monasteries *Djurdjevi stupovi* and *Sopocani*. Sandzak, which is called Raska area by the SOC and other Serb institutions, has two eparchies. Raska-Prizren eparchy is headed by Episcopo Artemije and the Milesevo one by Episcopo Filaret. Episcopo Filaret has repeatedly shown his political stance, notably by his appeal to citizens to vote for Slobodan Milosevic in September 2000 presidential elections and later participation in some rallies of the Serb Radical Party. Novi Pazar and Tutin belong to Raska-Prizren eparchy, while Sjenica, Nova Varos, Prijepolje and Priboj are under jurisdiction of Milesevo eparchy.

Monasteries are run by high SOC clerics: Sopocani by Mihailo (Tosic), Djurdjevi Stupovi by Petar (Ulemek), and Crna Reka near Ribarici- Nikolaj (Nikolic). Relations between high Serb Orthodox Church clerics and the Sandzak Islamic Community are reduced to the exchange of courtesy and reassuring statements, though those statements are sometimes tinged with

⁷ *Danas*, 20 March 2004

critical tones. The SOC objects to tolerant stand of the Islamic Community on Wahabism and Islamic fundamentalism, while Muslim religious dignitaries take to task their Orthodox Christian counter-parts for not responding adequately to religious militancy and for hyping incidents targeting the SOC.

Representatives of both religious denominations took part in a meeting held in October 2002 in Novi Pazar. The meeting organized by the Foundation *Conrad Adenauer* and the *Sandzak Committee for Protection of Human Rights and Freedoms* "Contemporary Migrations" discussed the role of religious communities. On behalf of the SOC high cleric Artemije pointed out "the existence of a latent wish and striving of some domestic and foreign factors to internationalize so-called Sandzak issue and to separate that issue from the constitutional-legal framework of Serbia." Moreover Artemije likened those attempts with the beginning of crisis in Kosovo.

High SOC cleric also said that "of major concern is the fact that conditions of democratic and much improved life are misused by a smaller, but influential Muslim political group. It directly or indirectly piles pressure on the Orthodox part of population, thus causing unwanted responses on the other side and deepening confrontation between citizens of different ethnicities. Much insistence on the Bosniak identity and language is no longer an issue of protection of cultural-religious identity, but rather an instrument of new political and territorial aspirations."⁸ Artemije also criticized the Islamic Community for failing to put enough resistance to the militant movement of Wahabi. Similar criticism is regularly rejected by Imam Muamer Zukorlic.

Founding assembly of the Islamic Community of Sandzak was held in Novi Pazar in October 1993. From its inception it was headed by Imam Zukorlic. Muamer Zukorlic was born in 1970, in village Orlje, near Tutin. He completed medrassa "Gazi Husrev-beg" in Sarajevo and Islamic Studies at an Algiers faculty. In parallel with discharging functions of imam and president of Meshihat (body of Elders) of the Sandzak Islamic Community, Zukorlic is also head of the Islamic Academy in Novi Pazar, rector of the Novi Pazar University and member of Riasset of the Islamic Community of Bosnia and Herzegovina. Sandzak Muslims and the Sandzak Islamic Community recognize Riasset of the Islamic Community of Bosnia and Herzegovina as the central religious authority, and reis-ul-ulem Mustafa Cerić as the leader of local Muslims.

Imam Zukorlic maintains that his Islamic community is not a political organization. But he has repeatedly criticized some Sandzak politicians, notably Sulejman Ugljanina, President of SDA. Imam Zukorlic is becoming an important political factor, for he has been "promoted" to a regular interlocutor of Belgrade officials and diplomatic representatives. Such a high co-operation and inclusion policy towards the Islamic Community had been launched by the late Prime Minister Zoran Djindjic. Namely he had included Imam Zukorlic in the state delegation visiting the United Arab Emirates. Former Prime Minister

of Serbia Zoran Zivkovic and the incumbent President Boris Tadic during their visits to Novi Pazar avoided meetings with the local administration headed by Sulejman Ugljanin, but had talks with Imam Zukorlic.

Stance on the Union of Serbia and Montenegro And Its Future

Sandzak Bosniaks are divided over the issue of independence of Montenegro. Those living in the Serb part of the region resolutely back preservation of the state union (according to the early 2005 Belgrade Social Research Institute, Bosniaks-80% - are most vocal supporters of survival of the state union), while the majority of their fellow-nationals in the Montenegro-administered part of Sandzak back the idea of independent Montenegro. What unites them is only one hope, notably that a possible state border between Serbia and Montenegro, halving the region, shall not exacerbate their communication and sever cultural and economic ties. Prime Minister of Serbia Vojislav Kostunica as one of the reasons for survival of the state union regularly quotes Sandzak, that is "the division of Bosniak people to be brought about by collapse of the State Union of Serbia and Montenegro."

Such broad support of Bosniaks to the issue of Montenegrin independence may be explained by a successful, vote-attraction campaign conducted by Milo Djukanovic, Prime Minister of Montenegro. Frequent political intra-SDA conflicts in Montenegro also contributed to such an orientation of the majority of Bosniaks. Since eruption of an open conflict between the former President Slobodan Milosevic, Montenegrin Prime Minister Djukanovic, and leader of the Democratic Party of Socialists, Bosniak parties were nearly totally sidelined.

At the last parliamentary elections in that republic, coalition of the three Bosniak parties, the linchpin of which was SDA, met with a total rout, for it managed to win only 4,000 votes. Bosniak coalition thus failed to reach the necessary census and consequently have its national representatives in the new Montenegrin parliament. For example in the first parliamentary composition, SDA of Montenegro had 9 seats. Currently there are no Bosniak representatives in the Montenegrin parliament, but Bosniaks tend to lean towards the "pro-sovereignty parties", DPS, SDP and the Liberal Alliance.

Most Bosniaks back Milo Djukanovic, not because they are ultra-satisfied with the policy of the ruling parties, but rather because Djukanovic had been the first top politician in Montenegro to oppose Slobodan Milosevic, whom Bosniaks hold responsible for the war in Bosnia and crimes against their fellow-nationals. Bosniak orientation towards coalition for independent Montenegro was also generated by sporadic anti-Bosniak statements of frontmen of the rival coalition. Added to that Djukanovic deftly exploited some historical examples

⁸ *Pravoslavje*, 2002.

of Montenegrin tolerance of Bosniaks, to build a high degree of identification of members of Bosniak ethnicity with Montenegro. On the other hand, he skillfully avoided to mention other examples, those of blatant intolerance, from the distant and recent past, notably, "investigation into actions by allies of Turks", massacre in Sahovica Polje, or attacks on or killings of Bosniaks in Plevlja, and Bukovica at the outset of Bosnian war. Serb politicians, on the other hand, failed to inspire among citizens of Bosniak descent feelings of identification with the Serb state. In fact Bosniaks are still strongly attached to the state-building projects related to Yugoslavia.

Majority of politicians in the Serb part of Sandzak are convinced that there are no differences between the Bosniak policies of official Belgrade and Podgorica. Sulejman Ugljanin, President of the Bosniak National Council, assesses that "Bosniaks don't enjoy a better status in Montenegro...and Djukanovic also ignores Sandzak." Sefko Alomerovic, President of the Helsinki Committee for Human Rights in Sandzak, goes a step further by accusing Djukanovic of misusing and manipulating Bosniaks of Montenegro. He says: "Djukanovic knows that he has not done anything for Bosniaks, but he continues to pretend that he is a great protector of minority communities. Whenever he faces a political crisis, or calls elections for the which he needs support of the Bosniak electorate, Djukanovic schedules a trial to Nebojsa Ranisavljevic, charged with abduction and killings of Bosniaks in Strpci. By allegedly urging the resolution of that case, he wins over Bosniak votes...but in the aftermath of elections, he loses interest in criminal persecution of the Strpce indietee."

Bosniak politicians in Serbia fear possibly victory of Djukanovic-promoted concept of independent Montenegro, for it could result in a massive scape-goating of Bosniaks. Majority of Serbs and a considerable percentage of Montenegrins would most certainly vote in favour of survival of the state union of Serbia and Montenegro. Then the final status of Montenegro would hinge on votes of minorities, notably Bosniaks and Albanians. Since Bosniaks outnumber Albanians in Montenegro, the votes of former could be decisive in pertinent referendum. Hence the fear of possible scape-goating of Bosniaks. Statements predicting such a denouncement could be heard from leaders of pro-Serb parties in Montenegro, Bozidar Bojovic and Predrag Bulatovic, presidents of Democratic Serb Party and Socialist Popular Party.

Economic Crisis And Increasing Narcotism

In 2004 Bosniak parties in Sandzak failed to raise anew the issue of status of the region and Bosniaks. In preceding years a host of memorandums, declarations and resolutions urging Belgrade to grant to Sandzak and Bosniaks various degrees of autonomy and to guarantee the Bosniak rights, had been adopted. Most prominent actions in that direction were Referendum on

Autonomy and *Memorandum on Special Status of Sandzak* drawn up and proposed by the then SDA and the Muslim National Council of Sandzak. In October 1991 referendum a vast majority of Sandzak Bosniaks voted for autonomy and the right of that region to join one of the Yugoslav republics. In the ensuing Memorandum Sandzak however demanded the highest-degree autonomy, which in some segments bordered with statehood claim. But both Belgrade and Podgorica branded that document as separatism-minded and declined to discuss it.

National Council of Bosniak Community in Serbia and Montenegro was founded in September 2003 in Novi Pazar. Under the Federal Act on the Rights of Members of National Minorities, ethnic groups were granted the right to organize their councils to be primarily tasked with preservation of their cultural identity and education. In a manifest exercise of the rights stemming from that law, the Bosniak National Council in 2004 passed a decision on national holidays and symbols. Thus the official symbol of Bosniak minority became a flag with the coat of arms consisting of a shield and three crescents and three lilies on the white surface. That flag was officially hoisted on the Novi Pazar fortress, on 14 May 2004. The event was interpreted as provocation by part of the Serb public and media. The latter also unwillingly accepted introduction of Bosniak language into schools in Novi Pazar, Sjenica and Tutin. Under the same federal law, pupils of ethnic descent were granted the right to study their mother tongue and culture in appropriate, minimum, once a week classes. The condition thereof was that in a local milieu a certain number of citizens declared themselves members of a minority and that minority language speakers.

Though Bosniaks in the three Bosniak majority- municipalities of the Serb part of Sandzak met those conditions, Bosniak language, partly due to passivity of the National Council, and partly to the blockade of the Education Ministry, has not been timely introduced as the official subject-matter. Competent institutions in Serbia reject the term Bosniak language, though Bosniak was officially recognized as mother tongue of Bosniaks at the rally of Bosniak intellectuals in Sarajevo. The first class of Bosniak language was held in the primary school "Ibrahim Bakic", in village Leskova near Tutin, on 22 October 2004. Former Education Minister Ljiljana Colic refused to signed the decision on introduction of Bosniak language in Sandzak school curriculum, but, her successor Slobodan Vuksanovic had signed the pertinent decision after recommendation of the National Council, a body of the government of Serbia rallying representatives of all national minorities. Angered by that development MPs of the Serb Radical Party demanded resignation of Vuksanovic, while introduction of the Bosniak language into the Sandzak school curriculum was also discussed by the parliamentary Education Committee.

In recent year citizens of Sandzak have faced a difficult economic crisis. Hence the sidelining of major political issues. In the 90's Novi Pazar was the commercial hub of Serbia which made a lot of money through production of

jeans, footwear and furniture. In the meantime purchasing power of citizens of Serbia plummeted, UNMIK foiled all the regional attempts to effect trading with Kosovo, and unloyal competition weakened the momentum of the Novi Pazar economy.

Mirsad Zupljanin Jimmy, owner of the private company MBG in Novi Pazar and long-standing president of Association of Private Entrepreneurs and Craftsmen thus explained the reasons of the ongoing crisis: "Firstly there is this general political situation fueling insecurity and making investors tighten their belts and wait for better times. Secondly there is this unloyal competition caused by the Chinese. Invoiced value of goods imported from China is ten times lower than the real one, for example China-produced pair of jeans, on the paper, costs only 7 dinars. We are happy to receive assistance worth \$ 100 million, but Chinamen take out of the country billions of untaxed dollars, and no-one cares, no-one reacts."⁹

Several protests against local Chinese merchants were staged in Novi Pazar and demands were made to the local and republican authorities to ban Chinese trade in Serbia and thus save home economy.

Due to its geographic position, Sandzak was an important crossroads for drug and human trafficking. But as money has become a scarce commodity in Novi Pazar, many night bars have closed down and many prostitutes left. But the city is increasingly facing a new problem-drug dependency.

In early 2004 the Novi Pazar police estimated that over 1,000 young boys and girls were hardened drug addicts, while there were five times more sporadic substance abusers. In early 2005, according to the unofficial data, those figures, at least, doubled. Dr Seljatin Kajkuz, neuro-psychiatrist with patients whose age ranges between 17 and 22, thinks that "Substance abusers in Novi Pazar have unfortunately chosen the drug against which the medicine faces the hardest combat-cocaine. What is characteristic of all of them is a quick passage from an early drug, marihuana to the hard ones, cocaine and heroine." Dr. Kajkuz underscored: "We are facing a growing number of very young drug addicts. Though I did not have patients from primary schools, I had many patients from secondary schools. Most of them were hard drugs users. But it is also evident that an ever-increasing number of extremely young denizens of Novi Pazar are stepping into the world of drugs." The police told us that all drug addicts in Novi Pazar bought their "stuff" from local dealers. According to them all the "stuff" was coming from Turkey, via Kosovo. Novi Pazar police also warned that the substance abuse phenomenon was spreading in Tutin and Sjenica.¹⁰

⁹ *Nedeljni telegraf*, 19 May 2004

¹⁰ *Fonet*, 8 January 2004

Sports and Political Incidents

Last year several sports-political incidents were reported in Sandzak too. In the past two or three years incidents were commonplace during the football matches of the club *Novi Pazar* or after successes of representations of Serbia and Montenegro. The first incident was the one which in early March 2004 involved fans of the local club and Belgrade club *Rad*. The latter, called *United forces*, rank among the most brutal hooligans and are seen as extremely incident-prone. If the rival of their club is of different nationality or religion, they go on the rampage.

After an organized journey to Novi Pazar, fans of *Rad* rushed into the stadium and started throwing stones and lit torches into the crowded stands. When the stands barriers collapsed, the fans of the two teams met in the middle of the ground. Stones, were thrown, curses were shouted and a heavy fight ensued. Recognizable political messages were chanted on: "Kill the Turk", "Kill the Serb", "I am hear to drink Turkish blood", "From Topola to Chetnic Ravna gora", "Serbia start crying, here is Hashim Tachi", "From Sandzak to Iran all the countries shall become Muslim ones"...Police arrested 60 hooligans, and gendarmerie, sent in as reinforcement, escorted Belgrade fans from the stadium to the police station and later to Belgrade. President of the football club *Novi Pazar* Bedzih Hodzic thought that those incidents were politically motivated. Hodzic underscored: " This is yet another attempt to introduce instability into the local sports grounds. The fans-related problems were "imported". It is obvious that they were masterminded by some political prime movers. Gendarmerie did not do their job well. Fans from northern Kosovska Mitrovica, and even from Gracanica and Raska swelled the ranks of those from Belgrade. That indicated that everything was carefully planned. However that incident shall not upset good relations between our clubs and ethnicities."¹¹ In Raska, during a May match between a local club, *Rad*, whose fans wore T-shirts with image of Radovan Karadzic and *Torcida* fans of a club from Novi Pazar (who have their own web stie and coat-of arms with crescent moon and lilies) there were some verbal incidents. In response to *Rad* fans slogan "Orthodox Christianity or Death", *Torcida* fans kept shouting "Islam shall rule the world.". During the football match with Cukaricki held on 5 May fans of Novi Pazar club hoisted that banner, and consequently their club was punished for that and other incidents by a 200, 000 dinar fine. However disciplinary bodies of the Football Association failed to fine fans of *Rad* for hoisting a banner "Orthodox religion or death".

Until mid-90' Sandzak Bosniaks had a monolithic political organizations composed of the Party for Democratic Action and Muslim (later Bosniak) National Council of Sandzak. Sulejman Ugljanin was president of both organizations and undisputed Sandzak leader. But by mid-90's a large number

¹¹ *Danas*, 8 March 2004

of party founders and Ugljanin's aides have broken away from that party. Among them was Rasim Ljajic, once the Secretary General of SDA, and now President of the Sandzak Democratic Party and Minister for Human and Minority Rights of the State Union of Serbia and Montenegro. Ugljanin-led party started losing not only its influence but also a large number of Bosniak votes. Thus after the September local elections it retained power only in Tutin. It bears mentioning that before the September elections coalition *List for Sandzak Dr. Sulejman Ugljanin* had absolute power in all three cities with the Bosniak majority population. Ugljanin himself emerged victorious only after the run-off elections for president of Novi Pazar municipality. His rival, Sait Kacapor from Ljajic's SDP called into question regularity of the second round, but the result was not reversed. However SDP candidates conquered the positions of municipal presidents of Sjenica and Prijepolje.

Campaign for September elections was much tougher than earlier ones. On 11 September in front of the Novi Pazar seat of SDP a fight broke out between Ljajic's and Ugljanin's followers. In the ensuing shooting spree two passers-by were wounded. This incident, of which firebrands of SDP and SDA accused each other, deeply shocked and exacerbated citizens of Novi Pazar and Serbia. Ljajic pointed the finger at Ugljanin, and vice versa. Ljajic maintained that the incident was masterminded by Sulejman Ugljanin, who had announced the possibility of conflict at a Delimedja rally: "The incident was played out against a well-known scenario. Milosevic thought that he would stay in power thanks to use of armoured vehicles and tanks. In a similar way Ugljanin misused children to stay in power."¹²

Ugljanin maintained: "A group of hooligans rallied around SDP tried to plunge this town into chaos. The police have not reacted though that was the eighth armed attack on us."¹³

Novi Pazar was then visited by the republican Justice Minister Zoran Stojkovic. He blamed the state bodies, notably the malfunctioning judicial ones for the incident. Stojkovic concluded: "In Novi Pazar naked force and gangs are trying to establish their rule, while citizens are unprotected in the face of such a dangerous development." Stojkovic announced major engagement of the state and putting some order into the local judiciary.¹⁴ Elections were followed by several week-long consultations. Since Ugljanin failed to garner enough MP votes for setting up municipal authorities, on 11 November in a restaurant *Amiragin han* gathered 26 MPs of other parties, notably of Ljajic's SDP, Party for Sandzak headed by Fevzija Muric and Serb parties. Having established their majority, they later held a constituent session at which municipal bodies were elected. Ugljanin-led coalition declined to recognize the legitimacy of that session, so in Novi Pazar a parallel municipal organization was put in place.

¹² *Vecernje novosti*, 13 September 2004

¹³ *Vecernje novosti*, 13 September 2004

¹⁴ *Vecernje novosti*, 15. September 2004

Ugljanin refused to accept even the opinion of the Ministry for the State Management and Local Self-Rule which recognized the legitimacy of 11 September session. The Belgrade office of OSCE tried to contribute to resolution of that problem by calling on Ugljanin to respect the will of citizens and allowing the new local bodies to work normally. *List for Sandzak* in Sjenica formed the majority with the National Movement of Sandzak, headed by Dzemail Suljevic, but that coalition fell apart after several weeks. Then Suljevic accused Ugljanin of disrespecting the agreement. Fevzija Muric and Dzemail Suljevic used to be high officials of SDA. After a conflict with Ugljanin they abandoned the party.

Conclusions and Recommendations

Though inter-ethnic incidents reported mostly in Novi Pazar, were a low-intensity and casualty-free ones, they nonetheless demonstrated that Sandzak was still a vulnerable region. Vicinity of Kosovo and possibility of new Serb-Albanian conflicts or a repeat of „17 March " reflect badly on Sandzak developments, as does a continuing Belgrade propaganda about Islamic fundamentalism infecting the whole region and turning it into a flash-point.

State bodies are yet to engage themselves actively in clarification of crimes against Bosniaks and punishment of their perpetrators. But there is no likelihood of such a development since the prime suspect in the case of abductions in Sjeverin and Strpci is still at large.

In the near future further intra-Bosniak political disputes may be expected. Such a development shall harm Bosniaks proper, who after introduction of amendments to the election law, that is, of "the natural threshold" for minorities parties, were provided with an opportunity to elect a larger number of their representatives to the future parliament of Serbia.

Helsinki Committee deems the following necessary:

- the state bodies should take urgent actions in that area, and its high officials instead of spreading unverified stories about Islamic fundamentalism, should pursue the policy of inclusion of Sandzak locals into the state structures.
- Bosniaks should be also employed by the police, in order to fine tune the police set-up with ethnic structure of the area;
- the incumbent authorities could contribute to easing of tensions and enhancement of inter-ethnic relations by seriously embarking on clarification of the early 90's grave crimes against Sandzak Bosniaks and punishment of their perpetrators ;
- the state must admit responsibility for crimes committed against Sandzak Bosniaks in 1992-1995 period, for that is the only road leading to building of confidence between the two communities.

Kosovo: The Status Issue

In 2004 status of Kosovo was placed on the top of international agenda, for the first time since the arrival of international mission (1999). Completion of negotiations on status of Kosovo should help arrange Serb-Albanian relations on a new basis, as a contribution to the regional stability and creation of the basic framework and conditions for the respect of human rights, minority rights, security, combat against organized crime and economic progress.

Serb side tried to exploit the March violence in Kosovo for imposing its agenda, notably, the separation between the two communities in a lead-up to division of Kosovo. But for such a proposition it however failed to win over the international community. Under strong pressure of official Belgrade Kosovar Serbs throughout 2004 boycotted Kosovo institutions and working groups for technical issues, thus isolating themselves from the process of creation of Kosovo politics, and even issues imposed by Kosovar Serbs themselves, notably-decentralization. Serbs also boycotted the working group for missing persons, thus sending a clear message about their not-so-sincere interest in discovering the truth about missing persons. Chief advocates of the said boycott were the Serb Orthodox Church and Kostunica-headed Democratic Party of Serbia.

After realizing that the boycott of talks with Pristina dead-ended its political credibility, official Belgrade in late 2004 changed its stance, that is, adopted a more realistic tack to Kosovo by attempting to take on a more proactive role in negotiating process. In the second half of 2004, Kosovo, that is, its status, was once again in the public spotlight. In contrast to previous years, when the Serb perception of status was dominated by the idea of division of Kosovo, the new approach embraced different rhetoric: "more than autonomy, less than independence".

Prime Minister Vojislav Kostunica experienced the change of heart, that is, supplanted his earlier proposal of territorial autonomy for Kosovar Serbs, by "a solution tantamount to the highest-degree autonomy, with links between Belgrade and Pristina within one state whole." According to Kostunica "it would be an atypical state arrangement, but after recent wars and disintegration of former Yugoslavia, other countries were also atypically arranged, notably Bosnia and Herzegovina in which the notion of entities was

introduced to explain that Republika Srpska and Federation were not federal or confederal units, but-something else. The Belgrade Agreement put in place an atypical state order, as did the Ohrid one. Hence, along those lines the issue of Kosovo must be resolved".¹

Controversial visit (14 and 15 March 2005) of the Serb President Boris Tadic to Kosovo, that is to Serb enclaves could be also interpreted as an attempt of official Belgrade to get involved anew in the negotiating process and to re-establish contacts with international factors (Tadic was the first Serb President who had talks with Head of UNMIK in Pristina, and not in Belgrade, or other European capital)

Head of UNMIK Soren Jesen-Petersen assessed that Tadic's visit demonstrated that "Kosovo proved that it had a moderate, democratic and open society."² High EU representative Xavier Solana stated in Berlin that Tadic's visit to Kosovo "was a good incentive for re-launching negotiations between Belgrade and Pristina."

On the other hand, Tadic refused to meet with any Albanian political leader (though there were indications of their good-will to meet him), and failed to mention Albanians in his talks with Serbs and in public appearances. Thus he manifested anew his refusal to accept the Albanian side as an equitable partner. Tadic's visit to Kosovo also indicated how the fate of Kosovar Serbs was still linked to Belgrade, and under influence of the capital. That visit also had internal, propaganda message geared towards the nationalistic public opinion and resonated much more than an earlier, rather secret, and internationally unapproved visit of Vojislav Kostunica.

Dusan Batakovic, historian and Kosovo issue adviser to President Tadic said that the process of resolution of status of Kosovo was dramatically accelerating, hence "it is important that Serbia stops boycotting it... it should instead get actively involved in the process and by launching a strong diplomatic and political initiative (...) in negotiations with Pristina find a mainstay for a long-term compromise." He also added that "In Kosovo, barring lesser exceptions, pro-active, strategically well thought-up and fine-tuned Serb policy has not been put in place or pursued for the last 15 years. Now the moment is ripe to put in place a dynamic policy by dint of new, realistic and tenable initiatives."³

Division among Kosovar Serbs was increasingly manifest. But for the first time a political alternative openly ready to resist Belgrade and to try to find solution of the problem of Kosovar Serbs in Pristina, has emerged. Most striking divisions among newly-emerged political forces were over participation in elections and work of Kosovo institutions.

¹ *Blic*, 2 March 2005.

² *Beta*, 15 February 2005

³ *Danas*, 19 February 2005

Government of Kosovo which took power after October elections, in a short period of time took some steps towards promotion of status of minorities in Kosovo and demonstrated its readiness to assist in repatriation of displaced persons. Performance of the Repatriation Ministry shall be gauged by the number of returnees, notably those from collective centres. The first such results could be expected in the first half of 2005 when that policy should be implemented. However both the Serb community and official Belgrade to date have not shown readiness to co-operate in that project.

Both Serb and Albanian communities in Kosovo are frustrated and fearful. Kosovo analysts Lulzim Peci⁴ says that Albanians fear mostly re-integration of Kosovo into Serbia, cantonization of Kosovo and introduction of the right to veto, which could lead to creation of a dysfunctional state. Serbs are mostly concerned about security issues and loss of national identity. There is much social discontent due to poor economic situation in Kosovo (rate of unemployment is extremely high-about 70%). The latter is a major source of instability and frustration among the young.⁵

Government of Serbia has not made any progress in shedding light on cases of mass graves in Serbia. In the territory of Serbia to date have been exhumed 836 bodies of Kosovar Albanians buried in mass graves, notably, five in Batajnica, two in Petrovo Selo and one in Perucac. By 1 November 2004 the Serb authorities handed to UNMIK 331 identified bodies, and to the US authorities, bodies of three Albanians, US citizens.⁶ There are indications about existence of another 17 mass graves. The Fund for Humanitarian Law has recently made public facts and figures relating to cremation of bodies of Albanians in Mackatica plant.

Responses to the March Violence

Official Belgrade tried to instrumentalize the Serb-targeting March violence by asserting that multi-ethnic Kosovo was not possible, and that Kosovo society was not ready for or capable of democracy and that it was highly instrumentalized. Hence, the official proposal was: separation of the two communities. At the same time developments Serbia-wide, as well as the media coverage of March events, indicated that situation was volatile, and that a new conflict was very possible. However that possibility was thwarted by the presence of international military forces in the region. On the international plane, the March violence met with unanimous condemnation. But, at the same time it brought to the forefront the issue of status of Kosovo. On the other hand,

⁴ Assessments presented at the Pristina panel discussion organized by the Helsinki Committee.

⁵ Average age in Kosovo is -24.

⁶ Data of the Fund for Humanitarian Law.

the March violence postponed Belgrade-Pristina dialogue, above all at the level of working groups.

During the March violence Defence Secretary of Serbia and Montenegro Boris Tadic and head of Co-ordinating Centre for Kosovo and Metohija tried to convince the international community to greelight deployment of the Serb-Montenegrin army in Kosovo "for the sake of protection of Kosovar Serbs." In explaining that proposal, Tadic then stated: "I am aware that the UN Resolution 1244 and the Military-Technical Agreement do not foresee the army deployment for defence of population, but rather, task it with for protection of cultural monuments, participation in border, de-mining and liaison services and units. I propose that those documents be more flexibly interpreted to enable engagement of our soldiers in defence of our people (...) Since we were not invited to do that, any other form of our involvement or entry, would result in bombardment of Serbia. And all those who continue to fuel such ideas, shall be held directly responsible for security of Serbia and our fellow-nationals in Kosmet".⁷

In his 26 March 2004 parliamentary address Prime Minister Vojislav Kostunica suggested territorial autonomy for Serbs, since "it paves the way for Serb-Albanian cohabitation." He stressed that "a multi-ethnic paradise in Kosovo is not feasible." In sign of solidarity with Kosovar Serbs, a religious procession headed by the highest state officials and SOC clerics was organized through the Belgrade centre on 18 March. Prime Minister thus addressed the procession: "Serbia shall lose its soul, if it loses Kosovo. Serbs faced even greater temptations in the past centuries in Kosovo, but they stayed on (...) a day shall come when we shall return to Kosovo (...) all those expelled in previous years shall be able to return, and the holy Kosovo land shall be again ours."⁸

Similar assessment was voiced also by Boris Tadic: "Idea of multi-ethnic Kosovo is obviously unrealistic... now it is evident that Albanians never truly embraced that objective, for their key goal was in fact stamping out of Kosovar Serbs."⁹

According to the high DPS official, Dusan Prorokovic, Kosovo is "the quick sand into which shall inevitably slide all countries of the Western Balkans". Similar scepticism was voiced by Slobodan Samardzic in his comment that "standards of international community cannot be implemented in Kosovo in 2005." He also stated that "standards cannot be implemented even in the next 30 years" and that "Albanians and their institutions cannot meet such high standards". "I am sure that after 17 March events no serious person contemplates the possibility of independence of Kosovo. (...) International community finally realized that a peaceful, multi-ethnic coexistence in Kosmet was not feasible, in view of existence of criminalized society in total disarray,

⁷ *Vecernje novosti*, 23 March 2004

⁸ *Vecernje novosti*, 19 March 2004

⁹ *Vecernje novosti*, 23 March 2004

which tends to spill over its problems into pressures on minorities," Samardzic said.¹⁰

On 26 March 2004 the Serb parliament unanimously adopted the *Resolution on Kosovo and Metohija* which assessed March events as "ethnic-cleansing attempt threatening the stability of the whole region." The Serb parliament blamed the international community for the March violence, and underscored that it was necessary "that the UN re-assesses and changes its whole policy in the region." That resolution also spelled out that "pogrom against the Serb population in Kosovo in 17-19 March period resulted from unwillingness of UNMIK and KFOR to comply with their commitments stemming from the UN Resolution... the non-compliance caused by the transfer of powers from international administration to interim bodies of Kosovo".¹¹

Some Belgrade politicians stated that they feared impending wave of violence in Kosovo. The year 2004 saw many statements to the effect that "a repeat of 17 March and playing out a similar scenario in South of Serbia were possible." However during his visit to Kosovo, the Serb president Boris Tadic in his secret talks with Serbs stated that there would be no repeat of the March event.¹² Such "reassuring" statement raise anew doubts about a certain involvement of the Serb security forces in the 17 March event.

While the violence was raging, Head of Co-ordinating Centre, Nebojsa Covic, stated that "We have been cautioning UNMIK and KFOR since October that dangerous actions were in the offing, but they turned a deaf ear to our warnings."¹³ He added that "multi-ethnic Kosovo was not feasible" and "the story about standards met with a total rout." He suggested "separation as the best solution... Now the time is up. It is obvious that cohabitation with wild hordes is not possible".¹⁴

President of the parliamentary Security Commission, Milorad Mircic, several days later stated that "the following scenario in South of Serbia shall be played out: after a well-orchestrated media campaign, a number of Shiptari families shall abandon some municipalities in South of Serbia.". According to Mircic "in the ensuing attacks on the police forces, Albanian terrorists would score new points."

Borislav Pelevic, leader of the Party of Serb Unity, once led by Zeljko Raznjatovic Arkan, demanded from the government of Serbia, "an urgent deployment of army troops in Kosme". He also announced that the PSU "shall anew send to Kosovo and Metohija its committees for defence and security, in the face of reliable information that terrorists plan to launch new attacks on

¹⁰ *Vecernje novosti*, 12 May 2004

¹¹ *Blic*, 27 March 2004

¹² From the Helsinki Committee interview with sources in Kosovo

¹³ *Vecernje novosti*, 19 March 2004

¹⁴ *Idem*

Serbs and engage in ethnic-cleansing and stage a final showdown.". Pelevic also noted that the whole plan was made on model of operation "Storm"¹⁵.

Head of Co-ordinating Centre for Kosovo and Metohija, Nebojsa Covic, reiterated in late August that in Kosovo "Albanian militants are being trained for armed actions...".¹⁶ He confirmed information previously communicated by Head of Anti-Terrorism and Anti-Organized Crime Directoriat of the Security-Informative Agency, Dragomir Asanin, that "arming of militants and their training in mobile boot camps was under way." Covic said that his Centre had received such intelligence data as early as in June.

A host of similarly-toned statements of Belgrade officials ensued. Deputy President of the Serb Radical Party and head of its MP group, Tomislav Nikolic, stated in mid-December that Kosovar Albanians were preparing for incursions into central Serbia in March 2005.¹⁷ Nikolic said that everything should be done to prevent such a development, and Vojislav Kostunica and Boris Tadic, publicly agreed with his opinion. Nikolic quoted as his source "intelligence gathered by the Serb security services, but also by Western intelligence agencies." He also maintained that both "Tadic and Kostunica had even more pertinent information."¹⁸ In his interview to *Blic*, Nikolic stated that "during my talks with President Tadic, we realized that our stances were nearly identical, that is, that our appraisal of (*security*) situation was nearly identical. As to the future course of action, we shared the same opinion...".¹⁹ Similar information from unidentified sources was run on the same day by other Belgrade dailies, like the large-circulation, *Vecernje novosti*, which disclosed even more details on how "Albanian political and military leaders in South of Serbia, in co-operation with membrs of the Kosovo Protection Corpse intelligence and security services of Kosovo, and paramilitary formation ANA amd former commanders of KLA for quite some time now have been working on elaboration of plans and strategy of actions to be taken in South Serbia with a view to annexing that territory to Kosovo." ²⁰ *Glas javnosti* ran a text headlined "ANA si priming for the Third Balkans War". In fact that text was rather an anticipation of attack on Macedonia, due to its focus on "mobilization of KLA veterans... to effect incursions into Macedonia."²¹

Tomislav Nikolic, president of the Serb Radical Party stated that "Shiptari are intensely preparing for terrorist actions in March. Their most likely target are three municipalities in South of Serbia. Our security services

¹⁵ *Nacional*, 21 April 2004

¹⁶ *Danas*, 25 August 2004

¹⁷ *Blic*, 17 December 2004

¹⁸ *Blic*, 17 December 2004

¹⁹ *Idem*

²⁰ *Idem*

²¹ *Glas javnosti*, 17 December 2004

are also priming for the defence of our country, and I don't know why they are hiding that fact."²² That statement was ran by a prominent daily, *Danas*.

On the other hand, Defence Secretary of Serbia and Montenegro, Prvoslav Davinic, after his 26 August meeting with the KFOR Commander Holger Kamberhof, stated that after 17 March event situation was stabilized. However representatives of Kosovar Serbs still believed that the Serb police and army would return to Kosovo. Member of Coalition *Povratak* Rada Trajkovic stated that "Belgrade, after the March events and possible, new terrorist-staged assaults on Serbs, would have, in compliance with the Kumanovo Agreement, to assume the obligation to prepare a military-political project of protection of Serbs."²³ Randjel Nojkic said that in case of repeat of 17 March "the only salvation for Serbs is a raid by the Serb army and police."²⁴

In late 2004 Serb tabloids ran an information about formation of the Serb liberating, anti-terrorist movement in Kosovo (SOAM), "whose members, in case of attack of Albanian terrorists and secessionists, shall defend with all means available Serb villages and homes, women and children, monks and nuns, and graves of their ancestors."²⁵ Mikan Velinovic was mentioned as a commander of staff of that movement. He was also one of organizers of protests in Belgrade aimed at convincing Kosovar Serbs to stay away from the elections.²⁶ Velinovic stated that the Movement would "protect KFOR and UNMIK and all other well-intentioned religious and ethnic communities.". According to him SOAM emerged thanks to a unified stance of entire Serb people manifested in their total boycott of elections. According to *Nacional*, "our members shall be in plainclothes, but we shall wear special insignia." Velinovic said that the organization would be soon joined by all important political leaders from Kosovo, and also "economic organizations members from South and Central Serbia". He added that the newly-formed police elite unit *Srpski vitezovi* (Serbian knights) was tasked with an open combat against terrorism."²⁷ In Velinovic's biography ran by *Nacional* it was quoted that the he was president of the Wrestlers' Federation of Yugoslavia, and "renowned for his long engagement in Kosovar Serbs-related issues."

In parallel with organized protests orchestrated by the Serb Orthodox Church and state officials, in the streets of Serbia a series of incidents targeting minorities, notably Albanians, Goranci, and Askalias, were reported.

UN Secretary General Kofi Annan, in one of his first statements after the March violence, stated that "the ethnically motivated unrest dealt a serious

blow to building of democratic, multi-ethnic and stable Kosovo."²⁸ Assembly of Council of Europe, in the wake of March violence, adopted in a summary procedure, *Resolution on Situation in Kosovo* assessing the March events as " a tragic regression of the process of reconciliation... for which the international community is partly responsible." UNMIK, political leaders on both sides, and interim bodies in Kosovo called on all sides to contribute to stabilization of situation. Rapporteur of the political committee Tony Lloyd stated that all displaced persons had to be repatriated. He added that "cantonization of Kosovo was not a solution." The then head of UNMIK Harry Holkery stated that "multi-ethnic Kosovo is not feasible without Serbs and their reintegration into the political processes... hence the importance of implementation of standards for Kosovo." The British lord Russell Johnson urged independence of Kosovo and stated that "the issue of status is of key importance", as well as that "Kosovo should have the right to self-determination."²⁹ In assessing consequences of the March violence, nearly a year later, head of UNMIK, Soren Jesen - Petersen stated that those events could be perceived as a major breakthrough: "On the one hand we are aware that we have too early turned our back on developments in Kosovo, while, on the other hand, it became clear that Kosovo could not forever remain the UN area of operations, in other words were realized that progress must be made in the direction of resolution of Kosovo status."³⁰ From the foregoing stemmed a new tack exacting application of priority standards, relating above all to protection of minorities. If by mid-2005 sufficient progress is made in meeting of those standards, the process leading to the status-related negotiations, would be jump-started."

The Balkans expert of the US Institute for Peace, Daniel Server, stated that angry and frustrated young men without jobs, were the principal participants in the March violence. "In the meantime economic and social circumstances have not changed, and for any improvement in that regard and creation of new jobs, we need-privatization. I think that Belgrade should be more co-operative, for through such a stance it could perhaps contribute to preventing of a new wave of violence."³¹

Elections and Formation of a New Government

By massive boycott of 23 October parliamentary elections the Serb national community in Kosovo manifested its unwillingness to integrate into the Kosovo society. (Only 0,02 of voters went to the polls. All of them voted for the Serb list for Kosovo and Metohija on whose ticket ran Oliver Ivanovic, and

²² *Nacional*, 14 December 2004

²³ *Politika*, 28 August 2004

²⁴ *Idem*

²⁵ *Balkan*, 10 November 2004

²⁶ *Nacional*, 18 November 2004

²⁷ *Idem*

²⁸ *Politika*, 6 May 2004

²⁹ *Politika*, 30 April 2004

³⁰ *Nin*, 16 December 2004

³¹ *Glas javnosti*, 25 August 2004

for the Civil Initiative of Slavisa Petkovic). The last Kosovo elections on the other hand manifested that a political alternative was slowly emerging within the fold of the Serb community. That alternative, in the face of pressures piled by the government of Serbia and the Serb Orthodox Church, decided to register its electoral list, and thus for the first time demonstrated its readiness to resolve its problems in Pristina, rather than in Belgrade.

Anti-election campaign was directly orchestrated by Belgrade, and its prime movers were the government of Serbia (notably Democratic Party of Serbia) and the Serb Orthodox Church. Election boycott was backed by the Socialist Party of Serbia and the Serb Radical Party. Though President of Serbia Boris Tadic called on Kosovar Serbs to take part in the elections, his initiative was tardy (it was launched on 5 October, two weeks before the elections) when it was impossible to organize a serious campaign and convince citizens to go to the polls. (On the eve of 2001 elections something similar happened, namely the Serb representatives took the eleventh hour decision to take part in the elections). Tadic's verbal incentive resulted from strong pressures of the international community (numerous interventions of Head of UNMIK, representatives of the Contact Group, etc), and Petersen's warning that "Belgrade's postponement of decision would create technical and political problems regarding its subsequent latching on the process."³²

Having underscored anew security, the rule of law, protection of minorities, and decentralization, as high-priority standards, on which hinged talks on the final status, head of UNMIK tried to get across the following message: "We want Kosovar Serbs to take part in a dialogue in the next 12, 18 months, in a dialogue which would lead us to discussion on standards achieved to date and to the beginning of talks on status. Hence I think that it is clearly in the interest of Kosovo Serbs to be part of that dialogue, as much as it is in the interest of Kosovo provisional institutions and, I think, Belgrade."³³ Foreign Secretaries of EU countries at Maastricht meeting in early September backed the proposal to build parts of the Serb government plans on Kosovo into the UNMIK document on decentralization of local authorities. The foregoing should be also viewed as part of campaign aimed at making official Belgrade convince Serbs to go to the polls. Solana maintained that "efforts are made to fuse two documents into one, which could be acceptable for all."

Correspondence between representatives of the international community and of official Belgrade, as well as other kinds of pressure brought to bear on Belgrade to call on Kosovar Serbs to take part in elections lasted over 2 months. A month before elections in his letter to Petersen President Tadic underscored that the key issue was not participation of Serbs in elections, but rather "creation of civilized conditions for their normal life in Kosovo." In its communique related to Tadic's letter, UNMIK stated that it fully understood

³² Danas, 31 August 2004, "Petersen: We want peace and security for all citizens"

³³ *Vecernje Novosti*, 18 September 2004

Tadic's concern for security situation in Kosovo, but assessed that the letter contained certain elements which tended to gloss over the UNMIK measures. In the communique UNMIK also made it public that at 100 trials 83 persons were sentenced to pay hefty fines and to prison terms up to 5 years for their involvement in the March violence, while 270 cases were yet to be processed. Communique also read: "two Kosovar Albanians were convicted of murder of a 17-year Dimitrije Popovic on 5 June in Gracanica." UNMIK denied Tadic's claim that in Kosovo since 1999 over 1,500 Serbs were killed. UNMIK indicated that "the exact figure of casualties is 260. 150 persons were killed in June-December 1999, 58 during the year 2000, 25 in 2001, 5 in 2002, 12 in 2003 and 12 since early 2004, including 9 persons killed during the March unrest".³⁴

Low and high clerics of the Serb Orthodox Church, which had a key political role in shaping of Kosovar Serbs stances, used all means available to dissuade Serbs from going to the polls. For example, Patriarch Pavle sent a letter to the Prime Minister and President of Serbia, demanding from them the following: "in the name of God don't call on the rest of persecuted and long-suffering people in Kosovo and Metohija to go to the polls in order to elect bodies of local authorities! For, our recent assembly, after affirming the stance on participation in elections, posed a key question to all those urging unconditional participation of Serbs in the elections: in which state in the world people who are deprived of elementary security, and basic human rights, including the one to the freedom of movement, and the right to life, can be urged to take part in elections? Is our approval needed for our long-term, or final, ruin?"³⁵ High cleric of Raska – Prizren eparchy Artemije even tried to get the following message across: "Going to the polls would be tantamount to national suicide."³⁶ On the day when President Tadic made his appeal to Kosovar Serbs, high cleric Artemije, in his letter to Tadic, stated that the day of elections could be only likened to 17 March: "Then we experienced pogrom at Albanian hands, and today we are experiencing betrayal at President's hands".³⁷

President of Co-ordinating Centre for Kosovo and Metohija, Nebojsa Covic, called on Serbs to go to the polls because "the people must understand that they are trying to take away our Kosovo." He added that the international community was gauging the process of democratization of Serbia by the process of Kosovo's gaining of independence.³⁸

Randjel Nojkic a candidate of the Serb List for Kosovo and Metohija (member of the Serb Renewal Movement), cautioned a month before elections that it would be fatal for the Serb people, if Belgrade made the eleventh hour decision to call on Kosovar Serbs to go to the polls, for "then electoral lists shall

³⁴ *Danas*, 21 September 2004

³⁵ *Ogledalo*, 20 September 2004

³⁶ www.b92.net, vidi arhivu za 9. oktobar 2004.

³⁷ Info-bulletin of ERP Kosovo and Metohija 06-10-04

³⁸ *Danas*, 31 August 2004., "Covic: They are taking away our Kosovo"

be hastily drawn up and people shall not know who to vote for. That is why Belgrade should make up its mind, for any delay may be fatal for our people in Kosmet."³⁹

Slavisa Petkovic, who even before Belgrade's decision, had submitted to electoral commission the list of MPs named Civil Initiative, played a very positive role. Namely he then said: "We people from Kosovo and Metohija should no longer allow Belgrade to tailor our destiny by its policy (...) We should not longer allow Belgrade parties to order us to choose their party cadres as our representatives in Kosovo and Metohija".⁴⁰

Official Belgrade continued its campaign against participation of Kosovar Serbs in Kosovo institutions, even after elections. Predsednik Tadic, in line with his pre-election stand, stated that Serb MPs should work in parliament for maximum 3 months, under the following conditions: immediate establishment of internationally recognized local Serb authorities in all the Serb majority municipalities, notably, Leposavic, Zubin Potok, Zvecan, Strpce, Novo Brdo, Northern Mitrovica, Gracanica and "other places with the Serb majority which could represent the newly-formed municipalities". In those municipalities Serbs should have the judicial bodies, police, health and educational authorities, their own schools and would be guaranteed ties with Serbia."

MPs of the Serb list for Kosovo and Metohija manifested their dependance on Belgrade when in the post-elections period they asked government of Serbia to advise them on their future, election-related moves. Oliver Ivanovic, member of Social Democratic Party, led by Nebojsa Covic, stated that future moves of his MPs depended entirely on the Belgrade authorities.⁴¹ However, the second leader of Kosovar Serbs, Slavisa Petkovic, accused government of Vojislav Kostunica of repressing Kosovar Serbs and stated that he would not pay heed to Belgrade.⁴²

Ambivalent stance of some moderate leaders of Kosovar Serbs, notably Oliver Ivanovic, on participation in Kosovo political life, resulted in their exclusion from the executive power, decision-making process and internal control over political processes. The message of international community was clear. Head of UNMIK, Soren Jesen Petersen, called on Serbs to join the new parliament for "it is in their interest." He also expressed his wish that "in that way they could play a more active role." At the same time he sent them the following message: "We shall proceed with or without you. We have already taken our decisions."⁴³

³⁹*Politika*, 23 September 2004

⁴⁰ www.b92.net, see archives for 3 October 2004

⁴¹ www.b92.net, see archives for 27 October 2004

⁴² www.b92.net, see archives for 27 October 2004

⁴³*Glas javnosti*, 5 November 2004

Vuk Draskovic was one of rare Belgrade politicians who positively assessed Kosovo institutions. According to him, "they should be the venue of Albanian-Serb reconciliation."⁴⁴

Elections in 2004 were the most important ones to date, since the newly-elected parliament and government were to have a key role in meeting the required standards, after which negotiations on final status of Kosovo would be scheduled.

Prime Minister-designate, Ramus Haradinaj, in his inaugural address stated that the key priority of the government was to meet the required standards: "Our plan which coincides with the will of people is creation of an independent state."⁴⁵ Among priorities of Kosovo government, Haradinaj listed decentralization of power, luring investments, political and economic development and improvement of economic situation. After taking office Haradinaj held a meeting with co-ordinators of working groups for standards implementation. Then it was agreed that each group should shortly submit to him the list of priorities and concrete steps to be immediately taken.

Immediately after its formation, the new government of Kosovo determined indicators of standards-meeting with precise deadlines and prerogatives. The newly formed groups for standards were supposed to submit reports every three weeks. The groups draw up a plan to pass 26 laws within a year, and to make new privatizations contracts. As regarded future dialogue, it was to unfold on three levels: 1. in a civilian dialogue would be included all NGO representatives, vulnerable communities, trade-unions... 2. inter-ethnic dialogue in Kosovo and 3. Pristina – Belgrade dialogue (it was agreed to kick off that dialogue by dint of talks on missing persons). Haradinaj-led government efforts were backed by international officials in Kosovo⁴⁶.

After election of Ramus Haradinaj for Prime Minister of Kosovo, Belgrade, supported by most Belgrade media, stepped up its campaign for the Hague Tribunal indictment against Haradinaj. Nebojsa Covic thus described to *Vecernje Novosti* the post-indictment scenario: "There is always a possibility of foundering of discipline which the Albanian side has to date demonstrated with regard to its national cause... that is, of their protests evolving into violence targeting UNMIK, KFOR and other Serbs. In that case international community would first try to protect its people, and only later the Serbs... thus, Kosovar Serbs, like in the past, shall pay the highest price... In case of repeat of violence many Kosovar Serbs would leave the province, thus due to their dwindled number only talks on independence would become feasible."⁴⁷ According to Covic's scenario, Haradinaj would be probably released to await

⁴⁴*Politika*, 23 December 2004

⁴⁵*Danas*, 23 December 2004

⁴⁶ Data relating to talks between Haradinaj cabinet members and members of international community in Kosovo.

⁴⁷*Vecernje novosti*, 15 December 2004

the start of trial as "a free man", but his further political engagement would be impossible.

Despite strong Belgrade pressures on the Serb community in Kosovo to stay away from the newly-formed Kosovo institutions, head of Civil Initiative "Srbija" (which has two seats in Kosovo Parliament) Slavisa Petkovic accepted the post of Repatriation Minister in the Kosovo government driven by a wish to "work for the benefit of Serbs in Kosmet... and not Belgrade." He was the first Serb politician in Kosovo to oppose the Belgrade policy. Petkovic repeatedly announced in the media that his repatriation project, to be financed with 14.3 million EURO, was afoot. He also said that jobs were ensured for all returnees, and that the first results of his project would be seen in 2005. He added that Prime Haradinaj promised his help: "According to my plan each returnee shall go back to his original place of residence. Thus Serbs shall return to Pristina, Prizren and all other localities."⁴⁸ Petkovic however faced stiff opposition by large part of Kosovar Serbs. Thus one of leaders of Kosovar Serbs, Momcilo Trajkovic, sent the following message to Petkovic: "He should know that he does not have the backing of Kosovar Serbs."⁴⁹ Petkovic's legitimacy was also challenged by the Serb list for Kosovo and Metohija, that is, its 8 MPs in Kosovo parliament. Goran Bogdanovic, member of that coalition, stated that Petkovic did not enjoy the support of Kosovar Serbs and Belgrade.

Political prime movers in Belgrade also denied Petkovic's legitimacy. Head of Co-ordinating Centre for Kosovo, Nebojsa Covic, assessed Petkovic's naming for Minister, as a provocation: "We made it clear that no nominee of theirs shall be recognized as a true Serb representative." Adviser to President of Serbia, Branko Radujko was of similar opinion: "It is up to Belgrade, that is its institutions, to find the way of attaining interests of the Serb community in Kosovo. Such a denouncement depends more on Belgrade than on Slavisa Petkovic."⁵⁰

Standards and Dialogue

In the course of 2004 changes were introduced into the policy "standards before status". In contrast to 2003, when meeting of standards was a key prerequisite for the start of dialogue on final status, in late 2004 a new formula was put in place. It envisaged implementation of *priority* standards, instead of "implementation of standards". Also "*serious progress*" in their implementation was introduced as one of the key prerequisites. (Analysis of implementation of standards should be effected by mid-2005, and if the UN Security Council concluded that the progress was made, negotiations on status of Kosovo would

⁴⁸ *Balkan*, 25 January 2005

⁴⁹ *Balkan*, 25 January 2005

⁵⁰ *Politika*, 28 January 2005

start.) Head of UNMIK Soren Jesen Petersen announced that after formation of government of Kosovo the focus shall be placed on implementation of standards for realization of multi-ethnic Kosovo. His announced priorities were: status and protection of minorities, respect of human rights, security, decentralization, and repatriation of displaced persons. "Standards must be attained, *or a serious progress must be made* (HC italic) by mid-2005, when revision of their implementation is envisaged".⁵¹

Shortly after the March violence (31 March 2004) and visit of Mark Grossman, the US Deputy Foreign Secretary to the region, the plan for implementation of standards was made public. The then head of UNMIK Harry Holkery stated that recent violence "indicated the need for defining a clear policy, making Kosovo a better place for everyone—a stable, safe and prosperous region." That plan spelled out who was responsible for its implementation. Under pressures from Serbia, the list of standards was expanded to include another point—decentralization. But, despite that, the most stiff resistance to the policy of standards was put by Serbs.

However, representatives of the Serb community in Kosovo responded negatively to the plan. President of the Community of Serb Municipalities and a militant Serb, Marko Jaksic, assessed that at play was a hoax and that he expected "the Serb side to foil that obvious hoax."⁵² President of Co-ordinating Centre for Kosovo, Nebojsa Covic, demanded that the Kosovo Protection Corps be disbanded: "Holkery's and Redzepi's *promotion of the Plan of Implementation of Standards* was sheer play-acting... in fact it paved the way for independence of Kosovo and Metohija".⁵³

Representatives of international community repeatedly tried to convince Serbs to take part in the process of implementation of standards. *Contact group* in April, in Pristina, initiated formation of the *Grupe for support of Kosovo*, tasked with appraisal of standards implementation process every six months. The Group was to be made up of the US, British, French, Italian, German and Russian diplomats.

Representatives of Contact Group recommended to the Serb Coalition *Povratak* to re-join Kosovo Institutions, "for only then the international community could protect the Serb interests". Goran Bogdanovic, the only Serb minister in Kosovo government stated that Kosovo Serbs demanded from the international community "an immediate staging of international conference on Kosmet to discuss the last 5-year period, since deployment of international forces in the territory of Kosovo and Metohija." High US official Cathleen Stevens expressed readiness of her government to discuss the possibility of decentralization and underscored importance of resumption of dialogue on practical issues, interrupted in March.

⁵¹ *Danas*, 5 November 2004

⁵² *Politika*, 1 April 2004

⁵³ *Danas*, 1 April 2004

After the March violence, representatives of the Serb community decided to boycott Kosovo institutions, and stay away from working groups set up in 2003 to discuss key issues related to promotion of political-economic situation in Kosovo. In the course of 2004 Serbs also boycotted the work of groups dealing with the key issues-decentralization and missing persons.

Working group for decentralization met in December 2004, but Serbs boycotted that meeting. In his 8 December letter Petersen invited Prime Minister of Serbia to resume talks on decentralization and security.

Until late 2004, Serb representatives kept turning a deaf ear to all international community appeals related to resumption of dialogue. Head of UNMIK Petersen called on Serbs to take part in working groups in order to achieve immediate results in the process of decentralization, protection and reconstruction of religious institutions.⁵⁴ He also appealed to representatives of the Serb authorities to resume dialogue on missing persons.⁵⁵ Member of the presidency of the ruling party *G17 plus*, Cedomir Antic, called Vienna talks on electric power problems-senseless.⁵⁶

UNMIK sent a clear message to Belgrade that in the process of decentralization it could play only an advisory role. Representative of the Serb List for Kosovo and Metohija, Dragisa Krstovic, stated that participation of Kosovar Serbs, backed logistically, expertise-wise, and politically by Belgrade, in the *Working Group for Decentralization* was acceptable.

The only breakthrough in Albanian-Serb dialogue, since the March unrest, was made in July, when the *Declaration on Founding the Ministry for Rights of Communities, Human Rights and Repatriation*, was signed. Representatives of coalition "Povratak" and the leading Albanian politicians on 14 July signed that Declaration in the US office in Pristina, after talks organized by the head of that office Marcey Reeves and special EU envoy to Kosovo, Fernando Gentilini. Bajram Redzeqi stated that in 2004 of 10,5 million EURO repatriation budget, only 400,000 Euro were spent, for repatriation projects were slowed down by the March developments.⁵⁷ President of Alliance for Future of Kosovo Ramus Haradinaj at the meeting assessed that "decentralization, repatriation and reconstruction should take place... and with the new ministry they seem more feasible."⁵⁸ According to Haradinaj, the ministry would facilitate the process of repatriation, if the budget geared towards repatriation activities were approved. He called on his Serb colleagues to show their courage, for "in a month or two the election campaign shall start and we should stand by what we had agreed". Oliver Ivanovic, one of the signatories of Declaration, then stated that "Serbs for five years ignored the

⁵⁴ *Glas*, 5 November 2004

⁵⁵ *Idem*

⁵⁶ *Glas*, 15 December 2004

⁵⁷ *Danas*, 21 July 2004

⁵⁸ *Danas*, 18 July 2004

important role of Albanian leaders in the process of repatriation, and most of them even thought that repatriation should be provided for by the international community." He added: "It is up to us to reach agreement, to make a costly political step, but then the others would continue that process. If there is no repatriation, you, as political leaders, shall be held accountable...".⁵⁹ Special rapporteur of the UN Secretary General tasked to analyze the March unrest in his pertinent report suggested the formation of that Ministry. The Serb National Council of Northern Kosovo condemned the Declaration as "a document undermining the state interests and giving legitimacy to creation of an independent Albanian state."

Status of Kosovo: Serbs' Perception

The Serb perception of final status of Kosovo is dominated by the idea of Kosovo within Serbia, divided into the two entities, Albanian and Serb one, each with a high level of autonomy. But that concept fails to clearly indicate if such a division based on an ethnical principle, as a final solution, is only postponed for some time, notably because of the international community's resistance to such scenario.

Since Kosovo must be viewed in the regional context, of major importance is the fact that all Kosovo's neighbours either favour its independence or are not against it. Serbia is the only country in the region which opposes Kosovo's independence. Prime Minister Vojislav Kostunica, who in early 2004 demanded territorial autonomy for Serbs (set as an objective in the plan of the government of Serbia), a year later spoke more about the formula of "a high degree of autonomy and not independence of Kosovo." Division of Kosovo is today directly mentioned by the most influential ideologue of the Serb political scene, Dobrica Cosic. Leaders of party *G17 plus*, member of the governing coalition, also contemplate the concept of division of Kosovo as a final solution.

Serbs in North Kosovo, where there are strongholds of parallel structures, and those in Central Kosovo, are divided over that issue. In contrast to Serbs in Kosovska Mitrovica, those in Central Kosovo are not interested in resolving their status through the process of division. MP of the Serb list for Kosovo and Metohija (the Serb Renewal Movement), Randjel Nojkic, stated that the majority of Serbs (in central Serbia) do not want division, for it would preempt return of Serbs to some parts of Kosovo.⁶⁰ Parliament of Serbia on 20 April 2004, unanimously adopted the Plan for Political Solution of Situation in Kosovo and Metohija., proposed by Kostunica-led government. The starting

⁵⁹ *Danas*, 18 July 2004

⁶⁰ Speech by Randjel Nojkic during the Helsinki Committee panel discussion on national communities in Kosovo, see report: www.helsinki.org.yu

point of that plan is that Kosovo is part of Serbia, but in further text its division into entities, on model of the Bosnian solution-which brought about the end of war and in fact recognized results of ethnic-cleansing-is envisaged.⁶¹ That plan is critical of the 1974 Constitution under which Kosovo had the highest degree autonomy from 1974 to 1989. The government's plan also indicates that "the recent territorial organization of the province was based on the *wrong* assumption that realization of the provincial autonomy under the 1974 constitutional arrangement was a rational and just solution of ethnic relations between the two dominant communities-Albanian and Serb." (Plan for resolution of the current situation in Kosovo and Metohija, Chapter II, point 2.1.)

The thesis was also espoused that independence of the province would "cause large-scale destabilization of the whole region, in view of a possible change of borders in Serbia and in the State Union of Serbia and Montenegro." (Plan for resolution of the current situation in Kosovo and Metohija, Chapter II, point 2.1.) The Plan also envisages "territorial organization of the province enabling territorial autonomy of the Serb and other communities interested in such an autonomy." The document furthermore maintains that "territorial autonomy is not tantamount to division of province, or a proxy for it."

Future autonomous areas would consist of municipalities, parts of municipalities and settlements, in which before the 1999 banishment, Serbs constituted the majority population. *Thos territories would encompass agricultural land and other land and estates owned by Serbs before the 1999 war.*" (Plan for resolution of the current situation in Kosovo and Metohija, Chapter II, point 2.2.). In view of the fact that the majority of the Serb expellees had lived in city centres (Pristina, Pec, Gnjilane, Prizren, Urosevac, Istok, Lipljan, southern part of Kosovske Mitrovice) and that their return to those cities is not feasible in the foreseeable future, a just compensation (*compensatio lusatum*) must be effected. In other words, Serbs should be granted the right to parts of territories naturally connecting the Serb majority settlements, in which they had not constituted the majority, but to which population driven out during the ethnic-cleansing campaign, would be returning or is returning. If that condition is met, then the future areas with territorial autonomy should have regional characteristics; their geographic and natural features, economic and agricultural resources, existing and potential transport, power generation, utilities and other infrastructure and other necessary elements should represent rounded territorial wholes in which life is possible and development for repatriation of refugees is sustainable. " (Plan for the resolution of the current situation in Kosovo and Metohija, Chapter II, point 2.2.) "Territorial interconnectedness of autonomous areas is not a necessary condition of their existence and development, but rather-a desirable one. "On security grounds and freedom of

⁶¹ That Plan was published by the Official Gazette, year LX - no. 47 of 29 April 2004.

movement ones... when determining "territorial wholes" into account should be taken those areas "leaning on the rest of Central Serbia". According to the Plan, territorial autonomy of Serbs would be exercised in five territorial wholes - Districts: Central Kosovo, Northern Kosovo, Kosovo-Pomoravlje, Sarplanina, and Metohija. Those areas would make up a region, vested in political and legal, territorial autonomy within Kosovo and Metohija.

Serbs outside the region would be protected by cultural and personal autonomy. "Both forms of protection taken as a whole constitute a notion of the Serb Autonomous Community in Kosovo and Metohija." (Plan for resolution of the current situation in Kosovo and Metohija, Chapter III, introduction).

According to the plan's Arrangement of the Region, legislative, judicial and executive authorities would have to be put in place.

In explaining the plan, Prime Minister Kostunica stressed that "in order to prevent a repeat of violence against Serbs, Serbia needs a solid political plan, clearly showing a resolute stance that Kosovo and Metohija are an inalienable part of Serbia, and of the state union of Serbia and Montenegro." According to Kostunica, "the plan is in keeping with all international conventions on the protection of minorities rights, on model envisaged by the Dayton and Ohrid Agreement."

In his explanation of the government's Plan, adviser to Prime Minister Kostunica and one of the plan's authors, Slobodan Samardzic stated that "it enables autonomy within autonomy for the Serb and other communities interested in such a solution (Romany, Goranci, Bosniaks). Our proposal is that Serbs be vested in the right to pass their laws and implement them in their majority areas (...) We think that Serbs must pass laws if they are to be considered "autonomous". In fact I am clerly referring to the high level of institutional guarantees of their rights. What is demanded in the Plan of government of Serbia is in fact autonomy within autonomy".⁶² Samardzic also clarified that autonomy in the sphere of education would be tantamount to financial autonomy, that is, possibility to build Serb schools, name teachers and directors thereof, and have curricula similar to those put in place in Belgrade. "⁶³ The police autonomy would be of a similar design. According to Samardzic the police in a Serb area with an Albanian command structure could not function. Thus "according to our plan the Serb policemen would not be subordinated to the the Interior Minister elected by Kosovo parliament."

Samardzic indicated four conditions for appeasing the situation in Kosovo: "Firstly, a final solution should be renounced, secondly, territorial *status quo* in that part of Europe should be proclaimed, then an efficient mechanism of protection of Serbs should be adopted, and finally, long-term prospects should be linked to internal rules. Our goal is to protect Serbs and to

⁶² *Nin*, 28 October 2004

⁶³ *Idem*

ensure their living space, as well as to help the international community realize its mission, in view of its failures to date."⁶⁴

Aleksandar Vucic, high official of the Serb Radical Party was of the following opinion: "Those five envisaged regions districts should make one, as an essence of our self-rule. We face an uphill struggle to realize all that and remain unscathed in the battle for preservation of territorial integrity and state sovereignty of Serbia."⁶⁵ Prime Minister's adviser, Aleksandar Simic, stated that the Plan of the Government of Serbia "was a daily consequence of pogrom of Serbs in 17 March escalation of violence, and an attempt to resolve the salient problems in Kosmet."⁶⁶

In 5 November Communiqué issued by the highest republican officials the following was stressed: "Institutional resolution of status of Serbs in the province entails establishment of their self-rule as a higher level of power than local self-rule."⁶⁷ Top contender on the Serb list for Kosovo and Metohija Oliver Ivanovic, a day after the aforementioned meeting, nevertheless accused government of Serbia that in absence of another solution it was spiting the international community: "It is obvious that the government does not have a novel concept... it does not know what to do with us who were elected with only few votes. Their plan may be implemented only by force."⁶⁸

President of Serbia, Boris Tadic, also stated that independence of Kosovo should not be allowed "for it would be tantamount to the end of local Serbs, whose position is already catastrophic."⁶⁹ According to Tadic: "the second priority' is struggle for decentralization which would be tantamount to local self-rule of Serbs in their majority municipalities. Added to that, Serbs, on the level of the whole province, should have autonomy in culture, health, judiciary and even police."⁷⁰ Foreign Secretary Vuk Draskovic, spoke about "a joint European future" which excluded change of borders, and meant - a common accession to EU.

In *Proposal for Coexistence between Albanian and Serb People*⁷¹, put forward by Dobrica Cosic in his book *Kosovo*, the author presented in a re-hashed

⁶⁴ *Politika*, 2 June 2004.

⁶⁵ *Politika*, 30 April 2004., "Five districts for Serbia"

⁶⁶ *Politika*, 14 May 2004

⁶⁷ The meeting, convoked by Kostunica, was attended by Foreign Secretary, Vuk Draskovic, President of Parliament, Predrag Markovic, Vice Prime Minister Miroljub Labus, head of Co-ordinating Centre Nebojsa Covic and heads of all MP groups in parliament of Serbia: Tomislav Nikolic (SRP), Milos Aligrudic (DPS), Dusan Petrovic (DP), Miloljub Albijanic (G 17), Ivica Dacic (SPS) i Veroljub Stevanovic (SRM).

⁶⁸ *Danas*, 8 November 2004

⁶⁹ *Novosti*, 7 November 2004

⁷⁰ *Idem*

⁷¹ In order to win over the public opinion for that solution, the book "Kosovo" has been promoted Serbia-wide for several months. The said solution is tantamount to an informal Belgrade' stance on the resolution of the Kosovo status. The current vague

version of his old idea of division of Kosovo and separation of Serbs and Albanians based on "the compromise between historical and ethnic. Territorial separation presupposes the respect of private and state property and division of industrial capacities in which the Serb capital had been invested." According to Cosic, "the basis of territorial separation should be a demographic set-up before the Albanian, secessionism-minded, uprising and NATO aggression against Serbia and Montenegro."⁷²

Vice Prime Minister of Serbia, Miroljub Labus, launched an initiative for calling of an international conference on Kosovo, in November 2005. The conference would discuss the issues of standards, decentralization and *status of Kosovo* and should reach an agreement on protection of minorities rights, decentralization, entities, provisional sovereignty and collective security. He also urged division of Kosovo into the majority Albanian and minority, Serb entity.

In an article penned for daily *Politika* Miroljub Labus stated that the Serb entity would be made up of districts: Northern Kosovo (municipalities Leposavic, Zubin potok, Zvecan and Northern Kosovska Mitrovica) and Kosovsko pomoravlje (municipalities of Kosovska Kamenica, Novo brdo, Gracanica and parts of municipalities of Gnjilane and Lipljan). The Albanian entity would cover the rest of territory, about 85% of its total area. According to Labus, decentralization would be implemented in both entities on the basis of the Plan of the Government of Serbia on Territorial Autonomy, and a framework UNMIK plan on local self-rule. In those entities mechanisms for protection of minorities would be put in place, and monitored by EU. Labus urged that monasteries, notably, Visoki Decani, Pecka Patriarchy, Prizren-based seminary, ruins of St. Archangel in Prizren be declared extraterritorial areas.⁷³

Member of Presidency of G17 plus, Cedomir Antic, thought that Belgrade should send a clear message to Kosovar Albanians that "on offer is the highest-level autonomy and not the one on model of 1974." According to him, they should "choose whether they want autonomy Scotland-style or even Catalan-style... but if they don't want autonomy we have another option-to agree to determine the two entities and that in the period when they acquire status, the Serb entity be annexed to Serbia, and the second one be granted a special status under the EU protectorate".⁷⁴ He added that Serbia still had to pay off Kosmet debts and to finance lives of 100, 000 citizens, to make them stay there, for on the contrary, due to isolation, they would opt for emigration."

For Ambassador of Serbia and Montenegro in Greece, Dusan Batakovic, - the formula "more than autonomy less than independence" represented a

Belgrade's stance "More than autonomy-less the independence" aims to ensure Belgrade's participation in the forthcoming negotiations.

⁷² Dobrica Cosic, *Kosovo*, Vecernje novosti, Beograd 2005, page 256

⁷³ *Politika*, 6 November 2004

⁷⁴ *Politika*, 18 November 2004

realistic framework for the search of an acceptable solution. Taking into account international circumstances, Batakovic indicated that "for the sake of an exit strategy and our future political steps, we should take into consideration all stances of international community, for Kosovo has been partially excluded from composition of Serbia under UN Resolution 1244 and Kumanovo Agreement.". Batakovic however stuck to his stance that independence of Kosovo was absolutely unacceptable for the Serb side. But he added that "the last report of the International Crisis Group should not be underrated."⁷⁵ In his quest to ensure Belgrade's participation in future negotiations on Kosovo, Basakovic underscored the following: "We should do our utmost to remain part of the process and impact the key decentralization, additional protection of our religious, and cultural heritage, and create realistic possibilities for repatriation of displaced persons."⁷⁶

Such stand of his is in fact his adjustment to the newly-emerged situation, for several years ago (in 1998) Batakovic had presented to the international circles his plan for cantonization of Kosovo, under which 70% of provincial territory would be given to Albanians and the rest to Serbs.⁷⁷

Professor Svetozar Stojanovic, one of prime movers and masterminds of the Serb national program, and the key ideologue in 80's and 90's thought that Belgrade's sovereignty over Kosovo could not be called into question, but also that "a high degree of Kosovo's political and territorial autonomy should be guaranteed, as envisaged by the UN resolution 1244". Stojanovic also thought that "Serbia should undergo territorial and administrative re-organization on the basis of a democratic right of those Kosmet parts which used to have the majority Serb and other non-Albanian population (before NATO intervention) to demand exclusion from the province and direct constitutional-territorial inclusion into Serbia." According to Stojanovic "Montenegro and Serbia within the state union should devise a solution for those parts of Kosovo which territorially lean on Montenegro (the area around Pecka Patriarchy and monastery Visoki Decani). In such a set of circumstances, return of Serb soldiers and policemen to areas populated by Serbs and non-Albanians would be feasible."⁷⁸ Stojanovic underscored that accession of Serbia (together with Montenegro) to European Union should not be conditioned by status of "the province". And finally he recommended the following: "Reduced autonomy of

⁷⁵ In its January 2005 report the International Crisis Group concluded that the time was running out in Kosovo and that *status quo* was no longer sustainable. The ICG predicted that if independence of Kosovo was not gained with approval of Serbia mid-2006 or by adoption of an UN resolution, it could be recognized by the international community or at least by those "UN member-countries ready to do that."

⁷⁶ *Danas*, 19 February 2005

⁷⁷ *Ogledalo*, 26 May 2004

⁷⁸ *Politika*, 15 November 2005

province of Kosmet should be tackled only when human, civil and national rights are fully exercised, and rules of civilized Europe fully implemented."⁷⁹

Goran Svilanovic, in his capacity of Foreign Minister of Serbia and Montenegro took part in the Ministerial Conference on Western Balkans held in Japan. He then talked about decentralization of Kosovo, as a solution which "along with combined territorial and personal autonomy for Serbs and non-Albanians, does not prejudice a final resolution of status of the province... in fact it would be cohabitation similar to the Bosnian model."⁸⁰

Former Serb Prime Minister Zoran Zivkovic also urged division of Kosovo for "such a division along ethnic lines would help Serbia keep at least Northern Mitrovica in which Serbs constitute the majority." According to Zivkovic's assessment in case of division of territory, Serbs would be compelled to leave isolated enclaves in south and central Kosovo.⁸¹ In his mind "Serbs and Albanians would be fully separated in physical terms. They would be empowered to define their power and elect their bodies connected with Serbia and its bodies. That division, at the time of almost certain recognition of independence of Kosovo, would enable the Serb part to remain within the framework of Serbia."⁸²

One of the most influential jurists in Serbia and director of the Belgrade Centre for Human Rights, Vojin Dimitrijevic, assessed that in fora to be addressed by Kostunica, "there would be a visible propensity to look for a solution similar to the Bosnian model. For me the name of that model is irrelevant, much more is important the quality of future life of people there. But for many people here the name of that model shall have a great symbolic value. But it is obvious that a kind of territorial autonomy, filled with a kind of personal autonomy, for parts in which one national grouping is not compact, shall be sought... and it does not seem a tragic solution."⁸³

Director of Forum for Ethnic Relations, Dusan Janjic, said that "for the time being there are no conditions for negotiations on the new status, that is on, independence." Hence he suggested that "guided by the idea: Serbia and Montenegro, that is Serbia and Kosovo together in European Union, Belgrade could tackle the issue of future of Kosovo. Thus that issue could become part of process of stabilization and association." The first step in that direction, according to Janjic, could be informal, expert or highest-level political talks, which could help the UN Security Council to take decision on the new status of Kosovo: "the next step could be a framework, international (regional) conference on future of Kosovo and development of Serbia and Western

⁷⁹ *Politika*, 15 November 2005

⁸⁰ *Danas*, 6 April 2004

⁸¹ *Kurir*, 6 July 2004

⁸² *Vecernje novosti*, 2 November 2004

⁸³ *Danas*, 24 March 2004, dialogue between Veton Suroi and Vojin Dimitrijevic in Kaziprst program of B92 radio.

Balkans. Belgrade needs a strategy of dialogue on future of Kosovo, inclusive of a triumphant formula "territory for development." According to Janjic such an approach would open up three possibilities for Belgrade: *extension of the current, provisional status for another 10 or 15 years with a strengthened participation of EU; Kosovo with its status of the republic joins Serbia and Montenegro; in keeping with the Helsinki Act principles proclamation of independence of Kosovo in the current, or accordingly agreed, changed territorial framework.*"

Commitments of the government of Serbia would be the following: assistance to the Serb community in Kosovo in the exercise of its rights and freedoms, including the right to self-organization and self-administration: "Key instruments in upping the degree of autonomy and responsibility within the framework of activities of the Serb community are: decentralization, building of institutions of minority autonomy, strengthening of civilian society within the Serb community." Janjic also suggested establishment of a co-ordinating body of the Serb community in Kosov, tasked with co-ordination of its members, co-operation with the Belgrade authorities and international community, including UNMIK, and a local dialogue with Albanians. According to Janjic, an agreement should be reached on drafting adequate provisions and other regulations of UNMIK, and the first step in the direction of decentralization should be made: establishment of new municipalities, including the Serb ones and formation of local, security-police forces. He also suggested "a strategic round-table on Kosovo incorporating politicians and experts, as well as other representatives of society (businessmen, officials of the most influential organizations of civilian society and of Serb organizations from Kosovo). Thereupon an agreement should be reached to ensure public support for implementation of its decisions."⁸⁴

President of Movement Force of Serbia, Bogoljub Karic, together with the Serb Renewal Movement and New Serbia, presented the project *Kosovo – Euro Region*. According to that concept "Serbia should not lose part of its territory... it was not seized by the international community... a compromise should be made to provide for a full independence of all people living in Kosovo... and most importantly, to protect local Serbs. I suggest that EU turns Kosovo into a regional zone, similar to Shanghai and Hong Kong (...). If the concept of Euro region were adopted, the highest-degree autonomy and EU standards would be implemented in Kosovo, and Serbia would remain within its current borders. Vojvodina is already an Euro region. Application of the same concept on Kosovo, is the best way for enabling Serbs and Albanians to co-operate, work together, raise their living standards and live better."⁸⁵

President of Co-ordinating Centre for Kosovo and Metohija, Nebojsa Covic, stated that "Kosovo and Metohija could have a high-degree autonomy,

⁸⁴ 30 June expose on Serbia in State Department, as carried by *Politika* in its 7 July 2004 issue.

⁸⁵ *Danas*, 10 January 2005

but within the framework of Serbia. If orientation is change of borders, which could become a reality after proclamation of independence, then such a principle should be applied in the whole region. If Albanians were empowered to decide on their independence in a referendum, then a similar right should be granted to citizens of Republika Srpska! Hence it is up to the international community to decide if it is in favour of changes of borders or not." According to Covic, "that status cannot be attained swiftly... if it happens it shall be at our expense. Hence we must insist on the right order of things-first, repatriation, then standards and democratization, and lastly-the final status."⁸⁶

Constitutional issues adviser to President of Serbia, Zoran Lutovac, stated that "in the text of the new Constitution territory of Kosmet would be defined as an integral part of Serbia, but if that status is changed, then amendments to constitution would have to be introduced. However I cannot assert that the new constitution would be passed in the course of this year, for in that constitution-drafting process we face a number of problems. Namely that issue is its manner of adoption: should it be adopted by constitutional-making assembly or under the current procedure. If a social and political consensus on the key issues is reached, then the procedure could be accelerated."⁸⁷

Professor Momcilo Grubac, former president of the Federal Constitutional Court, and former Justice Minister of the FRY, stressed that "Constitution -makers have no other choice but to treat Kosovo as an inalienable part of Serbia. However the Constitution cannot determine the degree of autonomy and arrangement of Kosovo, for the final status has not yet been agreed upon. Once the status-related negotiations are finalized, then we could say that the southern Serb province would have conditions identical to those enjoyed by our other province- Vojvodina. Then, new amendments to constitution shall not be necessary. New constitution would be amended only if status of Kosovo were changed, but with such bleak prospects we should not embark on negotiations."⁸⁸

Deputy President of the Serb Radical Party, Tomislav Nikolic, said that "the only room for negotiations is the one related to the degree of autonomy of Kosmet. That issue shall have to remain partially undefined under the new constitution, to avoid the need to amend that constitution anew, but everything else would be precisely spelled out."⁸⁹

⁸⁶ *Vecernje novosti*, 10 January 2005

⁸⁷ *Kurir*, 11 January 2005

⁸⁸ *Kurir*, 11 January 2005

⁸⁹ *Kurir*, 11 January 2005

International Community and Status of Kosovo

In the wake of the March unrest, international community started sending clear signals that on the agenda was resolution of status of Kosovo. Special UN Rapporteur Kai Aide, tasked with the analysis of the March violence in Kosovo, recommended that the policy "standards before status" be supplanted by a more dynamic policy of "standards based on priorities" (...) to make easier a well-prepared discussion on the future status". The report published by several dailies, indicated that the policy "standards before status" was partially devised as means to manage an interim period, and to prime the international community to eventually tackle the issue of future status of Kosovo. The report, inter alia, read: "Kosovar Albanians, like Kosovar Serbs, consider those standards unrealistic and unattainable ambitions in the short-term (...) On the other hand the international community reiterates, quite unconvincingly, its mantra." Aide announced the fall 2004 UN-sponsored discreet, highest-level consultations on political issues, and a new and comprehensive strategy.⁹⁰

As early as on 2 April European Parliament adopted a resolution calling on the EU Council of Ministers to initiate a broad discussion on the final status of Kosovo. Participants in that discussion should be "personalities from the world of politics, intellectuals, and regional NGOs."⁹¹

British Foreign Office Undersecretary, Dennis McShane, during his late October visit to Pristina and Belgrade, stated that "on international plane the issue of final status of Kosovo acquired some urgency. Kosovo cannot be relegated to 1999, 1989, and notably to 1389 (the year of the Kosovo battle). By boycotting direct talks with Pristina Serbia is making room for a radical independence advocacy by those interested in such a solution. He added: "Tomorrow I shall tell Rugova that Europe expects interdependency and joint sovereignty rather than independence and sovereignty disrespectful of the needs of neighbours."⁹²

President of Interparliamentary delegation of European parliament for South East Europe, Doris Puck, stated: "It is clear Kosovar Albanians shall never again be governed by Serbia, for after the past events, no-one could compel them to agree to such a solution. " In her mind one of the possible solutions for Kosovo could be an EU protectorate, with a high-autonomy for Kosovo authorities: "UNMIK should vest the Kosovo authorities in sweeping powers to make them able to show the degree of their acumen, that is, their ability to apply standards relating to decentralization, repatriation of refugees and protection of minorities."⁹³

⁹⁰ *Danas*, 26 August 2004

⁹¹ *Vecernje novosti*, 2 April 2004

⁹² www.b92.net, see archives of 25 October 2004

⁹³ *Danas*, 9 November 2004

In contrast to all the previous years, last year status of Kosovo stopped being a taboo topic even within the UNMIK administration and international organizations missions in Kosovo. In the first stage of his mandate, head of UNMIK Soren Jesen Petersen said that "peace and determination of the political status of Kosovo was the only path for the province, that is, the one entailing stability in the region.". In his interview to BBC, Petersen explained that the current status of Kosovo was a provisional one, and that the UN Resolution 1244 made it clear that the goal of the interim mission (UNMIK) was to lay the groundwork for talks on the final status: " I am convinced that stabilization and normalization hinge entirely on clarification of status of Kosovo. Obviously I have never aired my stand on that issue, nor I intend to do that in the future. But all regional leaders have told me that the Balkans cannot move forward, cannot make any progress in economic and other spheres, until status of Kosovo is resolved."⁹⁴

During his press conference, the US Ambassador in Belgrade, Michael Poutl, stated that Belgrade was offered on many occasions a series of modalities for its inclusion in the debate on Kosovo: dialogue between Pristina and Belgrade-which has never materialized, and Kosovar Serb liberty to conduct consultations with Belgrade on their stance vis a vis Kosovo status. Kosovar Serbs should also take part in all processes in Kosovo, their stance must be heard (...) Belgrade has the right to get involved in that process, to have its stand, and that stand must be discussed. All in all Belgrade is entitled to join deliberations on the final resolution of Kosovo status. But the international community decided that the said solution should be reached in Kosovo, and not in Belgrade, Washington, Bermudas, or elsewhere. That it is the only sensible decision.⁹⁵

Head of UNMIK Petersen reiterated the regional importance of resolution of status of Kosovo. Namely he underscored during his visit to Skoplje the importance of a regular and intense dialogue of all regional countries which would have an impact on the final status of Kosovo: "such a dialogue is a venue at which stands of regional countries can be aired... and those stands consequently have their impact on the status-related negotiations."⁹⁶ Petersen and Macedonian President Crvenkovski assessed that a swift demarcation of borders between Macedonia and Serbia and Montenegro in the area of Kosovo should be carried out before the start-up of negotiations on Kosovo status. During his September visit to Albania Petersen made it clear that determination of the final status of Kosovo and consolidated relations with neighbours would boost the regional stability. Albanian President Alfred Mojsiu during his April visit to Pristina stated that any further delay in status determination would help foment extremism in the region: "The longer the

⁹⁴ *Danas*, 18 August 2004

⁹⁵ *Vecernje novosti*, 4 September 2004

⁹⁶ *Danas*, 10 September 2004

delay in final negotiations, the broader the scope for militant actions on all sides."⁹⁷

The only international partner on which Serbia counts is Russia, and its role in the Security Council. Russian official Vladimir Cizov, stated: "Any discussion on the issue of Kosovo must take into account stands of total population of the province and decisions taken by leadership of Serbia and Montenegro."⁹⁸ Ambassador of Russia in Belgrade, Vladimir Ivanovski, stated that Russia "has been insisting on regionalization of Kosovo for two years now. Now we are awaiting decentralization plan, to be shortly completed by the government's commission (...) Within the framework of the Contact Group Russia would back the principles proposed by Serbia. Neither Russia nor other members plan in a foreseeable future to raise the issue of status."⁹⁹ Deputy President of Duma, Sergej Baburin, stated that "the Russian political circles have taken a unanimous stand that Kosovo should remain an integral part of Serbia and Montenegro."¹⁰⁰

Decentralization

Decentralization of Kosovo is one of the key issues over which Albanian and Serb community are deeply divided. That issue, imposed by the Serb community, was prioritized in the wake of the March unrest. On the one hand, Serbs think that the process of decentralization would help resolve the security issue, while, on the other hand, they use it for ultimately attaining the division on model of Republika Srpska Krajina in Croatia and Republika Srpska in Bosnia and Herzegovina. The linchpin of the Serb decentralization proposal, is the Plan of the Government of Serbia (described in the "Kosovo status" part of this report). Serbs, who for decades have enjoyed a privileged position in Kosovo, are now unwilling to accept the status of minority.

On the other hand, Albanians, having taken into account specific features of Kosovo (the size of its territory and number of inhabitants),¹⁰¹ think that the reform of local self-rule, as a long-term process, cannot be linked to security issues. Government of Kosovo, in keeping with the Council of Europe criteria, drafted a framework document for the reform of local self-rule and plan of

⁹⁷ *Vecernje novosti*, 23 April 2004

⁹⁸ *Politika*, 1 April 2004

⁹⁹ *Politika*, 10 April 2004

¹⁰⁰ *Politika*, 15 June 2004

¹⁰¹ 25 municipalities have Albanian majority, while only in five, Serbs constitute the majority population. In Albanian majority-municipalities 1 MP represents 1,500 citizens, while in Serb municipalities 600 citizens are represented by 1 MP. Kosovo municipalities are territorially largest municipalities in the region (45,000 inhabitants per municipality).

implementation of the Pilot project, along with the assessment that the said reform was one of key issues.¹⁰²

Issue of decentralization could be a hurdle to resolution of the final status of Kosovo, since official Belgrade imposed that issue as an instrument of a possible division. Decentralization is a long-term process, since, in the large part of the region, and not only in Kosovo, it is linked to changes (in paternalistic and patriarchal) cultural model and way of thinking/mindset. Despite proposing it, Belgrade politicians have never in fact genuinely backed the process of decentralization in Kosovo, as reflected by their boycott of the working group for decentralization.

Albanian perception of that issue is the following: legitimization and legalization of ethnic entities in Kosovo, would threaten the process of decentralization and would radicalize the situation on the ground. Moreover it would become a bone of contention between the two entities, and fuel new resettlements of population from one entity into another. Division of cities, like Kosovska Mitrovica, the most tension-riddled area in Kosovo, would produce dire security and political consequences, and become a source of serious, economic inequality. For example, in northern part of Mitrovica a garbage depot worth 2,5 million Euro was built, though a similar one already existed southern part of Mitrovica.

At decentralization-themed panel discussion organized by the Helsinki Committee, Oliver Ivanovic, from the Serb List for Kosovo and Metohija, voiced a different perception of the process. Namely he said that Kosovo should have five big cities with equal prerogatives. According to him municipalities should be empowered to run independently primary health care and education, public services and utilities, town-planning, tax-levying, local judiciary and police. In his mind the process of privatization should be only partially controlled by municipalities. According to Ivanovic, the process of decentralization should make local municipal officials more open to demands made by citizens, for "as the things stand now, Pristina, the city of nearly half a million people, cannot be run from only one centre."

Representatives of the Serb community urged that health care be managed locally, for "we don't trust health institutions employing Albanian doctors and medical personnel. For example a Serb from Pristina instead of going to the nearest health institution prefers to see a doctor in Kosovska Mitrovica or in another city in Belgrade." Introduction of ethical principles in health care organizations and accessibility of medical care to the Serb community, are the two important measures to be urgently implemented.

Local self-rule expert, Dusan Vasiljevic, stated during the HC-organized panel, discussion that decentralization was not a universal solution for Serbs and that their problems should be resolved on the central level: "Decentralization on all levels is not realistic, for it be tantamount to suspension

¹⁰² See the report from panel discussion "Decentralization of Kosovo", www.helsinki.org.yu

of the state. On the other hand, that issue should not be sidelined just because it has been raised by Serbs."

Role of the Serb Orthodox Church

The Serb Orthodox Church exerts a great political influence on Kosovar Serbs through well-organized Raska – Prizren eparchy and high cleric Artemije. That eparchy almost every day issues political communiques on the key political processes and events. The SOC which had obstructed the electoral process by dissuading Kosovar Serbs from going to the polls, currently makes concerted efforts to impact talks on the future status of Kosovo. The SOC and Kostunica-led government have nearly identical stands on Kosovo, as demonstrated by their joint efforts to persuade the Serb electorate in Kosovo to stay away from the elections.

Like the majority of Belgrade officials, the SOC sees Kosovo exclusively as part of Serbia. In line with such a concept, for the SOC the Serb minority status is –unacceptable. In the communique directly airing their political stance, the aforementioned eparchies also indicated their concern over the fact that "the public discussion on Kosovo and Metohija on the domestic and international scene is increasingly focusing on protection of so-called minority rights of Serbs in the Province, while totally glossing over the issue of future status of Kosovo and Metohija within the framework of the state union of Serbia and Montenegro." Communique, *inter alia*, read: "Instead of initiating a discussion on the status of Albanian community within Serbia, the public debate is entirely focusing on the protection of Serb rights in Kosovo and Metohija. Moreover, during discussions in various fora, governmental and independent experts from Belgrade, openly mention diverse models of protection of rights of the Serb community in Kosovo and Metohija, as if it were a fully independent entity. Models of the Alland islands or South Tyrrol autonomy are mentioned in the context of resolution of status of "the Serb minority" in Kosovo and Metohija, and not in the context of models of autonomy applicable in case of Albanian community in Serbia and in the state union of Serbia and Montenegro."¹⁰³

In its elaborate paper on the future status of Kosovo, Raska –Prizren and Kosovo-Metohija eparchies, underscored the following: "Belgrade's failure to come up with a clear and concrete proposal for autonomy of Kosovo and Metohija within Serbia and the Serb-Montengrin state union, and its mantra-like reiteration of the formally guaranteed sovereignty of the state union over Kosovo and Metohija under the UN Resolution 1244, are increasingly creating the impression among the general public that the gist of the state strategy of Belgrade is to find an adequate mechanism of protection of the "minority

¹⁰³ Communique : ERP, Info-service, 21 July 2004

rights" of Serbs, instead of coming up with a clear and responsible state concept of preservation of the state sovereignty of Serbia and the state union within the current borders. (...) "Obviously, the issue of status of Serb people as state-forming and constituent people on the part of their territory in which they are deprived of fundamental rights and freedoms, should not be neglected, and in fact it is of a paramount importance for the local Serb population and its future. However that issue should not be politically given priority over the one relating to preservation of the state territory and definition of Kosovo and Metohija as an autonomous region within the framework of Serbia. If the government does not soon make public its concrete stand on what a democratic and new Serbia is offering to Kosovo and Metohija as an integral part of its territory, the future discussions on Kosovo status could be reduced only to finding the modalities of resolution of the minority rights in the Province, which shall gradually and tacitly be recognized as an independent entity."

In its political engagement in Kosovo, the SOC even obstructed renovation of monasteries and churches in Kosovo, by withdrawing its signature on the pertinent Memorandum signed with UNMIK. Memorandum was signed on 28 June 2004, after *visits of three Council of Europe commissions tasked with protection of cultural heritage*.¹⁰⁴ The SOC justified its move by excessive meddling of Kosovo institutions. High cleric Artemije then stated that "the SOC cannot accept any reconstruction of churches and monasteries, without previous consents and participation of authorized and competent institutions from Serbia, notably of the Institute for Protection of Monuments."¹⁰⁵

Raska-Prizren Eparchy responded angrily to the report of the Independent International Commission, by dint of a letter which high cleric Artemije sent to that Commission : "We shall not allow implementation of such initiatives on the ground, and shall resolutely protest against such usurpations of our rights by any organization or similar initiatives relating to the protection of our cultural heritage. If such initiatives continue to be implemented on the ground against our will, they shall be considered acts of violence- and we know that many have been committed in Kosovo and Metohija in the past five years- and a clear evidence of intentions and character of those committing them."¹⁰⁶ High cleric Artemije also posed the following question: "What is the background of that intention and wish to take care of the whole Serb heritage in Kosovo and Metohija? It is like flying in the face of our national institutions in Belgrade, the SOC and the state of Serbia." Such a stance of SOC prevents reconstruction of the cultural heritage and denies the fact that the said heritage

¹⁰⁴ Independent international commission set up on 10 September 2004 in Paris by Council of Europe, European Commission and UNMIK produced the report on damages incurred to the SOC property during the March unrest. That document was published on 15 September 2004 under the code AT04 224 rev2.

¹⁰⁵ *Vecernje novosti*, 15 November 2004

¹⁰⁶ *Danas*, 24 September 2004

is not only Serb or Albanian, but, also international. Hence, in those terms, any assistance of international organizations aimed at its preservation is – necessary.

South Serbia

All the Kosovo status –related issues are reflected especially in South Serbia (municipalities Presevo, Medvedja and Bujanovac inhabited by Albanians.) Cantonization and division of Kosovo along ethnic lines would affect that part of Serbia and radicalize local Albanian population. President of Democratic Party of Albanians which had won at local elections in Presevo, Ragmi Mustafa, told the London Institute for War and Peace Reporting that "South of Serbia would unite with Kosovo, in case of any change of border in Kosovo, that is, if Northern Kosovo remains outside the Kosovo jurisdiction."¹⁰⁷

That statement and other parts of that IWPR feature were carried by *Nacional* under the headline "Presevo soon without Serbs". The author's conclusion was the following: "*Nacional* hopes that the Serb authorities would soon succeed in making the right move by resettling to houses in Presevo refugees from Croatia currently accommodated in the Palic camp. By such and similar moves we can hope to save that part of our territory. We hope that President Kostunica shall read this text and that by late 2005 we would be able to proudly say that in Presevo the majority population is of Serb nationality and Christian Orthodox faith."¹⁰⁸

The Serb-Montenegrin Defence Minister, Prvoslav Davinic, heralded in late 2004 reinforcement of the military presence in South Serbia, in view of impending talks-in mid-2005-on resolution of Kosovo status. Namely he stated: "We shall form in Nis associated command of ground forces, composed of the current units of the Nis and Pristina corps. We plan to deploy in some parts southern parts of the country the two special forces batallions, that is, to station them there to respond to possible challenges." Davinic made it clear that "concerted efforts are made to prepare the army for facing new security challenges and threats which may appear next year, with the beginning of talks on resolution of the final status of Kosovo."¹⁰⁹

A soldier of Serb-Montenegrin army on 7 January 2005 killed a 16-year old Dasnim Hajrulahu (from village Miratovac, Presevo municipality) at the Serb-Macedonian border. After the killing, the Defence Minister Davinic was quick to communicate that the boy, on his return from a neighbouring village, located in Macedonia, "tried to illegally cross the border. The soldier issued a few warnings, but when the boy did not respond, he fired at him. That incident

¹⁰⁷ *Nacional*, 15 December 2004

¹⁰⁸ *Idem*

¹⁰⁹ *Vecernje novosti*, 23 December 2004

happened between 12 and 14 hours." Underscoring that findings of investigation in progress would give all the precise answers (that investigation is yet to be completed), the Defence Minister assessed that "it was obviously an attempt to prevent illegal border crossing... since that border crossing is most frequently used by commodities smugglers."

According to the official version, after hitting a tree the bullet ricocheted into the boy and killed him on the spot. The body was found "at the juncture of police roads (...) 444 metres from border demarcation stone." In the trunk of the wild fig tree, 60 cm above the ground, and at a distance of 6,4 metres from the lifeless body, a bullet hole was found. Empty cartridge was found at a distance of 244 metres from the dead boy.

In view of the incident the assembly of municipality of Presevo on 10 January adopted 9 demands: an urgent, and preventive response by the international community in Presevo valley; stationing of international armed forces; retreat of special police forces, those of Gendarmerie; opening of new border crossings towards Kosovo and Macedonia and trial of the boy's killer in Presevo.

Since the end of conflicts in 2002 South of Serbia was totally neglected or rather put on the back burner (notably in economic terms) by the government of Serbia and Co-ordinating Body for South of Serbia. Only the murder of the boy arose anew the general and mostly, political interest in that area.

Conclusions and Recommendations

In view of a complex nature of Kosovo problem, and high emotional charge on both sides, the Helsinki Committee for Human Rights in Serbia is of the following opinion:

- Parliament and government of Serbia, alike all national institutions, should accept the reality in Kosovo and accordingly seek solution for a future agreement between Albanians and Serbs in Kosovo;
- Issue of decentralization along ethnic principles is a hurdle on the road to resolution of the final status of Kosovo; it bears saying that it is a long-term process linked to change of (paternalistic and patriarchal) cultural model and line of thinking.
- Legitimization and legalization of ethnic entities in Kosovo would threaten the process of decentralization and radicalize the situation; by extension it would make room for continual tensions between the two entities, and the likelihood of new resettlements of population from one entity into another;
- International organizations should be allowed to render all kinds of assistance aimed at preservation of Kosovo cultural heritage.

Montenegro: On the Road to Independence

Introduction

The EU-sponsored loose union between Serbia and Montenegro in 2002, as an interim three-year long arrangement between the two states, proved to be an unworkable project, for it did not succeed in halting the prevailing, pro-independence striving and aspirations of the Montenegrin society. Pro-independence movement recently founded in Podgorica aims to both prepare the referendum and affirm all democratic and European values advocated by Montenegro in the course of 2005. Process of association with EU came to a standstill in Serbia and Montenegro and Podgorica is Belgrade's hostage primarily because of non-cooperation of Kostunica-led government with the Hague Tribunal. Montenegro has a major reform advantage with respect to Serbia. EU acknowledged that fact by adopting a "two-track" formulae in Maastricht, which was tantamount to recognition that the two states in the economic field should continue the process of harmonization independently.

In parallel the Movement for preservation of the state union of Serbia and Montenegro was founded in Podgorica. Founding of both movements illustrates well the rift among the general population with respect to independence and also reflects involvement of the Belgrade nationalistic circles (part of the Academy of Arts and Sciences, and notably of the Serb Orthodox Church and of some Serb opposition parties) in the Montenegrin politics. The aforementioned movement is organized along the lines of party membership and Serb descent, and draws its inspiration from a similar Belgrade-based movement, founded by academicians Ljubomir Tadic and Matija Beckovic. The Serb Orthodox Church spearheaded by Mitropolit Amfilohije impacts the aforementioned Movement by dint of some members of the Movement who are also representatives of tribal councils, in whose founding the church played a major role.

In Montenegro is noticeable an accelerated crystallization of relations between the two states, which in turn creates a context for different actions and activities of both the opposition and government. Those new actions could neutralize the influence of the Serb nationalists, notably of the SOC and army

and their hold over the opposition parties. Consequently such activities would make room for different dynamics and a firm orientation towards further implementation of reforms and Europeanization of society. In a new context there would be a more efficient public control over the government and parliament. An independent Montenegro would have more room for development and improvement of relations with neighbours. Montenegro is oriented towards abolition of the army (its borders are guarded and secured by the local police like in all the European states, while in Serbia borders are still guarded by the army), that is, a total demilitarization.

Belgrade's pressure on Podgorica to organize direct elections for the Serb-Montenegrin Parliament, propelled by the desire to consolidate the state union and simultaneously eliminate the threat of referendum, did not produce the desired result, partly due to the Brussels reluctance to intervene. Though the direct elections are envisaged under the Constitutional Charter of Serbia and Montenegro, European officials repeatedly underlined that those elections were an internal matter of the two states. Or rather "something to be agreed upon the two states." The Montenegrin ruling coalition offered to Belgrade indirect elections for the Serb-Montenegrin parliament (namely to "delegate" MPs from the existing composition of the republican parliament), but that offer met with an outright rejection by Kostunica-led government. The proposal on separation on Czech-Slovak model, or formation of an alliance of sovereign states, was also rejected by Belgrade. In the meantime the Montenegrin government embarked upon its pro-referendum campaign.

Referendum: Pros and Cons

After the October 2000 downfall of Milosevic regime, President Djukanovic and his government faced a historic choice: to enter a union with Serbia or to go independent. But the independence option even then enjoyed a large backing. The foregoing demonstrated a high level of emancipation of the Montenegrin society, which was to a large extent brought about by an open attempt of Belgrade to establish full control over Podgorica.

Small-margin victory of Montenegrin pro-independence parties at April 2001 elections, postponed the plans for holding of referendum that very year. Djukanovic then also faced the election boycott threat of opposition parties and several months-long intense pressure of EU to postpone the referendum on independence. The EU-sponsored Belgrade Agreement of March 2002 which put in place a loose union between Serbia and Montenegro (the state union of Serbia and Montenegro) clearly envisaged the right to referendum after three years. However throughout 2004 Serbia denied that right to Montenegro by maintaining the Constitutional Charter solution according to which a referendum might be called in 2006, and not in 2005.

Government-promoted concept of independent Montenegro advocates formation of a civil state based on the rule of law and democracy, preservation of relations with Serbia and promotion of good relations with its neighbours. Its principal goal is membership of European Union and Euro-Atlantic integrations. To put in place that concept the Movement for an independent, European Montenegro, was founded in Podgorica. It rallies all independence-minded structures, from both political and civilian sector, and also non-party individuals. It is a multi-ethnic movement, without leaders, and its basic program is to promote the idea of Montenegrin statehood and conduct the pro-referendum campaign.

Branko Lukovac, former Serb-Montenegrin Ambassador to Romania, at the helm of the said Movement, thus described advantages of that option: "Montenegro would have its own internationally recognized legal status and would be empowered to independently take decisions on its international position, relations with other states, interests, ties with international institutions and organizations. By extension we could more swiftly reach the association agreement with EU, and join Partnership for Peace, the WTO and reach more effective results in approval and ratification of financial arrangements with international financial institutions."¹

Rade Bojovic, Co-ordinator of the Movement for Independence, said that they counted upon Montenegrin divisions over the issue of statehood, but emphasized that a dialogue with the opponents advocating union with Serbia was also prioritized. He went on to note: "We shall conduct a positive campaign. We don't intend to raise tensions and confront our opponents. We shall instead offer them-a dialogue. What is relevant for us is the balance of powers, which currently runs at 54-55 % (for independence): 45-46% ratio (against independence). We need to raise that "for" percentage and to legitimize the movement, as a democratic, statehood-making one, and moreover as the movement bent on resolving that issue in the way it would be done in the West and according to Western criteria. Handicap of our opponents are their nationalistic charge and hues. It is a kind of a pro-Serb movement in Montenegro, ethnically reduced, a kind of para-party movement."²

Stand of the Serb parties on the pro-independence movement is best illustrated by the following statement of Dragan Soc, President of the Popular Party: "That movement intends to continue transformation of Montenegro into an anti-Serb state and inclusion of Montenegro into the block of anti-Serb states together with Croatia and Kosmet."³

Respectable minority, advocating firm ties with Serbia, is composed of Serb parties in Montenegro heavily influenced by Belgrade, notably the Serb Orthodox Church. Those forces joined in the Movement for the State Union of

¹ *Vecernje novosti*, 18 October 2004

² Interview of the Helsinki Committee ,21 January 2005

³ *Politika*,16 December 2004

Serbia and Montenegro, but were snubbed by the staying away of the strongest Montenegrin opposition party, Socialist Popular Party. The Movement advocates an European Serbia and Montenegro, but its prime movers are against "deserbization" of Crne Gore. The ultimate goal of the movement is prevention of referendum, that is neutralization and sidelining of the democratic right of citizens to decide on their own future.

In fact one of the principal goals of the Movement for the Common State is to create a new leader, the one who would replace, not-so-radical Predrag Bulatovic, President of the Socialist Popular Party, who has not lived up to expectations of the Serb Orthodox Church and nationalistic circles in Belgrade. The basic document of the movement was drafted by Bogoljub Sijakovic, former Federal Minister for Religiona, considered a die-hard Serb nationalist and a man to the likening of the Serb Orthodox Church. At the meeting of the Belgrade Association "Knez Miroslav" dedicated to "clarification of disappearance of Serbhood in Montenegro and revival thereof", stated: "There is an ongoing genocide against Serbs in Montenegro. It has began in the WW2 and has been conducted in two stages, the first one was led by Communists and the second one is being led by the incumbent authorities."⁴

A. ROLE OF THE SERB ORTODOX CHURCH

The Serb Orthodox Church, notably its most militant faction, is involved in political activities, despite the secular and civil character of the Montenegrin state. Eversince the clerical-political meeting in monastery Maine in 2001, the Serb Orthodox Church has taken on the role of the mainstay of supporters of the common state. The SOC clerical dignitaries openly talk about their priority: preservation of the common state. In mid-January 2005 in monastery Dajbabe, with a public blessing of Mitropolite Amfilohije, the Council of Popular Assemblies adopted a declaration on the protection of the common state, church and language. At its founding assembly identical declaration was adopted by the Movement for the Common State of Serbia and Montenegro.

Church exerted much influence on the formation and shaping of the Movement for the Common State. High official of the Democratic party of Socialists, Miodrag Vukovic, assessed that Montenegro was enough politically mature to foil any clerical and obsolete forces' attempt to stage the return of Montenegro to the remote past: "We face a danger of being turned into a theocratic state based on Orthodox fundamentalism. That danger is reflected in the current anti-referendum campaign conducted by the Serb nationalists and unitary state backers."⁵ Political analyst Srdjan Darmanovic thinks that one could even say that the SOC decided to try to rally all Serb nationalistic forces in Montenegro in the shape of the Movement for the Common State, that is, the

⁴ *Vesti*, 6 March 2004

⁵ *Vecernje novosti*, 30 August 2004

very forces who demonstrated their extreme militancy in early 90's developments-notably in 1998- and even later.

In December 2004, under political auspices of the SOC, there were some contacts between leaders of the Serb parties, but no-show of Bulatovic and the Socialist Popular Party high officials was conspicuous. Crucial role of the SOC was confirmed by Momcilo Vuksanovic, an official of the Socialist Popular Party and President of the Management Board of NGO "Council of Popular Assemblies": "For us in the Council it is very important to have our activities blessed by Mitropolit Amfilohije and we often have consultations with Mitropolit and the SOC. That is why we even visited Patriarch Pavle. We wanted him to bless our activities and officials."⁶

Although Bulatovic was a regular guest during orthodox festivities, in the SOC Mitropolit seat they criticized Bulatovic for failing to establish closer ties between his party membership and the Serb church, in contrast to other party leaders in Serbia and Serb parties in Montenegro: he never invited the SOC priests to bless his party premises, never proclaimed his party's patron saint day, or staged any clerical manifestation or ritual. For the SOC Bulatovic is "a man with Communist leanings." By extension the Serb political elite, notably Kostunica-led Democratic Party of Serbia still consider Bulatovic and his party as former allies of Slobodan Milosevic who kept suffering political defeats at the hands of Djukanovic and his coalition. DPS, Seselj's Radical Party and the SOC feel a deeper affinity for the Serb Popular Party of Andrija Mandic.

Mandic's party organized a rally on the status of the Serb people in Montenegro. That rally proposed an autonomy (community of free and independent municipalities) of Serbs in Montenegro with executive bodies, budget and schools using textbooks from Belgrade and Pale in order to prevent "the Montenegrin authorities apartheid against the Serb people".⁷ The same party launched an initiative to set up a two-chamber republican parliament with a view to ensuring proportional representation of 30% of declared Serbs in the Montenegrin administration. Though the aforementioned ideas were not translated into practice, the SOC managed to set up the Council of Popular Assemblies composed of councils of Serb tribes in Montenegro.

SOC clerics took part in numerous political campaigns, and openly intervene into the state affairs. They have moreover staged months-long protests against the educational bodies' decision to re-name Serb language into -mother-tongue. Although no-one proposed suspension of the Serb language, both the SOC and Serb opposition manipulate that issue. In Belgrade Patriarch Pavle received a group of demonstrators headed by Episcopo of Niksic Joanikije. They complained of the terror campaign of the Montenegrin authorities and asked the patriarch to urge legitimization of the Serb language as the state one in Montenegro. That delegation also demanded that

⁶ *Monitor*, 21 January 2005

⁷ *Danas*, 24 August 2004

Montenegrins be denied the right to call their language by the national name-Montenegrin. The claim that Serb language was being banished from Montenegro was voiced anew, though the document of the Council for General Education of Montenegro clearly stated that in the future mother tongues-Serb, Albanian and Croat-would be taught in schools.

Church dignitaries not only spread thesis about dangers which both Serbs and their church face in Montenegro. High Podgorica cleric Velibor Dzomic maintains that a similar terror campaign is conducted against Serb language, Cyrillic alphabet and the Serb people: "Prerogatives of the Montenegrin-Coastal Area Mitropolit seat are threatened by actions of Montenegrin power-holders. So are all those people who are not affiliated with ideology of the Black Latin Ustashi, but are rather proud of their Serb descent and who see their future not in the community with Croatia and Albania but in the union with Serbs, their blood and faith brothers."⁸

The SOC not only failed to condemn the war criminals, but moreover protects and glorifies them as Serb heroes. Thus the ICTY Chief Prosecutor Carla del Ponte during her official visit to Montenegro stated: "Yes, your country is co-operating with the ICTY, but it is very bad if any organization, be it even the church, is beyond any control. It is also very bad if that organization is involved in politics, and if it deals with hiding of the war crimes suspects."⁹ Mitropolit Amfilohije promptly responded to that statement by accusing the prosecutor of calling on the lynch and control of church and inviting her to visit the SOC monasteries in Montenegro to check whether the former leader of the Bosnian Serbs Radovan Karadzic was hiding in them." He added: "My mitropolit seat did not expect an internationally recognized legal expert to call on the lynch of the church and establishment of authoritarian control over it."¹⁰

Former Head of Communication Bureau of government of Serbia, Vladimir- Beba Popovic maintained that Mitropolit of Montenegro and Coastal Area Amfilohije was one of the protectors of the Hague escapees Radovan Karadzic and Ratko Mladic, that he run the SOC, which "had acquired a militant character." Popovic thus stated: "Amfilohije has the highest rank among officers-clerics, because, the SOC, unfortunately in the last decade became a paramilitary organization ran by zealots-officers. He has the highest rank, the one of colonel."¹¹

The SOC Mitropolit Amfilohije justifies his ambitions to rule over Montenegro by underscoring the fact that Montenegrin high clerics always had both sacred and earthly powers. He publicly stated that if he were banned from

⁸ *Svedok*, 21 September 2004

⁹ *Danas*, 3 February 2005

¹⁰ *Dan*, 3 February 2004

¹¹ TV B92, "Insider", 31 January 2005

engaging in politics, he would be half a man and added: "I am actively involved in politics in order to maintain the sovereignty of Serbhood in Montenegro."

The Montenegrin Orthodox Church, abolished after annexation of Montenegro in 1918, is also active in Montenegro. The SOC does not recognize the Montenegrin church, and moreover accuses it of acting in collusion with the authorities, which had helped found it in the first place. To prove the myth of its centuries-long existence in Montenegro, the SOC tries to appropriate those monasteries which belong to the Montenegrin church. Many monasteries have been devastated after attempts to mark them down as the Serb ones by painting of the new icons and similar. During Christmas holidays both Churches hold their masses, which raises tension in the society, as the SOC uses similar rites for its own manipulative ends. The fact that the SOC still owes some money to the Montenegrin authorities for the upkeep of the new temple Saint Sava in Podgorica, is turned around to prove that "Montenegrin authorities are against the SOC and Serb people."

Branko Lukovac stressed that "every citizen, even citizens of Montenegro have the right to their Montenegrin Orthodox Church, similarly to citizens living in Montenegro who feel a close affinity with with the SOC in Montenegro.". But he warned, "the SOC or some of its influential clerics in our recent, tragic past played a very negative role by instigating ethnic hatred and war-mongering. It seems that they have not learnt any lesson from such misdemeanour but rather, continue to monger, and to instigate conflicts."¹²

Not only the Serb authorities but also the Serb media engage in hyping of the Serb Orthodoxy in Montenegro. Thus the pro-government daily *Politika* underscored that the final results of the November 2003 population census indicated that the largest part of population were Serb-speaking and of Orthodox faith (74.24 per cent), while only 17.74 per cent were Muslims and 3.54 per cent Catholics.¹³

B. INFLUENCE OF THE SERBIAN ACADEMY OF ARTS AND SCIENCES (SAAS)

The Serb Academy of Arts and Sciences has not renounced its memorandum project which in 80's represented the nationalistic program of violent disintegration of the SFRY. Since Belgrade can now only aspire to try to dominate the last unfree republic, Montenegro, its supremacy aspiration has been heightened. The SOC, the SAAS, and Serb authorities embodied in Kostunica, and other nationalism-minded circles, are aware that the war option is well nigh excluded. Hence they use sophisticated political means and pressures on Podgorica in order to halt emancipating, democratic and pro-Europe processes in Montenegro, and turn it into a coastal province of Serbia. All the aforementioned forces are therefore actively engaged in the anti-

referendum campaign. Their collusion is best illustrated by the fact that several SAAS academicians have founded the Movement for the Common State.

The programme goal of the Movement, headed by academician Ljubomir Tadic, is to "fight with all legal, political and cultural means to affirm the fact that the common state of Serbia and Montenegro is not divisible in terms of language, history and culture, for all the geopolitical, defence, economic and other reasons are on the side of the common state." The Movement also fights for the suffrage right of Montenegrins living in Serbia in the impending referendum, for in that case "fearful Montenegrin authorities shall not be able to call a referendum" (academician Matija Beckovic). As early as in 2001, when Podgorica first unveiled its referendum plans, Tadic had the same goal in mind when forming the Committee for Protection of Equal Rights of Montenegrins in Belgrade. .

Ljubomir Tadic, President of the Movement, stated that "Montenegro is a Serb Sparta, and parvenus in power use all the means available to change that fact by fighting for independence." According to him "honest and sincere patriots rallied around the Movement don't want to change historical facts amply demonstrating that Serbia and Montenegro were the two Serb states."¹⁴: Academician Veselin Djuretic maintains: "We should strive towards an organic unity of the Serb people, which I see in the Serb union. Those who speak about the Serb occupation, or about the specific Montenegrin features, shall be banished as foreign elements from Montenegro."¹⁵

The top leadership of the Movement is composed of academician Tadic, historian Slavenko Terzic, Luka Karadzic, the brother of the Hague escapee Radovan Karadzic, journalist Vanja Bulic, Miodrag Perovic, President of Assembly of the City of Belgrade, Vuk Bojovic, Director of the Belgrade ZOO. Special guests of the founding session in Belgrade were Mitropolit of Montenegro and Coastal Area, Amfilohije, former member of the SFRY Presidency, Branko Kostic, President of the Serb opposition Popular Party in Montenegro, Dragan Soc, and vice president of the Montenegrin Socialist Popular Party, Zoran Zizic.

Similarly to the SOC, the SAAS interferes into the linguistic matters because of a much-hyped thesis that the Serb people are an organic being, with its own language. In parallel a strong denial of the Montenegrin nation and its right to call its language by its national name-Montenegrin, is strongly voiced. Academician Beckovic visited a group of professors and pupils in Niksic who together with the Serb priests protested against introduction of mother tongue in schools. On that occasion he told them: "Even if it disappears Montenegro shall say its final words in Serb language. Serb language, name and alphabet

¹² *Vecernje novosti*, 18 October 2004

¹³ *Politika*, 15 December 2004

¹⁴ *Danas*, 7 February 2005

¹⁵ *Blic*, 6 February 2005

were banned in Montenegro only by occupiers during the war. Such a practice is not imaginable in peacetime."¹⁶

There are many forms of language manipulations. For example the Serb Popular Party considers as Serbs all Montenegrins who during the population census declared themselves as Serb-speaking, 400,000 of them, although only 30% of Serbs live in Montenegro. That figure is also used as a proof that in Montenegro there are gross violations of human rights! That party and its mentors are deaf and blind to the fact that during the census very large number of Montenegrins declared themselves as Serb-speaking, while only 130,000 declared themselves as Montenegrin-speaking.

The same blueprint is used in numerous Serb language- and Serbhood-related statements published by Belgrade press. Thus according to Bogoljub Karic, President of the Movement "Power of Serbia", all those who refuse any "connection or ties with Serbia and Serbhood" should be placed in "a reservation:" and when those far-right Montenegrins come to Serbia, they shall be placed in quarantine to first learn Serb language... since they think that Montenegrin is a different language... We should introduce the blackest passports possible for them, since they are the most destructive option for Serbia and Montenegro."¹⁷ Lawyer Bozo Prelevic thinks that Montenegrins "are erasing Serb language on the Croat model".¹⁸ Authorities in Serbia through education spread nationalistic ideas. The best example thereof is the history textbook for the VIIth grade of primary school by author Rados Ljusic, high official of the ruling Democratic Party of Serbia and MP in the republican parliament. Ljusic, director of the Institute for Textbooks of Serbia, namely wrote that Montenegro "is a smallish area inhabited by the Serb people!"

Numerous cultural and scientific associations in Montenegro protested against the SAAS support to Niksic demonstrators. Thus the Montenegrin Association of Independent Writers stressed that "the SAAS support is an implicit call to rebellion and resistance to the state institutions of Montenegro, and also to political unrest in the republic. At play is a continuing, two decades-long campaign based on the SAAS *Memorandum*, the program goal of which was to change internal borders of the SFRY and attain ethnic homogenization inside so-called Greater Serbia... all of which resulted in mass killings and prosecution of hundred of thousands of people, destruction of cities and material goods in parts of Croatia and Bosnia and Herzegovina. For the tragedies caused by the war today in the Hague are tried various political and military officials, while their ideological and spiritual mentors in their cabinets still persist in their ideas, notably in the one which had pushed the Serb nation on the very margin of the European civilized circle."¹⁹

¹⁶ Vecernje novosti, 7 November 2004

¹⁷ Blic, 30 December 2004

¹⁸ Nacional, 24 March 2004

¹⁹ *Pobjeda*, 21 October 2005

C. FRAGMENTED OPPOSITION

President of the largest opposition party, of the Socialist Popular Party, Predrag Bulatovic, was rejected by Belgrade and Serb parties, and now faces a complex task: to transform the party which used to be the service of Greater Serbia nationalists in Belgrade into a truly Montenegrin opposition party, independent of Serbia. Bulatovic's party must fight for a leading role within the block of parties advocating a common state, and without a direct support of the SOC and Serb authorities embodied in Kostunica. He has already announced such a course of action: "None of us in Montenegro needs to ask for assistance or arbitration of political forces or the state leadership of Serbia in order to consolidate and implement our stands."²⁰

Zoran Zizic, Vice President of the Socialist Popular Party and coordinator of the Movement for the State Union, renowned for his close ties with the SOC Mitropolit Amfilohije, has hefty ambitions. He counts on a decline in popularity of Bulatovic due to many failings of opposition coalition. Zizic is better liked among supporters of the Socialist Popular Party, but Bulatovic still firmly holds the party reins. According to the October poll of Podgorica CEDAM, head of the Socialist Popular Party took only the 16th position-average mark of 1.74% - on the list of most popular politicians. Better rating was achieved even by some politicians from Serbia, notably, Boris Tadic, Slobodan Milosevic, Vojislav Seselj and Vojislav Kostunica. Like in the past, the indisputable leader of the Serb political movement in Montenegro was Mitropolit of Montenegro and Coastal Area, Amfilohije. He was second-placed, immediately behind Nebojsa Medojevic, and ahead of the third-placed Prime Minister Milo Djukanovic.

Zizic has regularly and openly expressed his discontent with the political moves proposed or made by Bulatovic. During discussion on the Movement for the State Union, Zizic closed ranks with Momcilo Vuksanovic from the Council of National Assemblies, by urging that the Socialist Popular Party, regardless of its interests, backed without any reservations the formation of a broader alliance. That proposal of his was rejected.

Zizic staged his first attack at the late December session of the Main Committee of the Socialist Popular Party. Then without any previous announcement he suggested that the February party congress be postponed for six months in order to save "the party from internal strife before direct elections." It is indicative that Zizic was a true mastermind of the idea of congress postponement. Behind the offer of "good services" there was a perfidious plan of the Serb clerical nationalists, Zizic's mentors: postponement of the Congress would show Bulatovic in an unpleasant light, as a man fearful of intra-part jockeying for power. In the meantime through the creation of the Movement for the Preservation of the State Union, and election of the new

²⁰ *Monitor*, 15 October 2004

leader, President of the Socialist Popular Party would be politically sidelined. The fact that Zizic's initiative at the main Committee session got only four "yes" votes, amply showed Bulatovic's supremacy within the party.

Non-participation of the Socialist Popular Party in the Movement for the Preservation of the State Union shall most certainly change the configuration of part of the opposition scene in Montenegro. Political analyst from Podgorica, Srdjan Darmanovic, predicts a serious rift between the Socialist Popular Party and the parties linked to the SOC: "the former is interested in becoming an important party in possibly independent Montenegro, it has no reasons to commit a political suicide by playing an all-or-nothing game. The latter has firmly embraced most conservative ideas and has strong ties with the SOC and a variant of the Serb nationalism espoused for a decade now."²¹

D. STANDS OF MONTENEGRIN MUSLIMS

In contrast to the Serb parliament, in the Montenegrin parliament there are representatives of minorities in the shape of delegates of Albanian parties. The Muslim majority in Montenegro is for independent Montenegro. Ferhad Dinosa, President of the largest parliamentary Albanian party of Democratic Union of Albanians says that "in case of referendum our followers and supporters would vote for independence of Montenegro, for Montenegro should be an independent state."²² Democratic Union of Albanians advocates personal autonomy, which the Serb nationalists interpret as a form of territorial division of Montenegro along ethnic principle. Dinosa, who together with the President of the Democratic Alliance of Albanians in Montenegro, Mehmed Bardihaj recently visited Pristina, denied media reports that during meetings with President of Kosovo and Metohija, Ibrahim Rugova and Prime Minister Ramus Haradinaj territorial autonomy of Albanians in Montenegro was discussed and that the Kosovo highest officials allegedly extended their support to such an idea. Dinosa stated: "Montenegro is too small for any territorial division to be contemplated."

Polls conducted by the Muslim Matrix indicate that nearly all Montenegrin citizens who during the census declared themselves as Muslims, favour living in an independent and democratic Montenegro. Sabrija Vulic, Secretary General of that organization, says that one of their fundamental goals is revival of Montenegrin statehood and the rule of law: "Only in such a state human and national rights and liberties, equality and constituency of citizens and peoples may be guaranteed, enforced and protected."²³ Mevludin Nuhodzic, an official of the ruling Democratic Party of Socialists confirmed that the "largest part of Muslims and Bosniaks favour Montenegrin independence"

²¹ Interview of the Helsinki Committee, 20 January 2005

²² *Politika*, 23 January 2005

²³ *Vecernje novosti*, 3 December 2004

and underscored that "a vote for sovereign Montenegro is not a voice against Serbia."

NGO "League for the North" is the only Muslim-composed organization linked to the Movement for the State Union. That NGO not only joined that movement but even adopted its program. NGO's President Smajo Sabotic, maintains that Muslims would accept only the status of a constituent people, and not of a minority one: "We shall urge a two-chamber parliament. Montenegrin authorities should not count upon our support for their independence-minded project and introduction of a non-existent project" (a reference to the Montenegrin language).²⁴

Belgrade authorities back those Sandzak parties who are against independence of Montenegro. Sulejman Ugljanin, President of the Bosniak National Council in Serbia and Montenegro stated that "Bosniaks would be greatly harmed by creation of two independent states, of Serbia and Montenegro". President of Assembly of Municipality of Novi Pazar Azem Hajdarevic argues that Sandzak would become a crisis area if separation between Serbia and Montenegro becomes a reality: "Sandzak is now a potential flashpoint, for some centres of power covet if not Kosovo-style incidents, than at least, Presevo-style ones."²⁵

Serb-Montenegrin Minister for Human and Minority Rights, Rasim Ljajic, stated that the mood of Bosniaks in Serbia is completely different from the one of Bosniaks in Montenegro: in Serbia Bosniaks favour preservation of the common state for the sake of preservation of their region, while in Montenegro 90% of Bosniaks are for an independent state. He added that Bosniaks in the Montenegrin part of Sandzak are more turned towards Podgorica than towards Novi Pazar as "a natural, cultural and political centre of Sandzak". Ljajic also stressed that "survival of the state union is in the interest of Bosniaks."²⁶

Montenegrin Diplomacy

Strategic goal of Montenegro is realization of a full partnership with EU and NATO. There is no alternative to that orientation. Montenegro could have been admitted to Partnership for Peace if it had been an independent state. Hence it is using all its diplomatic capacities to affirm on the international plane its option for an independent road. Montenegrin government pursues a markedly active foreign policy. It is channelled towards the region, most important European states, and the US. In the region Montenegrin government has been developing very good relations with Albania which is of major

²⁴ *Vecernje novosti*, 3 December 2004

²⁵ *Blic*, 5 February 2005

²⁶ *Blic*, 5 February 2005

importance in view of a numerous Albanian majority in Montenegro. High-level co-operation was confirmed by a visit of the Montenegrin President to Tirana. On that occasion several contracts were signed, and opening of a new border pass between the two states was agreed. Co-operation with Croatia and Slovenia has been intensified, while relations with Bosnia and Herzegovina are fast improving.

Serb opposition parties negatively assess foreign policy activities of Montenegrin authorities, and have proclaimed the republican Foreign Affairs Ministry for a bastion of "anti-Serbhood." After visit of Head of Montenegrin diplomacy Miodrag Vlahovic to Croatia and his meeting with the Croat President Stjepan Mesic, president of the Popular Party Dragan Soc stated that "rapprochement between Podgorica and Zagreb was a logical outcome of the authorities-sponsored anti-Serb hysteria." Vice president of Democratic Serb Party Ranko Kadic assessed that "at work was establishment of the axis Tirana - Podgorica - Zagreb".²⁷

During his visit to Podgorica, the Croat Foreign Secretary Miomir Zuzul and Montenegrin President Milo Djukanovic assessed that good-neighbourly co-operation between Montenegro and Croatia was on a steady rise. It was stressed that co-operation is progressing well in areas of economy, security, transport and tourism. Milo Djukanovic underscored that Montenegro was pleased with Croatia's fast approach to the status of EU member, and the fact it was very close to accession to NATO.

Very good relations with Ljubljana are very important for Montenegro in view of Slovenia's recent accession to EU. Montenegro has already established close economic co-operation with Slovenia in different areas, ranging from civil building to tourism, and Slovenia shall assist in shaping up agricultural strategy of Montenegro.

Having proposed to Serbia the Czech-Slovak disassociation model, or the union of independent states, Montenegrin government through international activities and contacts keeps presenting all advantages of the aforementioned project for a lasting resolution of relations between Belgrade and Podgorica. Following his visit to Zagreb and Ljubljana, Head of Montenegrin diplomacy, Miodrag Vlahovic, stated that he "presented to the Croat and Slovene officials, friends of Montenegro, Podgorica's proposal on establishment of the union of independent, internationally recognized states of Serbia and Montenegro". Vlahovic was also interested in knowing which consequences Montenegro would bear because of non-cooperation of the Serb government with the ICTY, and demanded a "two-track" approach to *Partnership for Peace*. Stands of Montenegrin diplomacy were met with understanding in the region: according to a *TV Montenegro broadcast* Slovenian Foreign Secretary and the incumbent OSCE Chairman Dimitrije Rupel, asserted

²⁷ *Vecernje novosti*, 2 November 2004

that "separation of Serbia and Montenegro into the two states may be a good idea for the Balkans stability".²⁸

During his official visit to Bosnia and Herzegovina, Montenegrin Foreign Secretary Miodrag Vlahovic visited Srebrenica and laid the wreath on the cemetery of killed Muslims, thus paying tribute to them. Even that civilized gesture was sharply criticized by the Serb nationalistic parties and circles in Montenegro. .

That Austria favours Montenegrin disassociation proposal was confirmed during the official visit of Prime Minister Djukanovic to Vienna. Germany, as one of the most influential EU countries, also takes a benign stand on the Montenegrin proposal. The foregoing became manifest during Vlahovic's visit to Berlin and his meeting with the top German officials. Similar stand have the United States whose Senate in December 2004 approved a new installment of non-returnable assistance worth \$ 20 million to Montenegro. Head of Montenegrin diplomacy last year visited Washington and New York on several occasions. During the autumn session of the UN General Assembly Vlahovic had a series of bilateral meetings, while the state union was officially represented by Vuk Draskovic, Foreign Secretary of Serbia and Montenegro.

Speaking at the US-Montenegrin forum-sponsored rally at the Capitol Hill, in Washington, Miodrag Vlahovic stressed that Montenegro was a hostage to Serbia because of the latter's non-cooperation with the ICTY, lawsuit filed against NATO for its 1999 intervention, and unreformed army." Union of the two independent states would fine-tune relations and remove a threat which we face from Serbia, namely its intent to turn a smaller member of the union into a Serb coastal province. ".²⁹ Janos Bugajski from the Centre for Strategic and International Studies chaired that rally.

Serbian authorities negatively assessed Montenegrin diplomatic activities, and for propagation of the independence idea blamed Montenegrin diplomats, ambassadors of the state union, in some key centres of international decision-making. There are loud complaints about the fact that 50% of ambassadors and counsellors come from Montenegro, while it allocates only 3 or 4% of its revenue to the union's budget. Milan Pajevic, foreign policy counsellor of the Serb Vice Prime Minister Miroljub Labus, stated: "Montenegrin authorities have found the best way to lobby for their independence through common diplomacy bankrolled by Serbia".³⁰

Serbia obviously does not feel the need to set up its own Foreign Ministry, for Vuk Draskovic, the union's Foreign Secretary and the union's Foreign Ministry represent Serbian interests. Head of Montenegrin diplomacy repeatedly stated that Draskovic had never had consultations with him. Vlahovic added: "Draskovic even refused to have any talks with me."

²⁸ *Danas*, 17 January 2005

²⁹ *Vecernje novosti*, 15 December 2004

³⁰ *Politika*, 15 November 2004

Relations With Serbia

In the final stage of the FRY Montenegro defended itself from Milosevic dictatorship by forming institutions of independent state. In the wake of Milosevic's downfall, that is, putting in place of an EU-brokered three year arrangement, the state union of Serbia and Montenegro, the latter offered to Serbia the Czech-Slovak disassociation model or union of independent states. Under the Belgrade Agreement Montenegro was guaranteed the right to referendum. Vojislav Kostunica, Prime Minister of Serbia, rejected both proposals, counting on the rout of the pro-independence forces in the Montenegrin referendum.

Montenegro favours full co-operation with the ICTY, and in the face of continuing obstruction of co-operation with that international tribunal, withdrew its members from the National Council for Co-operation with the ICTY, formed at the level of the state union of Serbia and Montenegro. Predrag Boskovic, Deputy Foreign Minister of Serbia and Montenegro, warned that the accession to Europe could be halted because of Serbia's refusal to hand over the Hague war crime suspects. He underscored that in case of such a development, Montenegro shall "seek an alternate road to Euro-Atlantic integrations, and thus try to stop being a hostage to the Serb policy. We shall try to attain a positive outcome of the Feasibility Study for Montenegro. We shall also demand that modality of accession of Montenegro to *Partnership of Peace* and NATO be separated from the one envisaged for Serbia."³¹

Montenegrin Prime Minister, Milo Djukanovic, stressed that the issue of relations between Montenegro and Serbia "is no longer a security issue, but rather, the one of democracy and development." He underlined: "Key criterium for profiling of our relations in the future should be the fastest path to European and Euro-Atlantic goals. This union is still burdened with huge disproportions, it is atypical, and prone to exhausting itself with too many issues: in Serbia they will tell you that those issues are generated by an overemphasized need of Montenegro to be equal, and in Montenegro you shall hear that those issues stem from Serbia's need to dominate the union. Added to that this union makes one member feel like a hostage of the other, which burdens bilateral relations, and flies in the face of the first principle of EU expansion, namely that like in a race, those states which most promptly adopt EU standards, should join the Union first."³²

Montenegro offers the concept of alliance of independent states, but is not the only member of the union which insists on independence. Group 17 plus, a member of Kostunica-led minority government, in its program also advocates independent Serbia. Miroljub Labus, Vice Prime Minister and president of Group 17, favours the kick off of negotiations on the future of the

³¹ Politika, 16 August 2004

³² Politika, 31 October 2004

state union, for "the current situation is unbearable, due to a total blockade of process of accession to EU", Mladjan Dinkic, Finance Minister and Vice President of Group 17 plus, publicly states that "the best resolution for disassociation is the Czech-Slovak model, which shall be ultimately implemented".³³ The Serb Renewal Movement representatives in the Serb government also assert that they favour a common state, but are however "ready to accept a civilized disassociation if the union stops functioning."

Serb opposition parties - Democratic Party, the Serb Radical Party and Socialist Party of Serbia favour the preservation of the state union. However the Radicals and Socialists expressed their readiness to accept results of the future referendum. Tomislav Nikolic, Vice President of the Serb Radical Party rejected the idea of the alliance of independent states: "If Montenegro attains independence, Serbia would not have any rational reason to form with it any quasi-state community. Those who want to become independent, later should not turn to Serbia. We are against individual independence of Serbia and Montenegro, let Montenegrins form an union with Albanians or with Croatia, if Croats want to accept them".³⁴

The ruling Kostunica's Democratic Party of Serbia is stubbornly bent on preserving the *status quo*, and also on consolidating and centralizing the existing union. Although Montenegro is in no way involved in the problem of Kosovo, DPS in its policy uses the Kosovo issue as one of its principal arguments in supporting the preservation of the union of Serbia and Montenegro. Thus Zoran Sami, high DPS official, and President of Parliament of the State Union noted: "Kosovo and Metohija, our open wound, is one of the arguments favouring survival of the state union. If that union were to break up, a Pandora's box of evils would be re-opened. According to the UN Resolution 1244 that province is an integral part of of the SRY, now Serbia and Montenegro. If that state were to disintegrate, Serbs, Montenegrins, and other non-Albanians in Kosmet would lose their state."³⁵

Montenegrin officials stress that Serbia like Montenegro controls all key levers of the state-budget, tax and customs system, security, European affairs. Hence, according to them, it would be more efficient to transform the union into an alliance of the two independent, internationally recognized state. Furthermore, "the alliance proposal could be a rapprochement point for the opposed political blocks in Montenegro." According to Montenegrin Foreign Secretary, Miodrag Vlahovic, "an alliance of independent states would enable Montenegro to remain with Serbia, which is a primary demand of the minority, but important, political part of Montenegro, while in parallel enabling realization of the project of an independent state."³⁶

³³ Blic, 20 August 2005

³⁴ Vecernje novosti, 2 October 2004

³⁵ Politika, 29 August 2004

³⁶ Danas, 12 January 2005

A: ARMY OF SERBIA AND MONTENEGRO

Necessary civilian control has not been established over the Army of Serbia and Montenegro, namely the control which would guarantee development of that institution. That failure was due to non-overhaul of the army's command-security top leadership, riddled with many hold-overs from Milosevic regime, that is from the time of wars in former Yugoslavia. Much-hyped reform of the army yielded no tangible results. Moreover there was an attempt to include a controversial solution in the strategy of defence of Serbia and Montenegro, a recently adopted document. Although that solution-"the right of the army to intervene in case of secession of any state-member"- was rejected, due to insistence of official Podgorica, it was clear that a possible target of the proposed solution was-Montenegro.

Within the framework of realistic expectations that after expiry of the three-year arrangement Serbia and Montenegro would be internationally recognized, groundwork is laid for putting in place infrastructures of separate military systems. General Blagoje Grahovac, security advisor to president of Montenegrin parliament, said that Montenegrin army would be a thousand-strong, a professional army, and that there would be no mandatory military service and reserve units. According to Grahovac, "instead of the War Navy we would set up coastal guard integrated into the existing system of border control manned by policemen of the Interior Ministry of Montenegro. Grahovac underscored that "the Montenegrin army shall not wage wars, but shall instead combat organized crime and other non-military risks." He added: "Such a system may function autonomously within the framework of independent state of Montenegro, but also as part of joint defence with Serbia and other states in the region."³⁷

B. DIRECT ELECTIONS

As regards relations with Montenegro the Serb Prime Minister Vojislav Kostunica often resorts to legalism as his principal argument in insisting upon implementation of the Constitutional Charter, that is, its provision on direct elections for the Serb and Montenegrin parliament. However, the fact is that the Constitutional Charter was repeatedly violated, notably its provision spelling out that the two key ministries, the defence and foreign affairs ones should be run by Montenegro, and not Serbia. Finally the deadline relating to election of MPs was not respected, for parliamentary elections should have been held in early February 2005, when the mandate of the incumbent MPs had expired.

During talks between officials of the two states, held in Council for European Integrations, representatives of Montenegro told their Serb colleagues that the Montenegrin republican parliament rejected proposal on

³⁷ *Glas javnosti*, 19 September 2004

direct elections, for half of electorate, that is all pro-independence backers, would have stayed away from the polls. Moreover they stressed that the said elections were not deemed rational in view of the impending referendum. The Serb opposition parties in Montenegro demand direct elections for their voters would most certainly turn up in force. However that would be a repeat of the scenario which preceded disintegration of the SFRY, namely Milosevic-staged confrontation between the Montenegrin authorities and allegedly Montenegrin representatives in federal bodies. If Montenegro were to be represented by a political minority in lieu of its legitimate representatives, that would accelerate disintegration process of that community and inevitably lead to its break-up.

Kostunica rejected arguments put forward by the Montenegrin side, though all other participants in the meeting, notably Group 17 plus, expressed their readiness to extend the mandate of the incumbent MPs for another year, until the staging of referendum. Kostunica counts on two options: 1. that direct elections would represent a kind of referendum and that the latter would not materialize, and 2. that the pro-sovereignty block would lose at referendum, thus definitively taking off the issue of Montenegrin independence from the agenda of Serb politics.

President of Serb Parliament Ranko Krivokapic warned that direct elections in Montenegro would lead to unitarization and political instability: "They cannot compel us to do something which is contrary to the state interests. At Milosevic-staged elections in 2000 the turn-out was very low-only 20%. Those elections were organized by the Army, they were not democratically controlled, hence one may assume that the turn-out was even lower."³⁸

European Union

The main hurdle in approval of feasibility study by EU is non-cooperation with the Hague Tribunal. But it bears stressing that Montenegro fully complies with its international commitments, notably those relating to the ICTY.

In order to harmonize markets and customs systems between Serbia and Montenegro and prompt the drafting of a Feasibility study paving the way for the association with EU, the latter in Maastricht in 2004 passed a "two-track" decision. Mastermind of that "two-track" approach, Chris Patten, admitted that it is important for the stability of Serbia. In his view such a solution, freed from tug-of-the-war over economic harmonization with Montenegro, Serbia would be ready to resolve its problem with the Hague Tribunal and political survival of the state union would preclude any intervention/involvement of the international community in determination of the final status of Kosovo.

³⁸ *Vecernje novosti*, 15 October 2004

Patten's concept is tantamount to a project in which Serbia and Montenegro would constitute only a military defence alliance, and an economic free-trade zone. Only two functions should be maintained at the level of the state union- defence and foreign policy.

According to the Montenegrin officials the Maastricht decision was a turnaround in better understanding of trilateral relations-EU, Serbia and Montenegro- and opened the way for a de-blockade of the European road, previously conditioned by harmonization of economic systems of Montenegro and Serbia. It was also assessed that "after two years of well-argued reassurances given by Podgorica, Europe accepted the reality of existence of the two specific systems." Montenegrin President Filip Vujanovic stated that "Maastricht means acceptance of individual, negotiating process, to exist in parallel with the official and formal negotiating process unfolding via the joint address of the state union."³⁹

Readiness of some EU officials to publicly speak about disassociation between Montenegro and Serbia is best indicated by the following statement of Roman Jakic, President of Foreign Affairs Committee of Parliamentary Assembly of Council of Europe: "Such disassociation is primarily the matter of governments of the two states. They are the only ones entitled to discuss that matter, and ultimately to ask citizens of Montenegro and Serbia what they think about their possible, official decisions."⁴⁰

The fact that EU recognized the two realities in the resolution of economic problems (separately in Montenegro and separately in Serbia), indicates that the recent "unitary" perception of processes and relations in the region is not longer-tenable. Sudden shift in the Brussels policy should not be expected, but it is clear that the principal European addresses have a new perception of real relations between Montenegro and Serbia.

Montenegrin Proposal on the Union of Independent States

Montenegrin leadership forwarded to Belgrade an elaborate Proposal on the Union of Independent States, tantamount to a demand for a transformation of the state union of Serbia and Montenegro into an union of independent, internationally recognized states. The proposal envisages three joint institutions: a parliament reflecting balance of power between republican parliaments; commission of union of independent states and three-member defence council. As regards economy the EU-adopted rules would be valid and put into effect. The said proposal also envisages suspension of the Council of Ministers, the union's court, and joint diplomatic services. Other matters are to

be agreed upon. Sports associations, organizations and professional associations shall be put in place pending on mutual interests and agreements between Serb and Montenegrin alliances and associations.

It is envisaged that the agreement on the new union be adopted by parliaments of member-states, and by the parliament of Serbia and Montenegro. And finally everything would be certified by "referendums in compliance with constitutions of Montenegro and Serbia". Thus the union of independent states would receive international recognition, and also internal political and legal legitimacy. The Montenegrin ruling coalition has well assessed the timing of that offer: it was put forward ten days before expiry of mandates of the union's MPs, and when threats of the Serb authorities that they would demand resignation of Marovic, President of Serbia and Montenegro, were in full swing. That political offensive of Montenegro, Vujanovic and Djukanovic explain as a result of "non-functional state institutions and high price of upkeep of the current state union."

Principal argument of Belgrade that Podgorica's proposal was tantamount to breach of Constitutional Charter was correct, but in the past 2 years there were 11 breaches of that Charter! It is thought that the general public would not respond even this time around. Besides, the Montenegrin top leadership thinks that this time around they stand to gain a lot. The union of independent states enables the Serb authorities to continue negotiations on Kosovo, and to retain –albeit very loose-state ties with Montenegro. Principal argument of Belgrade against independence of Montenegro, namely that it would jeopardize stability of the Balkans, is removed by this offer. The said offer serves to lay the groundwork for referendum in Montenegro, scheduled for early 2005. If Belgrade rejects Montenegrin proposal, no-one in EU and in Serbia would be able to call into question the staging of that referendum.

Serbia's response indicates lack of readiness of Belgrade to even discuss Podgorica's proposal. Democratic Party of Serbia accused the top Montenegrin leadership of the "Slovenian syndrom", that is, "of acting like Slovenians did in the early 90's". Vojislav Kostunica, Prime Minister, assessed the proposal, as "a blatant breach of the Belgrade agreement.". Boris Tadic urged preservation of Serbia and Montenegro as "a functional state union." Civil Alliance of Serbia was the only party which manifested its readiness for a dialogue with Podgorica (on two occasions it held talks with the ruling Montenegrin Democratic Party of Socialists.). In fact that party staged in Belgrade a debate in which Milo Djukanovic with his top aides also took part. The key assessment which stemmed from that debate was that "Serbia and Montenegro was a non-functional, costly, and obsolete union.". No-show of other, invited, Belgrade officials, was evident. But participation of former Vice Prime Minister of Serbia, Zarko Korac and former top Democratic Party official Ceda Jovanovic, contributed to a fruitful discussion on all problems of relations between Montenegro and Serbia.

³⁹ *Danas*, 7 September 2004

⁴⁰ *Danas*, 21.- 22 August 2004

However Podgorica counted upon Belgrade's initial rejection of its proposal. If it officially rejects the Montenegrin proposal, Belgrade would legitimize itself as a side refusing agreement and stability in the region. According to the top Montenegrin leadership it would be material evidence that the majority Serbia does not want an agreement, but is rather bent on domination over Montenegro.

Proposal on creation of the union of independent states was officially forwarded to Belgrade, but it is in fact to be primarily treated as a signal to the international community. Brussel's reaction came a day after disclosure of the proposal, through the following statement made by Christine Galliak, Xavier Solana's spokeswoman: "EU does not intend to impose solutions to Belgrade and Podgorica by decrees." US Ambassador to Belgrade, Michale Polt, without appraising the Montenegrin proposal, emphasized that the US would back any democratic agreement between Montenegro and Serbia.

Diplomatic sources maintain that Podgorica's proposal is not a novelty for certain international circles. They indicate that the idea which has been internally communicated has been met with a major oppositon by influential Western prime movers. The strategy of the Montenegrin leadership aimed at taking initiative to neutralize international pressure on the resolution of the state issue. By insisting on the idea of alliance of independent states, the Montenegrin authorities hope for a double profit. Djukanovic is trying to neutralize arguments of political forces urging the survival of the common state. The top echelons of the ruling coalition by dint of their latest offer also give a signal to the largest, Montenegrin opposition party-the Socialist Popular Party. The SPP president Bulatovic promised a new profile of that party, namely as the internal opposition in Montenegro, in contrast to the existing, pro-Serb opposition parties in Montenegro. In other words, unable to impact in a decisive way the survival of Serbia and Montenegro, Bulatovic would however play the role of a key factor in galvanizing new consensus in Montenegro. For many supporters of the SPP an acceptable formulae could be: Together with Serbia, but vested in international recognition.

Opposition pro-Serb parties in Montenegro responded like Belgrade. However the following debates lie ahead in Montenegro: Is Montenegrin sovereignty protected enough and is the survival of the union's parliaments a new trap for Montenegro? EU response and internal developments in Serbia shall have a decisive impact on a final denouncement.

Conclusion

State union was created to accelerate Serbia-Montenegro's association with EU. But Serbia has become a major hurdle on Montenegrin's path to joining EU. Analysis indicate that before the state union's formation, it would have been easier for Montenegro to meet the first rung criteria, that is, the ones relating to the feasibility study. Despite the foregoing Montenegro as an

independent state could make up for the lost time, for as a small state making better advances than Serbia in the reform process, it could swiftly accede Partnership for Peace and WTO. Moreover, if it gained independence it could attain better agreements with the IMF and other financial institutions and strengthen its political stability indispensable for attracting foreign investments and in parallel raising the living standards of the populace, that is, soft-cushioning the negative effects of transition.

Serbia maintains a genuine provisorium, in view of all the issues it refuses to tackle, ranging from co-operation with the Hague Tribunal to relations with Montenegro. In view of the aforementioned independence of Montenegro would prompt Serbia to turn its full attention to resolution of its salient problems. Montenegrin officials take the stand that democratic Serbia, and not the state union is the factor of stability of the West Balkans. But in order to attain a stable and pro-European Serbia, the Serb nationalism should be deprived of its props. It is to be hoped that the European Union would more swiftly grasp that reality and hard fact and consequently recognize to Montenegro not only its economic, but also a political right to take a "two-track" tack.

VII

Serbia and the World: A Wasted Year

Introduction

The Serbian Government's inefficiency, which was displayed both on an internal and international plane in 2004, revealed the crux of the problem posing an obstacle to the transition of Serbian society. Serbia's inability to make more resolute steps towards Euro-Atlantic integration - which implies the change of its basic "social code", built on the misunderstanding, non-acceptance and resistance to the events marking the last decade of the 20th century in Europe - points to a dramatic lack of social energy for change. That is the price paid by Serbian society for the years of armed conflicts, isolation, sanctions and self-isolation... The wrong choice, which was made in the early 1990s, destroyed the national economy; severed foreign economic relations, which had been developed over the years; destroyed the social stratum, which could be regarded as a "middle class" in socialism as well; impoverished the majority of the population and forced tens of thousands of young and educated people to leave the country in search for better personal life and career prospects. All this made Serbia an immobile and apathetic society, reconciling with the status of a loser. The lack of the internal potential, which was also affected by the assassination of Prime Minister Zoran Djindjic, poses a drag on the fundamental transformation of society. That is also why Serbia is responding so slowly to the sincere wish of the relevant international factors, especially the EU, OSCE and NATO, to see it embark on a genuine process of transition more resolutely and with their generous aid, thus becoming a stable and relevant partner in the region. In the opposite, without its internal consolidation and adjustment of its development to the current European trends and values, Serbia will block the European perspective of the Western Balkans. The initiatives taken by the neighbouring countries with a view to normalizing their relations with Serbia, based on the new, European foundations of cooperation and integration, within the shortest possible time (to which Serbia is also slowly responding), confirms that this is also realized by them.

An obstacle to Serbia's more resolute shift to Euro-Atlantic processes is also posed by its "loyalty" to Russia. In the influential political, intellectual and, in particular, clerical circles, its convergence toward (Western) Europe is

viewed as a betrayal of its traditional support, which also has problems in communication with the West. "At present, our diplomacy must alleviate the pressure to a maximum and wait for a more favourable moment - until the shuffle of political cards in such a way that the Anglo-Saxon factor finds itself in the position to cooperate with Russia under the threat of Islamic terrorism"¹ While pursuing its own interests, Moscow is also supporting such as balance, because Serbia Serbia (Serbia and Montenegro) has actually remained its only ally and strategic partner on the European continent. Such a relationship is also maintained by their frustration caused by the changes taking place in Europe and in other parts of the world over the past 15 years, whereby Russia and Serbia have come out as losers.

Declining Credibility

During 2004, Serbia's international reputation and credibility declined dramatically, which is especially evident on a political and diplomatic plane. Instead of approaching them, Serbia is drifting away from Euro-Atlantic integration processes (the European Union and Partnership for Peace, in particular), as opposed to 2003. This also applies to other spheres, especially the economic one (foreign investment). The basic reasons should be sought in a slowdown in the process of democratic and economic reforms and the suspension of cooperation with the International Criminal Tribunal for the Former Yugoslavia in The Hague. In 2004, the latter was shaped into the state policy, based on the senseless phrase about "two-way cooperation". The other fundamental misunderstanding in communication with the world is related to Kosovo or, in other words, to Belgrade's biased approach to this complex regional problem (i.e. control over the Serbian ethnic community; directing its attitude towards the international and local authorities in Kosovo and rejection, in its name, to participate in the parliamentary elections in October 2004). These relations are also complicated by Belgrade's unfounded expectations that the international community (Brussels, in particular) will decide the fate of the non-functioning State Union of Serbia and Montenegro, in its name and "for its account", by forcing Podgorica to give up its aspirations to independent and sovereign Montenegro.

International contacts were mostly reduced to the appeals of international factors to Serbia to fulfil its foreign obligations as soon as possible and accelerate harmonization with the European standards "for the sake of the European aims", on one side, and the tiresome explanation of their Serbian counterparts why that could not be done, on the other. It is also evident that foreign officials prefer to communicate with the officials of the State Union of

¹ Dragan Petrovic, "Englezi su uvek bili nasi neprijatelji". *Ogledalo*, 29 December 2004.

Serbia and Montenegro (in 2004, Serbian Prime Minister Vojislav Kostunica made only 10 official trips abroad, as compared to 37 made by Croatian Prime Minister Ivo Sanader, for example), especially with Svetozar Marovic and Vuk Draskovic, who are regarded as the collocutors with more acceptable sensibility and greater understanding. This especially applies to cooperation with the Hague Tribunal, since Serbia is also trying to transfer the burden of unpleasant themes in the sphere of foreign relations to them, thus concealing its obstruction hiding its obstruction, buying time and obtaining repeatedly new time-limits.

The newly elected Serbian Government - which came to power after the December 2003 elections with the proclaimed aim to annul everything which had been done under the Djindjic-Zivkovic Government in Serbia by initiating the painful yet delayed process of transition - annulled the latter's successes on an international plane, too. The enthusiasm of numerous international organizations and institutions to include Serbia in the ongoing integration processes in the region, in Europe and in the rest of the world, does not exist any more. Numerous international organizations and institutions are disappointed with their failure to make Serbia a reliable and stable actor in the still sensitive West Balkan region. Otherwise, Serbia is faced with numerous outstanding problems, including the determination of Kosovo's future status (the debate will start in 2005) .

The current state of confusion on Serbia's social and political scene arises from its proclaimed aim to join Euro-Atlantic integration processes as soon as possible, which is repeated by all relevant political factors, including both those in power and those in opposition (a paradox: in Serbia there is no political party or relevant group that will openly resist its "path to Europe"), on one side, and the lack of political will to take any specific action towards achieving that aim, on the other. The Serbian constituency is mostly following this pattern: according to the latest surveys (conducted by GfK), whose results will be published at the end of 2004, 67% of Serbian citizens (5% more than in 2002) supports Serbia's integration into the European Union. However, the number of positive answers dropped drastically when the respondents were asked whether cooperation with the Hague Tribunal should be intensified.² It is evident that the majority public sentiment corresponds to the sentiment of the political elite, which is less and less successfully trying to blur the essence of its verbal hypocrisy: Serbia's isolation, which is in sight once again, will not be result of the hostile feelings of the international community towards Serbia and Serbs, but of a deliberate choice of the current government. In its perception of cooperation with the world community, priority is given to the "defence of national and state dignity" (regardless of its cost). In the traditionally conservative and xenophobic Serbian society, frustrated by the disastrous results of the previous regime's politics, this opinion is widely accepted, which

² *Politika*, 24 January 2004.

is also evidenced by the surveys of ethnic distance: the first three places are held by the Albanians, Croats and – Americans. Finally, the economically exhausted and apathetic society is losing its interest in the world and world events in general. In short, Serbia is moving towards the vicious circle of its own mistakes once again, thus making its integration into international processes increasingly more uncertain.

Unfulfilled Expectations

In the autumn of 2003, the campaign against Zoran Zivkovic's Government, carried on by the new political party G17 Plus and its leaders Miroljub Labus and Mladjan Dinkic accusing it of the theft of votes in Parliament and corruption, with the support of the Democratic Party of Serbia (DSS), created the atmosphere of "great expectations" from the early parliamentary elections (scheduled for 3 December) both in the country and abroad. However, at the beginning of 2004, the election results – the greatest number of votes in favour of the Serbian Radical Party (SRS) and only the fourth place of the favoured G17 Plus – brought about more sober analyses of Serbia's political map, which is still dominated by the conservative right parties (SRS and DSS), although four years passed after the fall of Slobodan Milosevic. "I am very unhappy about the situation in Serbia after the December elections", said Peter Schieder, President of the Council of Europe Parliamentary Assembly.³ He also turned attention to the fact that "the persons indicted for war crimes were also on the lists of candidates".

The presidential elections, won by Boris Tadic, the candidate of the Democratic Party (which was "cleansed" in the meantime), did not bring about any change in the already established cohabitation balance. Although the world community received Tadic's victory with relief and welcomed it as the victory of Serbia's "democratic forces", the first six months of his term of office did not bring any greater progress as regards the issues on which the international community is especially insisting (apart from cooperation with the Hague Tribunal, which is still at the top of the agenda, those are the continuation of military reform, establishment of civil control over the military and security sectors, judicial reform, etc.). So, for example, apart from stating that "cooperation with the Hague Tribunal is necessary", Tadic never used his authority to plead more resolutely for the fulfilment of this obligation, or for the enforcement of the Law on Cooperation with the Hague Tribunal, stipulating the arrest of the indicted. He is also not asking in public where the fugitives (like Goran Hadzic) have disappeared, nor is he opposing unscrupulous manipulation with "voluntary surrenders".

³ *Danas*, 23 January 2004.

Among other things, the March violence in Kosovo served the Belgrade authorities to impose their "truth about Kosovo" on the international community. During the first weeks that was manifested by insistence on the term "genocide" (against the Serbs) and the revival of a traditional stereotype about the Serbs as victims. When the international community – surprised with such violence which lasted several days – has characterized the events as "ethnic violence" and obliged the international administration and provisional bodies of government in Kosovo to repair material damage through the relevant institutions (the United Nations, European Parliament, OSCE and EU), Serbia launched the Plan (of the Republican Government) for Decentralization of Kosovo and Metohija, which was unanimously adopted by the Serbian Parliament as well. The Plan, which was offered by the Serbian representatives to all international factors they met, was "read" as the preliminary text about the future division of Kosovo and that decided its international fate. In a word, it was not approved. The fact that Kosovo is still the potential source of regional instability and conflict, contributed to the strengthening of the awareness of international factors that the path to the stabilization of Kosovo should lead through the formation of local bodies of government and the determination of its final status within a relatively short time.

In the autumn of 2004, the international community made a great diplomatic effort to convince Belgrade in the need that ethnic Serbs should participate in the parliamentary elections in Kosovo, in October. At the same time, the Belgrade authorities were conducting an intensive and, as it turned out, very efficient campaign against the participation of Serbs in these elections. Serbian President Boris Tadic "unilaterally" appealed to them to go to the polls only a few days before the elections. This lukewarm and belated effort did not bear fruit – the turnout was less than 1 per cent. Disappointed with such an outcome and the behaviour of the Serbian authorities, the international community dynamized the Kosovo agenda, thus planning the beginning of the talks about Kosovo's future status for mid-2005 already.

Illusion About Economic Self-Sufficiency

A reason for a complete collapse of the process of Serbia's (and Montenegro's) convergence toward the European Union should also be sought in the non-functioning of the State Union or, in other words, failure to meet the requirements set by the EU for the continuation of that process. The harmonization of the two customs systems was one of the basic tasks assigned to the two entities comprising the State Union. When the European officials (Javier Solana) realized that this effort failed despite their pressures, they simply gave up. In other words, the European Commission agreed to a two-track approach of Serbia and Montenegro (still together for the time being) to European integration. Insofar as Serbia is concerned, it must be pointed to a

slowdown in its key reform-related and transition sectors. Apart from the absence of a more significant capital inflow, this applies specifically to the privatization process and faster development of the more flexible SME sector. In 2004, the modest level of privatization was accompanied by scandals, which were important not only because of government intervention in economic life, but also because they reflected the general climate in the society. Here one must turn attention to two characteristic cases of privatization: one which has already been carried out and the other which is still uncertain. In the first case, it was the question of the mineral water producer Krnjaz Milos from Arandjelovac. For more than a year "patriotic feelings" towards basketball player Vlade Divac, as the future owner of that "national sanctity", were stirred up. However, after the annulment of the procedure according to which Divac became a majority shareholder - in partnership with the French company Danone - by the Republican Securities Commission (and the scandal accompanying this privatization story for days), a majority shareholder became the affiliation of the British firm FDP Balkan Ltd. In the second case, Serbia's largest chain of stores, C market, has not yet been privatized, but the attempt of Slovenia's Merkator to become its majority shareholder, according to the prescribed procedure, was regarded by a considerable part of the Serbian public as a hostile and "treacherous" act. The government also interfered with this privatization through the Trade Court, but the actions taken by C market employees were much more disgusting. Namely, apart from organizing protests in front of the Serbian Government, they were asking customers to sign a petition against "hateful Slovenes" wishing to buy "our" C market.

These two cases show the resistance of the greater part of the Serbian public to the privatization of former socially-owned enterprises and, even more so, a xenophobic attitude toward prospective foreign buyers. An illusion about economic self-sufficiency creates a material base for one's belief in social self-sufficiency, and both of them make up a social environment in which there is no need for competition, the free flow of goods and services and the like.

Mentality and Politics

... "Mentality corresponds to a specified system; for its part, the system contributes to the strengthening of mentality which, in principle, changes with difficulty",⁴ states historian Latinka Perovic, giving one of the basic cues to understanding the embrace of the current "system" and long-standing (Serbian) "mentality". At the same time, the strength of that embrace is also a measure of the (un)readiness of Serbian society to adopt the dominant values of "constitutional liberalism" (Farid Zacharia) on which the modern European

⁴ Latinka Perovic, "Izmedju komunizma i antikomunizma", presentation of Srdja Popovic's book "Poslednja instanca" in Sabac, summer 2004.

civilization is based. The conflict between conservatism and liberalism, modernism and anti-modernism, Europeanization and its anti-European antipode is the constant of Serbian history in the 19th and 20th centuries, which was dramatically carried forward to the 21st century with the assassination of Prime Minister Zoran Djindjic. The internal conflict determines Serbia's past, present and future and its outcome will show whether it will receive positive impulses from more and more nervous Europe. The newly established political cohabitation of the relevant political parties - ranging from the conservative right party (DSS) to the conservative left (SPS), with the DS in the centre - has only enhanced confusion among the citizens. Its result is the revival of the politics, themes and personalities dominating the public scene during the Milosevic regime. Otherwise, these themes are "Bosnian Serbs, Croatian Serbs and Kosovo Serbs."⁵ The one-time protagonists of the ideology and politics dominating Serbia over the last decade of the 20th century and leading it into wars and crimes, have now become the main protagonists of discrediting the Hague Tribunal, international administration in Bosnia and Kosovo and the small, dispersed alternative resisting the revival of the values from the recent past. Hidden and almost inaudible and invisible over the first two years after the fall of the Milosevic regime, they have become quite audible, participating in public debates, at various fora, as well as in the media: Dobrica Cosic, Kosta Cavoski, Brana Crncevic, Milorad Vucelic, Srdja Trifkovic... Even if they do not speak about the above mentioned issues, their interpretation still conveys an anti-civilizational message. Mass "tabloidization" of print media, accompanied by the "pinkization" of electronic ones, has turned the media into a powerful means of promoting anti-modern and anti-European views in Serbia once again. The allotment of space and time to the actors of the recent past is only a part of disorientation displayed by the media as regards the crucial issues relating to the country's European future. In the context of defending "national interest" and "national dignity", the media are uncritically keeping up with the authorities, no matter whether it is the question of the Hague Tribunal, Kosovo, the Republic of Srpska, or the relations within the State Union. As lucidly pointed out by Marcus Tanner, people often think that Serbia's media culture... is the legacy of communist ideology, which used to disregard unpleasant facts, rejected to separate news from commentaries and always tended to think in black-and-white terms, not to mention its obsession with the disposure and destruction of an internal enemy and a traitor. However, although this communist legacy had an important role in enhancing the weaknesses of Balkan journalism, their origins go back to the period before the 1945 revolution. The culture of Balkan journalism had difficulties in avoiding the influence of public culture, which was shaped during the wars of independence early in the 19th century... And the independence of journalists is closely related to the allocation of resources and public culture which is developed with their

⁵ Goran Svilanovic, "Cetiri teme", *Ekonomist magazin*, 24 December 2004.

support.⁶ Bearing in mind the general level of public culture in Serbia, which reduced its relations both with its immediate and broader surroundings and is increasingly more banalized and vulgarized in an interpretative sense, it is difficult to expect that the media will surpass such a model.

Media Ignorance

An illustrative example is the media coverage of very important relations with the neighbouring countries. Namely, the newspaper companies still have the correspondents from Sarajevo, Ljubljana, Zagreb and Skopje who were reporting from those cities during the disintegration of the common state and wars in its territory, but that is only a part of the problem. It should be noted that in reporting from those cities they mostly stick to the old patterns, perceptions and prejudices. On the basis of their reports, Serbian citizens can hardly gain an insight into the real extent of fundamental changes that took place in these countries in the meantime (this refers especially to Slovenia and Croatia). On the other hand, the newly established states are still treated with a dosage of arrogance, as it was the case when they were the constituent republics of the former Yugoslavia. The media also devote little attention to world news, especially to the processes creating a new global reality, from which Serbia strayed away 15 years ago. In electronic media, world news on the main news programmes are marginalized, while print ones, even those which had an extremely good foreign section in the past (*Politika*, for example), are now carrying international news superficially, laying emphasis on bizarre and off-colour stories and "uncommitted" themes in general. Analyses and commentaries are dominated by the view on the need to defend national and state dignity; on the non-acceptance of vassalage; on a double standard applied by international factors, especially America; on the imperfections of "Western democracy", its "hypocrisy" and "cunningness": "I am sure that, as things stands now, the European Union will never admit Serbia, not even as a third-class banana state. On the contrary: while saying one thing and then doing something else, it will try cunningly and perfidiously to break up the State Union of Serbia and Montenegro and take away from Serbia not only Kosovo and Metohija, but also Vojvodina and, perhaps, the Raska region".⁷

The media-public interaction, with Serbia in the "centre of the world", is reflected in hardly believable ignorance and indifference about everything that is taking place outside its borders. Even very tragic events or natural catastrophes- when people demonstrate solidarity throughout the world - do

⁶ Markus Taner, "Zabrinjavajuće prozimanje vesti i komentara", *Danas*, 13-14 March 2004.

⁷ Chris Patin, author's essay, "Pomoc EU na svakom koraku", *Politika*, 31 March 2004.

not have an echo in Serbia, or are interpreted in quite an incomprehensible way ("The suffering of Serbs in Kosovo is greater than the suffering of people in Eastern Asia", comments academician Matija Beckovic on the catastrophe caused by the tsunami in the Indian Ocean). Belgrade was the only European capital whose citizens did not pay tribute, with three minutes of silence, to hundreds of thousands of tsunami victims in East Asia (at the end of December 2004), simultaneously with the citizens of other capitals on the old continent. Serbia was also lagging behind the "rest of the world" in providing aid to the victims of this catastrophe, at least token one. Finally, on the 60th anniversary of the liberation of the Auschwitz death camp, on 27 January 2005, none of the Serbian (and Montenegrin) high officials attended the commemoration, together with European and world leaders.

Absence of a Social Consensus

Impartial analysts often point out that in Serbia there is (still) no social or political consensus on European integration, as opposed to other transition countries in the region. Due to the lack of this consensus, which would clearly define the aims, methods and social cost of that path to Europe (as well as its social and economic costs should it be abandoned), made the year 2004 absolutely lost: Serbia and Montenegro has not yet received the Feasibility Study, which the European Commission has been preparing for a long time, but its publication has so far been postponed. The latest time-limit is the end of the first quarter of 2005. The experience of other countries in transition shows that the time interval between the provision of the feasibility study and the conclusion of the association agreement (with the EU) is at least one year, and that it takes a relatively long time to become a full member. Thus, it can be assumed that Serbia is at least one decade late in pursuing its declared aim: EU membership in 2007-2010. At the end of 2004 already, it could be heard that Serbia would not accede to the European Union before 2017 (Maurizio Massari, Head of the OSCE Mission in Belgrade), or even later according to some forecasts (the latest CIA report on the world's development prospects). This backward movement was made despite the efforts of European institutions to include Serbia in continental processes as soon as possible, being aware of its importance for regional development and stability. After the ministerial summit in Salonika, in July 2003, a new European partnership with Serbia and Montenegro as well as with other countries in the region, was initiated with a view to providing financial assistance to its economic and democratic transformation. However, in March 2004 already, when this Partnership was announced, the then European Commission Commissar for Foreign Political Relations, Chris Patin, did not hide the disappointment of European officials with the hitherto performance of Serbia and Montenegro and noted that "if Serbia and Montenegro wishes to have a stable democratic future, which is

offered to it by Europe, it must show respect for the European values, especially the rule of law and its international obligations. Cooperation with the International Criminal Tribunal for the Former Yugoslavia is essential. There is no doubt about that...⁸ In the meantime, the Europeans did not change their position. At the end of the year, their disappointment was probably even greater due to such a waste of time (Javier Solana cancelled his visit to Belgrade in mid-January 2005). The problem in Belgrade's communication with the EU, as well as with the broader international community is not so simple as it was under the Milosevic regime, when Serbia was disciplined by unilateral pressures and ultimatums, according to the principle of "take it or leave it". The present government has obtained international legitimacy as being "democratic", implying a partner relationship. Since Serbia refuses unscrupulously (e.g. allegedly voluntary surrenders of the indicted for war crimes to the Hague Tribunal) to meet its international obligations and Europe does not wish to renounce its values (and the Hague Tribunal has not yet been dissolved), the situation resulted in a stalemate. Greater impatience has so far been displayed only by the US Administration: in January 2005, it revoked its 10-million dollar assistance, so that one can also expect the change of its position in the most important international monetary institutions, such as the World Bank and International Monetary Fund. In addition, the exclusion of Belgrade from the process of Kosovo's decentralization, based on the plan prepared by the Kosovo Government (the Contact Group's conclusion), is signalling that the hitherto indulgent attitude of international institutions and factors towards Belgrade and its obstruction will be redefined. In November 2004, the Serbian Parliament adopted the document concerning the Defence Strategy of the State Union of Serbia and Montenegro, which "confirms the commitment of the State Union and its member states to membership in international defence structures, primarily to its accession to the NATO Programme Partnership for Peace, and other European and Euro-Atlantic integration processes" (the Radicals did not vote openly against it - they just left the hall). Although the members of Parliament voted for European integration "in a package", that is, for the European Union and the Partnership for Peace at the same time, it can be observed that the two organizations - the European Union and NATO - are not treated on equal terms. Namely, the Serbian elite is reserved towards the NATO and this sentiment has been transmitted to the public (in the final draft of the mentioned text, the question of full membership in this military alliance has been omitted or, to be more exact, it has been left to the "democratic will of the people" in the future), allegedly due to the bombing of the FRY in 1999. "...the Partnership for Peace is a carrot for us, because we made it a bait. We might probably alleviate our masochistic position if we remove accession to the Partnership for Peace from our priority list at the moment... The Partnership for Peace is not the empire of the fortunate or the

⁸ Spomenka Arsic, "Razapeta istina", *Ogledalo*, 8 September 2004.

club of the privileged, or a mutual aid fund, or the measure of a country's democratic progress and reputation...⁹

Conclusion

This year's dramatic slowdown in Serbia's accession to European integration processes is not a dominant theme on the Serbian scene. This leads at least to the conclusion that its intellectual and political elites are indifferent about that fact. Moreover, the responsibility is transferred to the other side, through the question: "Why the main factors of Euro-Atlantic policy insist on the criteria that have nothing to do with their proclaimed geostrategic interest that Serbia and Montenegro, just like Bosnia and Herzegovina (i.e. the Serbian entity within it - the Republic of Srpska), should become, for the beginning, a member of the Partnership for Peace, but not of the NATO itself?", as stated by Aleksandar Simic,¹⁰ foreign policy advisor to Prime Minister Kostunica. In his view, Europe's pragmatic geostrategic interest to round off its area with the remaining Balkan countries, will take precedence over its "moral" and legal reasons for finding and extraditing the ex-politicians and army commanders indicted for war crimes. Such political philosophy is rightfully counting on Europe's need to feel a "black hole" in the Balkans as the potential source of regional and its own instability. However, the promotion and protection of its moral values are also in Europe's strategic interest. In other words, Serbia has the European future and does not have to fear that it will be removed from that path. But, that future is becoming more and more distant, in proportion to its unreadiness to reconcile its geostrategic interest and that of others with Europe's decades-long moral standards and values.

⁹ Dragoslav Rancic, "Mangupi iz prvih redova", *Politika*, 3 February 2005.

¹⁰ Aleksandar Simic, "Dileme spoljne politike u nedovrsenoj drzavi". *Ekonomist magazin*, 24 December 2004.

Slovenia: Good Relations That Could Be Better

The relations with Slovenia are recording an upward tendency, regardless of occasional campaigns pointing to the danger of Slovenia's alleged colonization of Serbia. The year 2004 was marked by the attempt to promote balanced economic cooperation still further. It is evident that Slovenia is prepared to help Serbia to join European integration processes with its experience.

According to Ljubljana's *Dnevnik*, although Serbia is still regarded as a high-risk country with an unclear territorial status, this representing the "potential source of new tensions", it is held that "Serbia and Montenegro is a more favourable partner than neighbouring Croatia.¹ Namely, apart from some emotional traumas caused by the recent past, which are gradually disappearing, Slovenia has no serious problems with that state".² Emphasizing the significance of the European perspective of Serbia and Montenegro, Slovenian officials express their readiness to assist Belgrade by transferring to it its experience, knowledge and negotiating skill³, from political level to technical assistance⁴, because, according to the European Commissar for EU Enlargement, Janez Potocnik, "Serbia and Montenegro is an extremely important country in the Western Balkans and of utmost significance in that region. Therefore, I hope that its development efforts will be aimed at accelerated democratization, that is, in the direction that will be productive

¹ The commentary of Ljubljana's *Dnevnik* can be viewed in the broader context of Slovenian-Croatian relations, which are burdened by unsettled issues, such as: the demolition of holiday homes belonging to Slovenian citizens in Umag and Medulin and the border dispute over the Bay of Piran, whereby Slovenia and Italy proposed the trilateral management of the territorial waters in response to the Croatian decision to establish an ecological-fishing zone. In the process of its accession to the EU, Slovenia requested from the European Commission to be neutral in the disputes with the neighbouring countries and that these disputes should not influence the pace of its accession to the EU.

² "Beograd povoljniji partner od Zagreba", *Danas*, 19 September 2004.

³ "Znacaj znanja", *Politika*, 4 October 2004.

⁴ "Slovenacki recept za Srbiju", *Blic*, 3 April 2004.

both for it and for all of us."⁵ On the occasion of the visit of Slovenian Foreign Minister Ivo Vajgl to Belgrade, Ljubljana's *Dnevnik* emphasized that the "capital of Serbia and Montenegro has always been a desirable partner of Ljubljana diplomacy, since the West expected from Slovenia to play the role of a healer in the period of healing the Balkan wounds"⁶.

Important Support

On the occasion of his visit to Slovenia, the Foreign Minister of Serbia and Montenegro, Vuk Draskovic, also emphasized the clearly expressed readiness of Slovenia at all levels, from the President of the Republic, Prime Minister and Parliament Speaker to Foreign Minister, to help Serbia and Montenegro to accede to the EU.⁷ The new head of Slovenian diplomacy, Dimitrije Rupel, commented the visit of the Foreign Minister of Serbia and Montenegro to Ljubljana as the "confirmation of extremely good relations between the two countries".⁸ Rupel also emphasized that "Slovenia wishes that Serbia and Montenegro follows its example in accession to the EU as soon as possible, and is ready to help it with its experience. At the same time, it does not wish to impose its models if that is not in the interest of the other side".⁹

In view of the fact that Slovenia became a NATO member on 29 March 2004 and a EU member on 1 May 2002, it is now acting as the promoter of the former Yugoslav republics. It sees the future of the Western Balkans only in mutual respect, integration and the launching of the programmes that will encourage the European perspective. Therefore, according to Ivo Vajgl, the Slovenian representatives "will insist at all fora that all countries of South Eastern Europe have the real option of accession to the EU. And we can always remind ourselves of that part of our common history when there was a great mutual understanding".¹⁰ At the meeting of the foreign ministers of the Central European Initiative (CEI), which was held in Portoroz, the Foreign Minister of Serbia and Montenegro, Vuk Draskovic welcomed the existing chain of regional forms of cooperation, which are not in conflict with each other, or with our attempts to accede to the EU.¹¹ In the context of regional integration, Slovenia abolished the visa regime for the citizens of Serbia and Montenegro holding

⁵ "Potocnik: Perspektiva SCG je evropska", *Danas*, 3 June 2004.

⁶ "Beograd povoljniji partner od Zagreba", *Danas*, 16 September 2004.

⁷ Draskovic said that in Slovenia he was able to perceive the feeling of friendship towards the people of Serbia and Montenegro and that there is the same feeling towards the Slovenian people in Serbia and Montenegro, "Draskovic: Evropski voz je pobegao nasom krivicom", *Danas*, 5-6 June 2004.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ "Racunamo na stara prijateljstva", *Vecernje novosti*, 17 July 2004.

¹¹ "Dobro slovenacko iskustvo", *Politika*, 26 May 2004.

official passports, and the Agreement on Cooperation in the Field of Health was also signed. The Succession Agreement came into force¹² and, in September, it was announced that the two countries would sign the Social Insurance Agreement very soon. Thus, it is held that the mutual relations will not be burdened by moot questions any more.¹³

Slovenian diplomacy offered the "good offices of Slovenia in the interpretation of the views of Belgrade and Pristina in Brussels, as well as to each of its European partners as regards the Kosovo question".¹⁴ Slovenia's message that the adoption of the modern European standards is more important than the date of accession to the EU and that the negotiations should be conducted in the country¹⁵ so as to eliminate any negativity in its ranks, Serbia has not yet adopted as the model of its daily political communication. The key political actors in Serbia have not yet reached a consensus on the substantive adoption of the European standards, or on the removal of the major obstacles to the preparation of the Feasibility Study. Despite Slovenia's interest that the State Union of Serbia and Montenegro accedes to the EU and its readiness to "transfer its experience, so that the mistakes are not repeated",¹⁶ which is also confirmed by Davor Senicar, Chargé d'Affaires of the Slovenian Embassy in Belgrade, the autistic attitude of the Serbian political establishment is straying Serbia from the mainstream of Euro-Atlantic integration.¹⁷

Slovenia has a deficit in its trade with 15 EU member countries, while its largest surplus is recorded in the territory of the former Yugoslavia. In this region, Serbia is the most interesting country due to the size of its market, since it is located in the epicentre of a broader market with 55 million people. Especially appealing is the fact that Serbia will have free trade agreements concluded with all countries in the region very soon, not to mention its access

¹² "Draskovic: Evropski voz je pobegao nasom krivicom", *Danas*, 5-6 June 2004.

¹³ "Beograd povoljniji partner od Zagreba", *Danas*, 16 September 2004.

¹⁴ "Draskovic: Evropski voz je pobegao nasom krivicom", *Danas*, 5-6 June 2004.

¹⁵ Among all key political actors, regardless of their differences, there was a consensus on the country's accession to the EU and NATO. Internal political disputes over the referendum on deleted persons, referendum on the building of a mosque in Ljubljana, settlement of the border disputes with Croatia, as well as the victory of the right (the Slovenian Democratic Party of Janez Jansa formed the government of the right bloc) at the fourth parliamentary elections (3 October 2004) since the country's winning independence, did not affect the clearly defined aims: the adoption of the European standards and accession to Euro-Atlantic integration.

¹⁶ "Kvalitetniji zivot", *Politika*, 11 June 2004.

¹⁷ After the ratification of the agreement on accession to the EU, the Slovenian Parliament also ratified the North Atlantic agreement; three deputies of the Slovenian National Party voted against it, two abstained from voting and 63 deputies to the Slovenian Parliament voted for it, thus observing the results of the referendum at which Slovenian membership in the NATO was supported. "Bez euforija", *Politika*, 26 February 2004.

to Russia, China and some Near East countries.¹⁸ Slovenian investors have so far invested in Serbia more than 300 million euros,¹⁹ while 11 Slovenian enterprises have participated in privatization in Serbia.²⁰ While investing in Serbia, Slovenia devotes special attention to small-sized enterprises and greenfield investments "where everything begins from zero and all jobs are new. Slovenia's investments in the economy of Serbia and Montenegro are naturally in its own interest, but they also create new jobs, revive economic flows and produce the value added", says Ivo Vajgl, the then Foreign Minister of Slovenia.²¹

The *Agreement on Free Trade Between Slovenia and Serbia* was not concluded, because it was placed on the agenda just before Slovenia's accession to the EU. After its entry in the EU, Slovenia will not conclude free trade agreements with the South East European countries any more. Thus, its investment efforts will be directed to export-oriented enterprises in Serbia.²² Economic restructuring and investments were the main topics of the meeting of Serbian Vice-Premier Miroljub Labus with Slovenian Prime Minister Anton Rop, Minister of Economy Tea Rop, President of the Slovenian Chamber of Industry and Commerce and a larger group of Slovenian businessmen.²³ The Minister for Capital Investments, Velimir Ilic, participated in the session of the Council of Ministers of the European Conference of Ministers of Transport (CEMT) in Ljubljana.²⁴

Due to an increase in the volume of trade between Slovenia and Montenegro in 2004, the agreement on the introduction of a new goods train, "Sava ekspres", on the Ljubljana-Zagreb-Belgrade route, was signed in Belgrade.²⁵ Regional cooperation also contributes to the joint settlement of problems with all types of crime: trafficking in persons, drugs, weapons... That was one of the items on the agenda of the meeting of defence ministers within the *Initiative for Cooperation among Defence Ministries of South Eastern Europe*, which was chaired by Slovenian Defence Minister Anton Grizold.²⁶ The fight against organized crime was also discussed at the meeting of the Adriatic-Ionic Initiative (a regional meeting attended by Albania, Bosnia and Herzegovina, Greece, Croatia, Italy, Serbia and Montenegro and Slovenia); round-table participants also discussed environmental protection, economy, tourism and

¹⁸ "Izvozna privreda prioritet", *Politika*, 17 March 2004.

¹⁹ "Znacaj znanja", *Politika*, 4 October 2004.

²⁰ "Izvozna privreda prioritet", *Politika*, 17 March 2004.

²¹ "Znacaj znanja", *Politika*, 4 October 2004.

²² "Izvozna privreda prioritet", *Politika*, 17 March 2004.

²³ *Ibid.*

²⁴ "Razvoj regionalnih saobraćajnih koridora", *Politika*, 27 May 2004.

²⁵ "Krece 'Sava ekspres'", *Politika*, 27 August 2004.

²⁶ "Zajednicka brigada", *Politika*, 6 November 2004.

small-sized enterprises, transport and maritime linkages, culture, education and inter-university cooperation.²⁷

Minorities and "Deleted" Persons

The results of the survey *Ethnic Mosaic of Serbia and Refugees in Serbia*, which was conducted by the Ministry for Human and Minority Rights on the basis of the 2002 census, with assistance of the Republican Statistical Office and the Centre for Political Culture and Education, show that the Slovenian ethnic community is the oldest among 29 minority groups in Serbia; the average age of ethnic Slovenes is 54.8 years and this ethnic group has the greatest number of pensioners. This population falls into the category of integrated persons or the persons who change their place of residence with difficulty due to age. There are no Slovenes among the illiterate.²⁸

Insofar as the status of Serbs in Slovenia is concerned, the public surveys have shown that there is resistance to granting the status of a national minority to the Serbs, Montenegrins, Croats, Bosniaks, Albanians and Macedonians, because only the Hungarians and Italians enjoy such a status, which was inherited from the former Yugoslavia.²⁹ One of the major problems, which can be regarded as a minority one, is the problem relating to the removal from the register of citizens (18,000 people), which occurred in the process of Slovenia's emancipation in 1991 already. That was also the topic of two referendums held in Slovenia in 2004.

The left has proposed the retroactive recognition of the status to the persons who have not left Slovenia since 1992 and have proved that. At the same time, those who have not proved that should be enabled to do that now. During the 1990s, there was a legal loophole in Slovenian legislation. Milan Potrc, leader of the deputies' group of the United List of Socialists, says that at that time "it was held that the one who renounced the right to acquire Slovenian citizenship, decided to leave Slovenia and go the country whose citizenship he had". He also says that those are "usually the newcomers from the territory of the former Yugoslavia". They were not offered to regulate their permanent residence in Slovenia; instead, they were simply removed from the register of citizens, because nobody told them, nor is it stipulated by any law, that the one who does not acquire citizenship will lose the right to permanent residence. The right, rallied around the *Coalition for Slovenia*, opposed the retroactive recognition of the status to deleted citizens. The public was bombed by statements on a daily basis that the deleted could acquire Slovenian

²⁷ "Zasedanje Jadransko-jonske inicijative u Portorožu", *Politika*, 29 March 2004.

²⁸ "Slovenci najstariji, Jevreji najobrazovaniji", *Danas*, 31 January - 1 February 2004.

²⁹ "Jansa rusi vladu", *Politika*, 26 January 2004.

citizenship, but they did not, because they speculated; they were against Slovenia and took part in the war against it; they took part in the wars in other parts of the former Yugoslavia, who knows on whose side, and their only aim is to receive large damages from the state.³⁰ The final decision on holding a referendum devoted to the law on deleted persons has remained with the Constitutional Court.³¹

Those who launched the campaign for collecting signatures against a referendum on the erased called on the politicians to solve this problem as soon as possible, pursuant to the decision of the Constitutional Court. Over 180 renowned Slovenes signed the petition, including Ciril Zlobec, Jurij Gustincic, Joze Mencinger, Spomenka Hribar and Niko Tos. The boycott of the referendum was also announced by Prime Minister Anton Rop. At the same time, the President of the Helsinki Monitor of Slovenia, Neva Miklavcic-Predan, refuted the official data, stating that the Helsinki Monitor has the document of the Slovenian Ministry of the Interior, issued in 1996, with the names of 80,580 deleted Slovenian citizens being from the former Yugoslav republics by descent.³²

The referendum on the deleted was held on 4 April 2004; the turnout was 31.45% of the total number of Slovenian citizens with the voting right. Most of them (94.62%) voted against the implementation of the technical law. Numerous non-governmental organizations, independent intellectuals, leftist

³⁰ "Pitanje "izbrisanih" i dalje potresa Sloveniju", *Danas*, 22 January 2004.

³¹ Slovenian President Janez Drnovsek announced himself twice in only two days and warned that Slovenia would be seriously discredited in the world should it fail to implement the decision of the Constitutional Court in favour of the deleted. Most Slovenes accept the thesis that deleted persons "betrayed" Slovenia by their decision not to acquire Slovenian citizenship, but only residence: regardless of the fact that many of them were not in the position to settle their legal status in the newly established state. The intention of those supporting a referendum is that the citizens express their views on the abolition of the so-called Technical Law on the Deleted, which was adopted by Slovenian Parliament for 4000 persons who had been granted permanent residence, thus meeting the requirements for acquiring citizenship. The problem of others (18,000, officially) would be solved by a system-related law. "Apsurdni referendum", *Politika*, 9 January 2004.

³² She also repeated the basic thesis that someone from the Slovenian establishment figured out how to reduce that number so as not to irritate international institutions too much. She does not believe that the international community will turn a blind eye to Slovenia this time, as it was doing for years in the case of the tragedy of 130,000 people (which is the official number of deleted persons according to the Helsinki Monitor). "Compensation? Why not! They are entitled to it in accordance with Article 26 of the Slovenian Constitution... They were asked to come to the police and bring their documents; they went there, hoping that they called them to solve their status. However, they punched their passports and identity cards. Thus, they remained without any document. They had no right to work or to pension. They could not have health insurance." "Izbrisanih je mnogo vise", *Politika*, 11 February 2004.

political parties and Slovenian President Janez Drnovsek condemned the referendum and invited the citizens to boycott it. The former Slovenian President, Milan Kucan, said that this referendum was a shame for Slovenia.³³ In fact, the results of the referendum have no legal effect on the status of the deprived category of people, or on the decision of the Constitutional Law that the issuance of decisions on the recovery of the rights to those from whom they have been unlawfully withdrawn should start right away.³⁴

The Serbs in Slovenia (mostly Croatian Serbs) have no conventional refugee status, since they have already been integrated into Slovenian society – almost all of them are employed and most of them have so far acquired either permanent residence or citizenship. But, many of them cannot settle the problem of their property, length of service or pensions in Croatia. The Slovenian daily *Delo* supports the principle of so-called rounded-off justice, according to which each state should do its best for all refugees. The Serbian minority community in Slovenia also supports that principle, because there is also a great number of Serbs who have been deleted. Some humanitarian organizations are convinced that the deleted are still the victims of political manipulation.³⁵

The Slovenian public also had a similar attitude towards the building of a mosque. The Town Council of Ljubljana brought the decision on holding a referendum on the building of the Islamic centre on 23 May 2004. Despite the fact that the Municipal Assembly issued a permit for the building of a mosque, the Town Council banned it. Some analysts hold that most Slovenes are still against the building of a mosque in Ljubljana. But, most Slovenes are also against disgracing themselves in the eyes of the world in such a convincing way. The Mayor of Ljubljana, Danica Simsic, is also against a referendum. The Islamic religious community, led by Mufti Osman Djogic, is also resolutely against it.³⁶ "It is inappropriate to support something like that in the situation when our state is just about to accede to the EU", was the message of many Slovenian intellectuals.³⁷

However, there are also some activities relating, above all, to the interpretation of the war of 1991-1999. The dominant thesis in Serbia is still the one that Slovenian and Croatian secessionism is responsible for the collapse of Yugoslavia. This thesis is also gaining in importance because of the trial to Slobodan Milosevic before the Hague Tribunal, who is reviving it very skillfully

³³ "Slovenci glasali protiv", *Politika*, 5 April 2004.

³⁴ "Podrska krsenju ljudskih prava", *Politika*, 6 Aril 2004.

³⁵ "Zrtve politickih manipulacija", *Politika*, 23 November 2004.

³⁶ The heated debate on deleted persons and the raising of the question of a referendum on the mosque have ruined the rating of the ruling Liberal Democracy of Slovenia (LDS), i.e. it declined from 36% in the election year 2000 to 17%. At the same time, the rating of its greatest rival, the Social-Democratic Party of Slovenia, increased from 10% to 16%. "Podrska levici", *Politika*, 4 March 2004.

³⁷ "Bruka pred evropskim vratima", *Politika*, 21 April 2004.

in the Serbian public through his witnesses. The Novi Sad Ecological Movement, Yugoslav Ecological Movement, Vojvodina Green Party and the Coalition of the Green filed a lawsuit against the Slovenian government accusing it of the execution of more than 40 JNA soldiers during the 1991 conflict. In their indictment submitted to the state prosecutors of Serbia and Montenegro, Office of the Hague Tribunal and the International Court of Justice, the members of the then Slovenian leadership, Milan Kucan, Janez Drnovsek and Janez Jansa, are charged with organizing and ordering the "brutal execution of unarmed JNA members", thus committing a crime against humanity and international law.³⁸

³⁸ "Streljali pred kamerama", *Vecernje novosti*, 29 April 2004.

Croatia: Readiness to Normalize Mutual Relations

The relations between Serbia and Croatia are of significance for the whole region. The efforts towards the normalization of their relations and readiness to resolve the open questions have been demonstrated at the highest political level. This also applies to the questions concerning their readiness to confront the war past¹, although it must be noted that some progress is evident – at least there is a "good will on both sides"² to solve them. Official Belgrade holds that the "stability of South Eastern Europe depends on the 'Zagreb-Belgrade' axis, so that Belgrade will do its best so as to ensure the smooth functioning of that axis"³. Official Zagreb began talking about reconciliation after Croatia became a candidate for accession to the EU, while Prime Minister Ivo Sanader emphasizes that "he himself will plead for full normalization of the relations between Croatia and Serbia, and the relations between Croatia and Serbia and Montenegro" and that he will "always support Belgrade's path to the European Union."⁴ However, regardless of the hitherto progress in the relations between the two countries, the Serbian nationalists hope for the postponement of Croatia's negotiations with the EU about its accession. The instrumentalization of Croatian Serbs has always been aimed at impeding Croatia's path to Europe and not at returning them to Croatia. The policy of the current Serbian Government and Prime Minister Vojislav Kostunica does not differ from that which is pursued during the Milosevic regime. The only exception was the short period when Ozren Tosic was the high commissar for refugees (during the Djindjic Government), since he worked seriously on the return of Serbs to Croatia and Bosnia. The fact that the Serbs in Croatia have

¹ Hidajet Biscevic: "At the moment, the revival of the concept of Greater Serbia is not possible, because Serbia has enough problems of its own, such as: unstable political life and the problems relating to the constitution, administrative apparatus and territorial system. Thus, the return to such a concept would not suit it at all. Serbia is burdened with numerous problems, with its traumatized and non-cleared ideological consciousness, with the undetermined final status of Kosovo and the like". "Zagreb: Koncept Velike Srbije samo izborna retorika", *Danas*, 31 December 2003-2 January 2004.

² Mirosljub Labus, "Bez viza u Hrvatsku do kraja godine", *Politika*, 19 May 2004.

³ *Ibid.*

⁴ "Sanader zeljno cekta Kostunicu", *Glas*, 3 March 2004.

problems makes the Serbian nationalists happy, because their secret aim is to keep them in Serbia, that is, in Vojvodina in order to consolidate the ethnic space within Serbia. By skillfully manipulating the Serbian question in Croatia, the Serbian nationalists succeeded in maintaining the critical stand of many international organizations⁵, which is correct, but they alone did not try to contribute more seriously to the return of Serbs to Croatia and their integration. Namely, the Serbian nationalists exploit the problems in all neighbouring countries inhabited by Serbs.

A group of Croatian Serbs has recently (at the end of February 2005) held a meeting at the Trade Union Hall, after which they informed the public that they elected the government in exile, deriving their legitimacy from the fact that they had been the deputies to the Government of the so-called Republic of Srpska Krajina in 1993. This was not the first such action - the first was taken in 1997. The basic message of this *government in exile* was that the so-called Republic of Srpska Krajina is occupied (this view is also held by Toma Nikolic) and that its occupation should be terminated by "political and diplomatic" means. This "incident" should be viewed in the context of the general climate in Serbia, which is stirring up an illusion that the unification of Serbian lands will be possible once the international circumstances change and Russia returns to the political scene. This time, the representatives of Croatian Serbs responded very negatively to the latest "provocation" from Belgrade. Dr Vojislav Stanimirovic stated that the Serbs in Croatia "do not need the representatives like those who formed the Assembly of the Republic of Srpska Krajina in exile in Belgrade. It is the question of the persons who live and work in Serbia and do not intend to return to Croatia. If their intentions were serious and honest, they would try to help our community here..."⁶

The Serbian Minority in Croatia

At the beginning of his term of office, Croatian Prime Minister Ivo Sanader made several gestures which were unanimously well-received both by the international community and democratic public in Croatia. Those were, first of all, his visit to the representatives of the *Serbian community* in Croatia on the Orthodox Christmas⁷ and his statement that the Serbs in Croatia are "a treasure

⁵ *Human Rights Watch*; in its annual report the *State Department* stated that "in Croatia there is still open and, at times, great discrimination against the Serbs and Roma".

⁶ *Politika*, 1 March 2005.

⁷ This was the first time since Croatia won its independence that Prime Minister and Parliament Speaker – Ivo Sanader and Vladimir Seks – attended the traditional Christmas party in the Serbian National Council in Zagreb, together with high

and not a problem¹⁸. The agreement made with three Serb members of parliament about cooperation in solving the current problems of Serbs was also well-received.⁹ By amending this agreement it was anticipated that the Serbian community would have eight deputy ministers in the Croatian Government. Since those are the most important sectors – police, judiciary, culture, reconstruction, economy, agriculture and forestry, education, health and social affairs – those eight deputy ministers will be involved in solving the problem of Serb returnees on a daily basis.¹⁰

The minority rights standards in Croatia are regulated by the Constitutional Law on the Rights of National Minorities. By observing the EU standards, an attempt is made to create such a climate in Croatia that the Serbs will "have no right to remain passive, nor will they be able to do that any more."¹¹ It is expected that the members of the Serbian community will take an active part in all reform processes converging Croatia towards Europe.¹² In accordance with the Constitutional Law on National Minority Rights, the councils of national minorities are formed in the units of self-government, towns and municipalities; the Serbian minority set up the bodies of minority self-government in 19 counties (out of 21). The enactments of the units of local self-government are also harmonized with the provisions of the Constitutional Law.¹³ During the visit of the President of Serbia and Montenegro, Svetozar Marovic, to Croatia, the formal signing of the *Agreement on the Formation of the Coordinating Body of the Serbian National Minority in the Territory of the Republic of Croatia* was arranged. The ceremony was also attended by the Serbian Minister for Diaspora. The Coordinating Body represents the Serbian community in Croatia and its task is to reconcile and promote the common interests. Like the councils of national minorities, it has the right to propose the measures that will improve the status of the Serbian minority; to nominate candidates for public offices at the state and local levels and to monitor the exercise of minority rights in the field of information.¹⁴ In the middle of the year, a public debate about the

government officials, ministers of foreign affairs and culture and, as usual, Milan Bandic, Deputy Mayor of Zagreb. "Sanader i Seks na prijemu", *Politika*, 8 January 2004.

⁸ Croatian media devoted great attention to the religious services. Thus, in the Church of the Transfiguration in Zagreb, where the liturgy was held by Metropolitan Jovan of Zagreb-Ljubljana and all of Italy, there were several TV teams, including Croatian State TV. "Dve službe u Vukovaru", *Politika*, 8 January 2004.

⁹ "Sanader zavodi red", *Blic*, 16 February 2004.

¹⁰ "Ako Sanader prevari Srbe odmah rusimo vladu", *Svedok*, 3 February 2004.

¹¹ Jovan Ajdukovic: "Pohvala zakonu", *Politika*, 9 May 2004.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ "Simboli koji brinu", *Politika*, 27 May 2004.

choice of the anthem, flag and coat-of-arms of the Serbian community was also staged, as stipulated by the Constitutional Law.¹⁵

The motives of Prime Minister Sanader to behave "in a conciliatory and ecumenical manner towards the nearly demonized¹⁶ Serbian minority"¹⁷, have been interpreted in various ways. On one side, the reasons may lie in "sincere regret for the HDZ's sin committed during the regime of Franjo Tudjman, or the will for cooperation"¹⁸. On the other side, his reconciliatory messages can be interpreted as political, declarative¹⁹ and marketing gestures.

The settlement of the problem relating to the tenancy rights of Serb refugees will enable the return of a greater number of them to Croatia.²⁰ The problems, such as: the status of the Serbian minority in Croatia and the official stand that the "protection of minorities is one of the country's national priorities"²¹; the status of the Croatian minority in Serbia²²; Croatia's lawsuit against Serbia before the International Court of Justice in the Hague for

¹⁵ Underway is a public debate about the choice of the anthem, flag and coat-of-arms of the Serbian community in Croatia. All this is taking place in the country with less than 4 million inhabitants where the Serbs – according to the latest census – constitute only 4.5%. The debate on the choice of the national symbols of a national minority in Croatia is conducted at the time of the ambitious European plans of official Zagreb and at the time of the presidential elections in Serbia. "Izmedju Evrope i Srba", *NIN*, 17 June 2004.

¹⁶ The OSCE Mission to Croatia has recently published its report on the monitoring of war crimes trials before Croatian courts over a period of two years. It is stated that the Serbs are mostly in a less favourable position than Croats, which means that a double standard is applied, depending on the nationality of the indicted. "Olako optuzivanje Srba za genocid", *Politika*, 8 March 2004.

¹⁷ "Dobre namere dokazati u praksi", *Danas*, 9 January 2004.

¹⁸ *Ibid.*

¹⁹ Milan Djukic, leader of the Serbian People's Party, stated that the agreement made by the Independent Democratic Serbian Party (SDSS) with the HDZ Government was harmful to the Serbs in Croatia. In his view, the agreement of three SDSS deputies to the Croatian Parliament with the HDZ Government is trade in human rights, because they did not ask for the review of numerous trials against the Serbs convicted of war crimes in Croatia, often without any evidence. "Djukic: dogovor stetan za Srbe", *Danas*, 30 January 2004.

²⁰ Stjepan Mesic: "For us the return of refugees is a greater problem than the attitude towards the minorities, which is in accordance with the European or even higher standards. The return of refugees is in Croatia's national interest, because it will be a proof of the maturity of our democracy. We must create such conditions that everyone will wish to return to his home and his homeland. "Dobri odnosi dve zemlje", *Politika*, 20 May 2004.

²¹ Ivo Sanader, "Izmedju Evrope i Srba", *NIN*, 17 June 2004.

²² Rasim Ljajic: "The protection of minorities and cooperation in that field hold a high place on the priority list of Serbia and Montenegro, which has so far made the greatest progress in the region in that respect". "Zajedno do tolerancije", *Danas*, 17-18 January 2004.

aggression and genocide; the fate of missing persons; the border issue²³; the visa regime²⁴; the return of land registers to Croatia and the determination of ownership status²⁵; the problems of Serbs serving a sentence at Lepoglava²⁶, as well as the beginning of negotiations about succession, are still burdening the relations between the two countries. They are on the agenda of all official meetings of their representatives such as, for example, the visits of the President of Serbia and Montenegro, Svetozar Marovic,²⁷ and Serbian Vice-Premier Miroljub Labus²⁸ to Zagreb, as well as the official visit of Croatian Prime Minister Ivo Sanader to Belgrade. Croatia and Serbia and Montenegro signed the *Protocol on Cooperation in the Field of European Integration*. The two countries agreed to exchange government officials engaging in the areas of common interest, as well as to set up joint working teams for some areas, such as the translation of European legislation, or the application of the method ensuring the best possible use of the European financial programmes.²⁹ During the visit of Ivo Sanader to Belgrade two agreements were signed: the *Agreement on the Protection of Minorities* and the *Agreement on Scientific and Technical Cooperation between Serbia and Croatia*.

²³ Svetozar Marovic: "We have agreed that the border issue, which we do not regard as an open one, should be left to the experts, whose technical solutions will guarantee a relaxed attitude of the citizens towards the border which will exist only on paper." "Buducnost za obe zemlje je Evropa", *Glas javnosti*, 16 November 2004.

²⁴ The Croatian Government decided to extend visa-free entry for the citizens of Serbia and Montenegro until 31 December 2005, "Bez viza jos godinu dana", *Politika*, 13 December 2004.

²⁵ Stjepan Mesic: "Our problem is related to investments in the war affected areas from which the people have run away and are now coming back, because it is difficult to determine ownership status. Namely, the land registers have been taken away from Croatia. Who will invest in the region where one's ownership status cannot be determined?", "Dobri odnosi dve zemlje", *Politika*, 20 May 2004.

²⁶ By emphasizing Sanader's words: "The past must not be forgotten, but we must turn to the future!", it is also pointed to the agreement reached by the two sides to begin solving the problems of Serbs serving a sentence at the Lepoglava Penitentiary. "Podrska Sanaderu", *Politika*, 17 January 2004.

²⁷ In the opinion of the President of Serbia and Montenegro, the agreement is very important because it regulates the protection of minority rights in both countries "in a European way"; he also welcomed Sanader's statement that the visa regime would remain liberalized. "Buducnost za obe zemlje je Evropa", *Glas javnosti*, 16 November 2004.

²⁸ Miroljub Labus: "We are looking with great satisfaction and understanding at the way in which Mr. Sanader is conducting the policy here, in Croatia, and towards the EU, as well as towards its national minorities and its neighbours. He can count on the Serbian Government as a serious partner." "Bez viza u Hrvatsku do kraja godine", *Politika*, 19 May 2004.

²⁹ "Problem granice glavna tema", *Danas*, 26 May 2004.

The Border Issues

Official Belgrade expressed its readiness to have the police assume control over the *border* instead of the army, emphasizing that the "pace of taking over control does not depend on the political decision any more, but only on the financial possibilities."³⁰ However, the fixing of the inter-state border on the Danube remains a greater problem. In this connection, both sides agreed that the conclusion of the Badinter Commission in 1991 should be used as a basis for solving this problem. Namely, according to the Badinter Commission, the borders of the former Yugoslav republics should become state borders. Thus, the territory on the left bank of the Danube will form part of Croatia and that on the right bank will form part of Serbia and Montenegro.³¹ The intensified efforts towards the improvement of the border regime are also reflected in the decision of the Croatian Government to grant visa-free entry to the citizens of Serbia and Montenegro next year as well. The completion of the process of ratification of the *Agreement on Readmission to Serbia and Montenegro*³² contributed in large measure to the decision of the Croatian Government to extend such a visa regime for the citizens of Serbia and Montenegro until the end of 2005.

The border on the Danube is also used for provocations and the display of defiance, which was also shown by an incident that took place on the day when the tragedy in Vukovar was commemorated. Namely, on that day, a military ship belonging to Serbia and Montenegro violated the border on the Danube and entered the Croatian territorial waters. The Defence Minister of Serbia and Montenegro, Prvoslav Davinic, who was at an international meeting devoted to NATO in Zagreb at that time, denied the reports of Croatian media that there was an incident.³³ The Croatian Defence Minister, Berislav Roncevic, stated that Minister Davinic "expressed regret over this incident"³⁴ and said that "this will not and must not happen any more"³⁵. This event was not further politicized, since the Croatian side accepted Minister Davinic's statement as an apology.

³⁰ "Bez viza u Hrvatsku do kraja godine", *Politika*, 20 May 2004.

³¹ Stjepan Mesic: "Consequently, we have the principle and it is only necessary to determine the actual state of affairs. This can be done through negotiations. "Dobri odnosi dve zemlje", *Politika*, 20 May 2004.

³² "Bez viza u Hrvatsku do kraja godine", *Politika*, 19 May 2004.

³³ "The police will assume control over the border on 1 January and I believe that there will be no such incidents any more", "Nije bilo povrede granice", *Politika*, 20 November 2004.

³⁴ "Nije bilo povrede granice", *Politika*, 20 November 2004.

³⁵ *Ibid.*

Facing Up the Past

Croatia's attitude towards the Hague Tribunal is the question of assuming the responsibility for its confrontation with the war past. In the Preamble to the *Declaration on the Patriotic War*, which was adopted by the Parliament, it is stated that government officials are obliged to protect the dignity of the patriotic war and spread the truth about it. Thus, the extradited Croatian generals have gone to The Hague to defend the truth about the patriotic war. Despite the view that the "Hague Tribunal is losing its political dimension in Croatia"³⁶, the date on which Croatia will begin its negotiations with the EU depends on the extradition of Ante Gotovina. Once in The Hague, Gotovina will be the first Croat indicted for crimes against the Serbian population (i.e. crimes against humanity, violations of the laws and customs of war, as well as war crimes committed during the military operation *Storm* in August 1995).³⁷ The Croatian public is divided, but most political parties agree on the necessity to "cooperate with the Hague Tribunal without question, despite the charges"³⁸ in the indictments. Faced with the possibility of suspension of its negotiations, Croatia assigned top priority – apart from its readiness to extradite Gotovina to The Hague – to a judicial reform and the preparation of domestic courts for taking over some cases from the Hague Tribunal. The Croatian courts are convinced that they will take over the case of Medacki dzep (the operation of the Croatian forces when 100 Serbs were killed and 15 Serbian villages near Gospic were destroyed), so that Mirko Norac (sentenced to 12-years imprisonment for mass killings of Serbian civilians in Gospic in 1991), Rahim Ademi, Mladen Markac and Davor Domazet would be tried before the domestic war crimes court.

The Hague Tribunal submitted to Zagreb six new indictments against the former Croatian senior army officers and political leaders from Bosnia and Herzegovina, who are charged with war crimes committed against the Bosniaks in Bosnia and Herzegovina, from 18 November 1991 to April 1994.³⁹ The Croatian Government demonstrated its readiness to cooperate with the Hague Tribunal by extraditing all indictees, including two generals: the former civilian administrator of Knin, Ivan Cermak, and the former commander of the special police units, Mladen Markac, indicted for crimes against humanity and other violations of the international rules of war.⁴⁰ The State Prosecutor's Office submitted to the Hague Tribunal the documents relating to more than 4,200

³⁶ "Vesna Skare Ozbolt: pravosudje u skladu sa EU", *Danas*, 9 January 2004.

³⁷ "Neuhvatljivi, a pred nosom", *Politika*, 7 February 2004.

³⁸ "Umanjen broj zrtava", *Vecernje novosti*, 10 March 2004.

³⁹ "Stigle jos dve optuznice", *Politika*, 3 April 2004.

⁴⁰ "Optuznice protiv generala", *Politika*, 7 March 2004.

indictments against persons who had committed crimes during and immediately after the operation *Storm*.⁴¹

The confrontation with the past, processing of the indicted for war crimes and cooperation with the Hague Tribunal are the basic conditions that must be met by both countries so as to accede to the EU. According to *Human Rights Watch*, both countries are characterized by "ethnically biased judges and prosecutors, inadequately prepared prosecutors, poor cooperation of the police in investigations, poor cooperation between the countries in legal matters and inefficient witness protection mechanisms."⁴² Although Croatia received a positive answer from the EU⁴³ as regards the process of association, it still has to fulfil the obligations relating to the processing of war crimes and the return of Serb refugees. In the report of *Amnesty International*, the Croatian authorities are criticized because "they have not completely settled the cases of violations of human rights during the war and have not brought the perpetrators of justice, although the conflict ended almost ten years ago."⁴⁴ This refers to the killings, unlawful executions and disappearance of people during the war in Croatia. Those being suspected of such crimes have not yet been punished and some of them still hold public offices at the local level, while the victims, whose human rights have been violated, and their families have not been rendered justice nor have they been compensated.⁴⁵

Croatia's ambition is to become a EU member by 2007⁴⁶, so that it is now doing its best so as to meet the above mentioned conditions. *Human Rights Watch* holds that "fair trials for war crimes before domestic courts are simply impossible without the EU pressure"⁴⁷, and this also applies to Serbia. International pressure is indispensable in the case of trials for war crimes before national courts, especially because the Prosecutor's Office of the Hague Tribunal is seriously considering the possibility of assigning some cases to the

⁴¹ "Odricanje od Gojka Suska", *Politika*, 26 February 2004.

⁴² "Napredak u procesuiranju ili suspenzija o uclanjenju u Evropsku uniju", *Danas*, 22 December 2004.

⁴³ Cooperation with the Hague Tribunal, the return of ethnic Serbs who left Croatia during the war 1991-1995 and judicial reform are the basic political conditions that must be met by Zagreb so as to accede to the EU. "Solana pohvalio hrvatsku vladu", *InterNacional*, 19 February 2004.

⁴⁴ The war crimes court in Croatia, which could take over some cases conducted against Croatian citizens in the Hague Tribunal, apart from domestic ones, has its departments within the county courts in the country's four largest judicial centres – in Zagreb, Rijeka, Osijek and Split. They will have jurisdiction over the whole country, territorially divided into four districts. "Osniva se sud za ratne zlocine u Hrvatskoj", *Politika*, 24 January 2004.

⁴⁵ "Amnesti Internesenel kritikuje Hrvatsku", *Danas*, 14 December 2004.

⁴⁶ "Ivo Sanader: Hrvatska za tri godine spremna za ulazak u Evropsku uniju", *Danas*, 21 January 2004.

⁴⁷ "Napredak u procesuiranju ili suspenzija o uclanjenju u Evropsku uniju", *Danas*, 19 November 2004.

national judiciary such as, for example, the case of three JNA officers indicted for war crimes in Vukovar.⁴⁸

Therefore, special attention is devoted to the trial to six persons indicted for killing at least 192 prisoners in Vukovar at the end of November 1991 before the Special War Crimes Court in Belgrade. It is the question of the most massive war crime committed at one place during the war in Croatia. In their reports from this trial, Croatian media point to one detail – in the indictment there is no mention of the victims' nationality (Croatian), or the fact that the civilians, wounded persons and medical staff were taken from the Vukovar hospital. In the Hague indictment against three former JNA officers it is stated that 260 persons were killed at Ovcara, so that it is assumed that there must be at least one more mass grave which has not yet been discovered.⁴⁹

The Croatian Government and Prime Minister Ivo Sanader, in particular, wish to "direct all their efforts towards the future"⁵⁰ and specific actions, such as the removal of the monument to Ustasha ideologist Mile Budak (which was erected at Sveti Rok, on Mt Velebit, on the initiative of a group of Croatian emigrants)⁵¹ and the monument to Jure Francetic.⁵² It also expressed its readiness to adopt the law stipulating the punishment by imprisonment of any propaganda and glorification of totalitarian ideologies and movements, as well as stirring of hatred and discrimination⁵³, in addition to trying not to keep to the themes from the past. Commenting on the decision of the Croatian Government that the Ministry of Justice should prepare and submit a draft of the amendments to the criminal law prohibiting the glorification of totalitarian ideologies within eight days, Ephraim Zuroff, Director of the Simon Wiesenthal Centre in Jerusalem, said that this was the "right decision and that the right law would be adopted". He also said that this should be followed by the appropriate education⁵⁴ of young generations.⁵⁵

⁴⁸ "Vukovarska trojka kandidat za sudjenje u bivsoj Jugoslaviji", *Danas*, 19 November 2004.

⁴⁹ "Zrtve bez nacionalnosti", *Politika*, 11 March 2004.

⁵⁰ "Sanader: Bez povratka temama iz prošlosti", *Politika*, 28 August 2004.

⁵¹ The erection of the monument to Mile Budak was condemned by all - from the Government to the Catholic Church. However, the public is also familiar with the letter signed by 120 Croatian intellectuals and other prominent persons requesting from the competent bodies to initiate, ex officio, the review of political trials held during the communist and other totalitarian regimes, including the trial against Mile Budak. "Obeležje s pozadinom", *Politika*, 25 August 2004.

⁵² "Sanader: Bez povratka temama iz prošlosti", *Politika*, 28 August 2004.

⁵³ "Hrvatska zakonom zabranjuje ustastvo", *Danas*, 23 September 2004.

⁵⁴ The Croatian Ministry of Education decided to observe 27 January in schools as the Day of the Holocaust and Prevention of Crimes Against Humanity. "Stotine hiljada mrtvih ne veruju nikom zivom", *InterNacional*, 18 January 2004.

⁵⁵ "Zurof: Pozitivan dogadjaj", *Politika*, 28 August 2004.

Whereas in Serbia the Chetnik movement is legally acquiring the attribute of an anti-fascist movement by equalizing the rights of the holders of the *Partisan Medal* and holders of the newly introduced *Ravna Gora Medal*, and Draza Mihailovic is being proclaimed an anti-fascist, the Deputy Foreign Minister of Serbia and Montenegro, Dusan Crnogorčević, is inviting the Croatian Ambassador to Belgrade, Tonci Stanicic, to the Ministry so as to express a protest and seek the explanation for unveiling the commemorative plaque of Mile Budak, the ideologist of the Nazi-Ustasha movement. On that occasion, he also expressed his conviction that the competent Croatian bodies would remove this plaque as soon as possible.⁵⁶

The extent to which the process of confronting the past is difficult and painful in the atmosphere of relativizing and distorting the historical facts, has also been shown by the prohibition to Milan Gurovic, basketball player of Belgrade's *Partizan*, to enter Croatia because of the tattooed portrait of Draza Mihailovic. In reaction to that, a student of architecture from Belgrade got the idea to have a photograph with Draza Mihailovic's picture in Zagreb, in front of the monument to Ban Jelacic. The court in Zagreb sentenced him to 15-days imprisonment and his colleague, who made the photograph, to 5-days imprisonment.⁵⁷ On this occasion, the Ministry of Foreign Affairs of Serbia and Montenegro issued the statement requesting the immediate release of these students from prison. It also stated that by arresting and pronouncing police penalties to Belgrade's students, Croatia reacted "in an undemocratic and tactless manner" to a minor and unnecessary political protest, which was inspired by prohibiting basketball player Milan Gurovic to enter this country.⁵⁸

However, there are also significant efforts towards the normalization of mutual relations. The Croatian war veterans launched the project "*With the Truth into the Future*", which was also joined by the war veterans from Serbia and Montenegro and Bosnia and Herzegovina. This project was initiated in October 2004 and, within a very short time, it brought together the members of the Serbian 1990 War Veterans' Association and the Union of the 1992-1995 Defence-Liberation War Veterans from the Federation of Bosnia and Herzegovina.⁵⁹

Croatia is still faced with numerous problems relating to the trials conducted before domestic courts due to their bias and lack of professionalism,⁶⁰ as well as inadequate cooperation on the part of the police.

⁵⁶ "Protest Beograda", *Politika*, 27 August 2004.

⁵⁷ "Stavio Drazu pored Bana", *Vecernje novosti*, 22 November 2004.

⁵⁸ "Sta ce cetnici i ustase u 21. veku", *Danas*, 23 November 2004.

⁵⁹ "Politricari na nisanu", *Balkan*, 23 September 2004.

⁶⁰ The Hague investigators will be staying in Vukovar for a week so as to collect information about Tomislav Mercep, the former high HDZ official who, as it has been claimed for ten or so years, took part in the executions of Serbs from Vukovar and Zagreb (he has also been linked to missing persons and the execution of Serbs from Zagreb, because the persons being under his command killed the Zec family and ran a

There are also additional problems relating to the trials in absence and a disproportionate number of indictments against ethnic Serbs.⁶¹

Nevertheless, in 2004, Croatian politicians made a number of gestures contributing to the atmosphere of normalization. One such gesture was certainly the visit of the Croatian Prime Minister, Ivo Sanader, to the Jasenovac Memorial Complex, after the restoration of the Jasenovac Flower Monument. On that occasion, Sanader said that "Jasenovac is one of the most dreadful extermination camps and we have no right to forget the committed crimes."⁶² We need the truth about the victims."⁶³

At the commemoration to the victims of the Jasenovac concentration camp, the Speaker of the Croatian Parliament, Vladimir Seks, condemned all forms of extremism, xenophobia and religious intolerance, emphasizing that Jasenovac "will remain the lasting symbol of human hatred, an eternal memento of the horrors of fascism,⁶⁴ Nazism and the Ustasha regime."⁶⁵

The *Case of Lora* is certainly a test for the judiciary and the readiness to publicly admit⁶⁶ and correct omissions. The Croatian Supreme Court first annulled and then abolished the verdict of not guilty (of 22 November 2002), by the first-instance County Court in Split, presided by the judge Slavko Lozina. The Croatian Supreme Court abolished the verdict of the court of first instance,

concentration camp at the Zagreb Fairgrounds; many Serbs from that camp were taken to Pakracka Poljana and executed). Croatian media also write that the Hague Tribunal has known for a long time for the materials submitted by the Croatian Helsinki Committee to the police and county prosecutor Bozidar Poljic a year and a half ago. "Vreme za istinu o likvidacijama Srba", *Balkan*, 8 March 2004.

⁶¹ "Napredak u procesuiranju ili suspenzija o uclanjenju u Evropsku uniju", *Danas*, 22 December 2004.

⁶² Srdja Popovic: "The gestures such as Sanader's are the only path for everyone having his own Jasenovac. That is a prudent and statesmanlike act, because Jasenovac is a heavy mortgage on the Croatian people. That is not enough to complete the process of reconciliation, but it is crucial that such a signal has been sent from the top leadership.", "Mudar drzavnicki potez", *Danas*, 17 March 2004.

⁶³ "Ivo Sanader: Nemamo pravo na zaborav jasenovackog stratista", *Danas*, 17 March 2004.

⁶⁴ The Chairman of the Jasenovac Memorial Complex, Slavko Goldstajn, holds that the number of victims has often been manipulated and that their exact number will never be known. However, the estimated number is known, so that "one should not speak about less than 70,000 and more than 100, 000 victims", "Seks: Trajni simbol ljudske mrznje", *Danas*, 26 April 2004.

⁶⁵ *Ibid.*

⁶⁶ At the Second Zagreb Film Festival, within the human rights festival, the premiere of the documentary "Lora-Testimonials", directed by Nenad Puhovski, was given. This documentary was shown at the Theatre ITD Hall, where a few policemen were also present. However, there was no incident, although the protests of some right-wing associations and Croatian war veterans were announced. In Serbia, the documentary was shown on TVB92, which was its co-producer, together with Faktum. "Prikazan film o zlocinima u Lori", *Glas javnosti*, 17 October 2004.

which had found eight former military policemen not guilty of war crimes against civilians, mostly ethnic Serbs, in the Lora military prison in Split, and, as appealed by the state prosecutor, returned the case to the court of first instance in Split. The new hearing must be conducted before a new panel of judges.⁶⁷ The panel of judges of the County Court, which was presided by Lozina, did not hear 17 witnesses from Serbia and Montenegro, did not acknowledge the written statements by 16 witnesses living in Bosnia and Herzegovina and did not try to verify them directly at the final hearing.⁶⁸ The indictment was also amended to include war crimes against humanity and international law.⁶⁹ The responsible confrontation also anticipates the harmonized laws and regulations and, to that end, the following laws were adopted in the summer of 2003: the *Law on the Responsibility for the Damage Caused by Acts of Terrorism* and the *Law on the Responsibility of the Republic of Croatia for the Damage Caused by Members of the Croatian Armed and Police Forces*. These two laws have already begun producing the initial results. The special working group of the State Prosecutor's Office of the Republic of Croatia has already brought the first decisions concerning the *claims for compensation* submitted by the families of killed and wounded persons in the acts of terrorism,⁷⁰ whereby this sensitive and tragic theme has finally been broached.⁷¹

It is very difficult to recover damages for destroyed property, such as: business facilities, holiday homes and the like, due to the current Reconstruction Law which stipulates only the reconstruction of those buildings whose owners resided in them at the time of destruction. So, the mining and burning of Serb-owned holiday homes and other buildings have actually acquired the status of non-punishable activity for which no damages can be awarded. According to the State Prosecutor's Office of the Republic of Croatia, since the coming into force of these laws, 260 claims for compensation for the damage suffered by the wounding or killing or persons have been submitted,⁷²

⁶⁷ "Novo sudjenje pred novim vecem", *Danas*, 20 August 2004.

⁶⁸ "Ponistena presuda za zlocine u Lori", *Danas*, 31 March 2004.

⁶⁹ "Optuznica prosirena na zlocin protiv covecnosti", *Danas*, 11-12 December 2004.

⁷⁰ As for the case of the Zec family (Gordana and Dusan Zec request the compensation for the loss suffered by the murder of their parents and sister, totalling about 230,000 euros), the prosecutor holds that only the court can decide whether the policemen have committed the crime while on duty, i.e. "by the orders of the state", or as ordinary citizens while off duty. The Government is ready to present this compensation as a moral act, because it does not want to have the court proceedings where its responsibility will be determined, being afraid of the precedent. "Odgovornost drzave", *Politika*, 28 April 2004.

⁷¹ "Prve naknade porodicama ubijenih i ranjenih", *Politika*, 24 March 2004.

⁷² The Croatian Deputy State Prosecutor, Jadranko Jug, has confirmed that this institution has reached an out-of-court settlement with the family of Milan Levar, the witness of the Hague Tribunal to the crimes against Serbs who was killed in Gospic. "Naknada stete za ubistvo Levara", *Politika*, 23 April 2004.

totalling 10 million euros.⁷³ In addition, 286 claims for damages for destroyed houses have been submitted, but the Prosecutor's Office refers such cases to the relevant ministry to decide them in accordance with the Reconstruction Law.⁷⁴

Croatia's lawsuit against Serbia and Montenegro for aggression and genocide before the International Court of Justice in The Hague is still of current interest. So far, Croatia has shown no intention to withdraw the case under certain conditions.⁷⁵ The decision of a procedural nature brought by the International Court of Justice is more important to Croatia, i.e. the decision on the plea of incompetence, which was submitted by Serbia and Montenegro, appealing against the charges for genocide in Bosnia and Herzegovina. In the Serbian legal circles it can also be heard that if Croatia fails to withdraw its charges against Serbia and Montenegro and continues to insist on the proceedings before the International Court of Justice, Serbia and Montenegro will also institute the proceedings against Croatia.⁷⁶

The Return of Serb Refugees

The return of Serb refugees to Croatia is aggravated, because their homes are occupied by immigrants from Bosnia.⁷⁷ There is also the problem of the Serbs *indicted or sentenced in absence*. According to the latest official data, during the period 1991-2003, 4721 persons were processed only for war crimes. These data refer to all stages of the proceedings, from denunciation to final judgment. So far, 804 persons have been sentenced, 104 have been acquitted, while others have been undergoing other stages of the proceedings. Under the *Law on a General Amnesty of 1996*⁷⁸ Croatia granted amnesty to nearly 21,000 Serbs who

⁷³ The municipal court in Zagreb was the first to award compensation for the loss suffered by a family due to the murder of one of its members, which was committed by members of the Croatian armed forces. It was the question of the wife and two children of Nikola Kovic, Manager of Jugobanka in Podravska Slatina. The compensation amounted to 93,000 euros. So, Croatia was obliged to pay compensation to the Kovic family, but the perpetrators of this crime move freely and practically suffer no consequences. "Naknada za ubistvo", *Politika*, 4 July 2004.

⁷⁴ "Kolektivna tuzba", *Politika*, 18 May 2004.

⁷⁵ "Hrvatska ne povlaci tuzbu protiv SCG", *Danas*, 4-5 September 2004.

⁷⁶ "Povlacenje tuzbe za genocide protiv SCG politicka odluka", *Danas*, 19 November 2004.

⁷⁷ According to the UN High Commissar for Refugees, since 2001 the citizenship of Serbia and Montenegro has been acquired by 44,000 refugees; 53,000 have returned to their homes in Croatia and Bosnia and Herzegovina and 11,000 have gone to third countries. "U sprskim domovima zive doseljenici iz Bosne", *Danas*, 9-10 October 2004.

⁷⁸ In September 1996, Croatia adopted the Law on a General Amnesty, under which amnesty was granted to the "perpetrators of criminal acts committed in an armed rebellion or during the armed conflicts" from 17 August 1990 to 23 August 1996. The adoption of this Law was one of the requirements of the international community, which Croatia had to meet for peaceful reintegration of eastern Slavonia and Baranja. The

were involved in an "armed rebellion". However, it is unknown whether and how many acts of rebellion have been altered to war crimes,⁷⁹ crimes committed in the war area, or some other acts which have not been specified by the Law.⁸⁰ The lists of the convicted and suspected of war crimes are also being revised and reduced thanks to the efforts of the Serbian members of parliament and the understanding of the Croatian government. All those interested may check whether their names are on the lists in the competent judicial institutions in Serbia. All those who find their names on the lists, or have already been convicted, but have some evidence to the contrary, can appeal to the Serbian members of parliament, or directly to the State Prosecutor's Office in writing and - without coming to Croatia - enclose the available evidentiary documents for the defence, so that the relevant judicial proceedings can be instituted.⁸¹

The positive trends are visible, but Peter Semneby, Head of the OSCE Mission to Zagreb, holds that there are still "problems relating to the return of refugees, their accommodation and the creation of a favourable climate⁸² in the communities to which they are returning."⁸³ Truly, "the Croatian judiciary is also facing problems as regards the trials to the indicted for war crimes,⁸⁴ because one's ethnic affiliation plays an important role in all stages of judicial proceedings.⁸⁵ In such proceedings there is also discrimination against the Croatian citizens of Serbian nationality".⁸⁶

perpetrators of war crimes are exempted from amnesty, but it is anticipated to review the trials against the persons indicted for war crimes in absence. At the same time, 462 sentences for war crimes were rendered. "Petsto Srba na saku Hrvata", *Blic*, 15 February 2004.

⁷⁹ During the first three months of 2004, 36 new indictments for war crimes were issued. "Pravda na hrvatski nacin", *Ogledalo*, 1 December 2004.

⁸⁰ "Otkud znas da si nevin", *Blic News*, 9 June 2004.

⁸¹ "Prevare u otkupu", *Politika*, 20 December 2004.

⁸² "More than a half of the Croats, who took part in the survey conducted by *Puls*, holds that the Croatian Government should not provide accommodation to the Serb refugees wishing to come back. According to the survey commissioned by the OSCE, the Croats living in the territory of former Krajina have a distinctly negative attitude towards the return of Serb refugees. Out of 600 respondents, 63% holds that *this is not good for Croatia, while 43% holds that the Croatian authorities should not support the return of Serb refugees*. According to the same survey, which included 1000 Serb refugees in Serbia and Montenegro and in the Republic of Srpska, only 14% wishes to return to Croatia. "Hrvati nece komsije", *Vecernje novosti*, 17 September 2004.

⁸³ "I pored napretka problemi", *Politika*, 25 February 2004.

⁸⁴ The County Court in Sibenik acquitted one Serb of charges for war crimes. Zagreb's *Vjesnik* writes that Dane Milovic from Gracac was acquitted because the panel of judges presided by Dalibor Dukic concluded that the indicted could be found guilty only of cruel treatment of POWs and not of war crimes. Milovic has been in prison since last October, when he returned to Sibenik to obtain the Croatian documents. "Surov prema zarobljenicima", *Danas*, 19 January 2004.

⁸⁵ The Croatian Supreme Court abolished the last year's verdict rendered to Svetozar Karan from Korenica by which he was sentenced to 13-years imprisonment for

By visiting the villages near Zadar, Prime Minister Ivo Sanader sent a clear message that he wished that the problems would really be solved on the ground and, according to Veljko Dzakula, President of the Governing Board of the Serbian Democratic Forum (SDF), to "strengthen and encourage the returnees, while at the same time warning those who are impeding, or intend to impede, the solving of this problem."⁸⁷

President Mesic also expressed his discontent with the situation in the Croatian judiciary due to the selective application of law vis-à-vis the citizens of different nationality; he personally supported the revision of the lists of Serbs indicted for war crimes (in 2003, there were 175 suspected persons on these lists, while in mid-2004 the Croatian state news agency Hina announced that there were about 500). Being aware of the importance of this issue, he points out that he does not know how many citizens are in question, but "this job should be finished so as to know who is suspected and who is indicted and, finally, to process these cases."⁸⁸

In its report based on the monitoring of 75 trials in 2002, the OSCE Mission to Croatia points out that the Serbs tried for war crimes in Croatia are in a less favourable position than the Croats in all stages of judicial proceedings. This statement is also corroborated by a high percentage of commuted sentences rendered against the Serbs, which were reviewed by the Supreme Court, i.e. 95% was commuted, many of which were acquittals, thus pointing to the procedural errors of lower courts. The report also states that the Serbs are more likely to be found guilty than the Croats.⁸⁹ Since 2003, 83% of Serbs indicted for war crimes have been found guilty, as contrasted to 18% of Croats found guilty of the same criminal offence.⁹⁰

The Head of the Croatian Office for the Expellees, Returnees and Refugees denied that the indictments for war crimes were an obstacle to their return to Croatia and the reason for such a poor response of returnees. In his opinion, "that is a political story which is constantly spreading; I hold that the greatest obstacle is posed by the lack of jobs and the question how to live without an income after the return."⁹¹ Croatia encourages the return through

war crimes against POVs (Croats) committed in the Serb-run prison near Korenica during the war, and the whole case was returned for a trial to the County Court in Gospić. "Ukinuta 'istorijska presuda'", *Politika*, 7 February 2004.

⁸⁶ "I pored napretka problemi", *Politika*, 25 February 2004.

⁸⁷ "Srbi pozitivno ocenili posetu", *Danas*, 14 May 2004.

⁸⁸ "Dobri odnosi dve zemlje", *Politika*, 20 May 2004.

⁸⁹ At the moment, there are 88 Serbs serving their sentence in Croatian prisons, of whom 68 were convicted for war crimes and others for crimes in the war area. This figure also includes 42 persons from the Lepoglava Penitentiary, whose transfer to the prisons in Serbia and Montenegro has recently been agreed. "Otkud znas da si nevin", *Blic News*, 9 June 2004.

⁹⁰ "Otkud znas da si nevin", *Blic News*, 9 June 2004.

⁹¹ "Nikog ne očekuje med i mleko", *Danas*, 18 October 2004.

reconstruction and assistance in the provision of construction material. The returnees may ask for the donation of construction land, or for the lease of a house or flat in the region in question.⁹² The competition within the housing programme, anticipating the purchase of government-subsidized flats, under the terms and within the programme of the Croatian Government, which is intended for all citizens, has been extended up to 30 June 2005, i.e. until the extended time-limit for acquiring the status of a resident alien in Croatia.⁹³ The significance of acquiring the status of a resident alien lies in the fact that under the Reconstruction Law the right to the reconstruction of property is recognized only to the Croatian citizens and the persons who have acquired the status of a resident alien. The persons with such a status acquire Croatian citizenship more easily, thus solving the problem of acquiring the right to purchase a flat.⁹⁴

Solving the problem of *missing persons*, as well as the exhumations and deliveries of the remains of the citizens of Croatia and Serbia and Montenegro represent a significant dimension of the promotion of mutual relations. The fate of missing persons (about 1200 on the Croatian side⁹⁵ and about 2500 on the Serbian side⁹⁶) is the "humanitarian question number one" in the relations between the two countries, as emphasized by Prime Minister Sanader.⁹⁷ In Serbia, at the cemeteries in Sremska Mitrovica and Novi Sad, the remains of 200 persons were exhumed. Their names were on the list of imprisoned and missing persons during the war, from 1991 to 1995. In May 2004, the remains of 76 persons were exhumed at the cemeteries in Belgrade and Obrenovac. The process of registering missing persons in the military operations *Flash* and *Tempest* is underway and so far 826 missing persons have been registered.⁹⁸ Exhumations have also started in Western Slavonia and the Lika-Senj County. According to the International Commission for Missing Persons in Croatia, 170 mass and 1700 individual graves have so far been discovered; the remains of 399 persons have been exhumed and 79% has been identified. Since 1991, 18,000 missing persons have been registered in Croatia and the latest official data show that there are still 1184 persons whose fate is unknown.⁹⁹

⁹² Milorad Pupovac: "The purchase of houses cannot have priority over the return of houses. In addition, priority cannot be given to solving the problem of immigrants over solving the problem of returnees. It is unacceptable that, contrary to the law, some are provided with alternative housing, while the Serb returnees must wait for the repossession of their property. At the same time, various methods are used so as to postpone the moment of reoccupation. "Nastavak etnickog ciscenja", *Politika*, 23 October 2004.

⁹³ "Nikog ne očekuje med i mleko", *Danas*, 18 October 2004.

⁹⁴ "Produzen rok za ostvarivanje statusa", *Politika*, 25 December 2004.

⁹⁵ "Buducnost za obe zemlje je Evropa", *Glas javnosti*, 16 November 2004.

⁹⁶ "Predati posmrtni ostaci hrvatskih vojnika", *Danas*, 9 June 2004.

⁹⁷ "Buducnost za obe zemlje je Evropa", *Glas javnosti*, 16 November 2004.

⁹⁸ "Predati posmrtni ostaci hrvatskih vojnika", *Danas*, 9 June 2004.

⁹⁹ "Poziv porodicama", *Politika*, 19 November 2004.

On the eve of the visit of the Croatian Prime Minister, Ivo Sanader, to Belgrade, a group of 25 Serbs, serving perennial sentences in the *Lepoglava Penitentiary*, began a hunger strike. The direct reason for their strike was the transfer of one Croatian prisoner from a prison in Serbia and Montenegro to Croatia, although the procedure for his transfer started much later. Out of 48 Serbs serving their sentence at Lepoglava, 42 received the citizenship of Serbia and Montenegro in December 2003, which was a prerequisite for the agreement between the Croatian and Serbian judiciaries concerning their transfer to prisons in Serbia.¹⁰⁰ The transfer of Serbian prisoners from Lepoglava was one of the topics brought up during Sanader's visit to Belgrade and a special item on the agenda of the meeting of the Minister for Human and Minority Rights, of Serbia and Montenegro, Rasim Ljajic, with the Croatian Minister of Justice, Vesna Skare-Ozbolt, during his visit to Zagreb and Lepoglava. The transfer of prisoners from Lepoglava was agreed in May 2004, but was delayed due to the political situation in Croatia, that is, the assessment that the Croatian public would respond negatively to such a move. Naturally, after the transfer of these prisoners to Serbia, the courts in Serbia and Montenegro should confirm the sentences pronounced before the Croatian courts.¹⁰¹

Property Rights of Serb Refugees

The personal security of returnees and the exercise of their rights, primarily the right to the reconstruction and *repossession of property*, are aggravated due to numerous obstacles, so that these basic conditions for their return have not yet been met in full.¹⁰² Official Zagreb holds that the return of property is not predominantly a political question but, rather, a technical, that is, financial one. Thus, through cooperation and the observance of the agreement concluded by the Sanader Government with the SDSS members of parliament, it will be possible to make the greatest possible efforts to return all property by the end of the year.¹⁰³ The great problem faced by the Croatian Government is also the problem of *tenancy rights* or, in other words, the problem of about 24,000 ex-tenancy right holders who have lost these rights due to their absence from their flats although, in most cases, it has been the question of refugees.¹⁰⁴ The OSCE has also sent a warning that the international community regards tenancy rights as specific property rights, which must also be settled in accordance with the Succession Agreement¹⁰⁵ in such a way that

¹⁰⁰ "Strajkuje gladju 25 Srba", *Vecernje novosti*, 14 November 2004.

¹⁰¹ "U Lepoglavi prekinut strajk gladju", *Politika*, 20 November 2004.

¹⁰² "Povratak Srba", *Politika*, 25 April 2004.

¹⁰³ "Buducnost za obe zemlje je Evropa", *Glas javnosti*, 16 November 2004.

¹⁰⁴ "Povratak Srba", *Politika*, 25 April 2004.

¹⁰⁵ Croatia was the last to submit to the United Nations the ratified Agreement on Succession with the former Yugoslav republics, since other successor states have already

the flats are either returned to the former tenancy right holders, or are justly compensated.¹⁰⁶

The *Cooperation Agreement* between the SDSS members of parliament and the Sanader Government was signed on 18 December 2003. It stipulates that the unlawfully occupied houses and other facilities owned by Serb refugees must be returned by the end of June and other property by the end of 2004.¹⁰⁷ Further, all submitted applications for reconstruction must be decided within four months at the latest, while reconstruction work must be completed within one year after positive decision-making. Destroyed property will be compensated through the right to damages or the recognition of the right to reconstruction, while the Government also obliged itself to provide housing to the former tenancy right holders,¹⁰⁸ who were deprived of tenancy rights because they fled, including the possibility of purchasing these flats.¹⁰⁹ The Government also assumed the obligation to pay damages for mined houses and other property in the war area.¹¹⁰

In order to facilitate the repossession of property, define property relations more clearly and normalize mutual relations still further, Serbia also made a gesture of good will. Namely, the Minister for Human and Minority Rights of Serbia and Montenegro, Rasim Ljajic, submitted to Zagreb three and a half tons of land registers from the municipality of Dvor na Uni, which were taken to Serbia during the armed conflicts. He also announced the return of

submitted their ratifications to New York (the Agreement came into force on 3 June 2004). The Succession Agreement regulates the distribution of rights, obligations, property and debts of the former state. "Hrvatska predala ratifikovan Sporazum o sukcesiji SFRJ", *Politika*, 5 May 2004.

¹⁰⁶ "Stanovi opet vruca tema", *Politika*, 28 May 2004.

¹⁰⁷ The Croatian Government promised to return all illegally occupied houses to Serbs (485, according to the official data) by June, and that the rest of the occupied Serbian houses (3,233) would be vacated by 30 December 2004. So far, not much has been done, but the Government explains this by its failure to provide alternative accommodation to the Croats having the decisions on temporary occupancy of the houses of Serb expellees. According to the official data, there are still 10,500 applications for the reconstruction of houses which have not been processed. It will also be necessary to meet the time-limits for the reconstruction of houses which have not been processed. It will also be necessary to meet the time-limits for the reconstruction of all houses by the end of 2005. "Vraticeмо sve stanove Srbima", *Blic*, 29 March 2004.

¹⁰⁸ Vojislav Stanimirovic: "Like other states parties to the Succession Agreement, Croatia also has certain obligations, including the one relating to tenancy rights. Under this Agreement we encouraged former tenancy-right holders to submit applications for the recovery of those rights. In the process that should follow, they will be able to repossess their flats unless they have been sold and registered in the name of new tenancy right holders. In that case, it will be possible to obtain a changeable flat in the same or similar town. "Vracanje imovine", *Politika*, 14 February 2004.

¹⁰⁹ *Ibid.*

¹¹⁰ "Ako Sanader prevari Srbe odmah rusimo Vladu", *Svedok*, 3 February 2004.

thirty or so land registers from the Gracac municipality, which had been found in the Serbian Archives.¹¹¹

In 2004, an attempt was made to remove the obstacles to the return of refugees and their property through the concerted efforts of the Croatian Government and SDSS members of parliament. To that end, the Croatian Government sent an order to the courts to decide all cases of occupied Serbian property by emergency procedure. It also obliged itself to provide alternative accommodation, mostly to the Croats from Bosnia and Herzegovina, who are currently occupying Serbian houses. Prime Minister Sanader promised that the Croatian Government would adopt the legal provision under which those occupying someone's property will not be able to refuse alternative accommodation offered to them any more.¹¹²

Concrete activities contributed a lot to the restoration of mutual confidence, removal of obstacles and accelerated return of property to Serbian refugees.¹¹³ It is evident, however, that there is an obstruction to their return, which is manifested by the delayed issuance of reconstruction decisions, whereby the Office for Expellees obstructed the issuance of decisions on the reconstruction of Serbian houses. The division of competences among several institutions also impedes the return of property, while the Office for Refugees, with its inefficiency and giving of priority to the purchase of Serbian houses, poses a direct obstacle to their return. A significant impetus to the restoration of mutual confidence was also given by appointing Serbian representatives to the agreed positions in the government, but the appointed SDSS deputy ministers are being too slowly "installed"¹¹⁴, while the statutes of the towns, municipalities and districts have not been harmonized with the Constitutional Law on the Rights of National Minorities. The burning of the reconstructed house of a Serbian returnee in the village of Biljani Donji has further aggravated the slow return processes.¹¹⁵ The return of refugees is also aggravated by the Law under which tenancy rights are withdrawn from the persons who do not

¹¹¹ "Predate zemljišne slike", *Politika*, 20 November 2004.

¹¹² "Sanader: silom oteta imovina vraća se do juna, ostala do kraja godine", *Danas*, 14-15 February 2004.

¹¹³ "Trazicemo smenu predsednika vladinog ureda za prognanike", *Danas*, 25 February 2004.

¹¹⁴ "Pupovac preči uskracivanjem podrške Sanaderovoj vladi", *Nacional*, 13 February 2004.

¹¹⁵ Milorad Pupovac: The case of burning a house discredits the Government, because you cannot declare yourself as being for the return of people and tolerate the burning of their houses ten years after the war. So far, the burning of the house at Biljani Donji has been condemned only by Croatian Prime Minister, Vice-President of the Zadar County and HSP, but not by any Croatian political party. The Office for Expellees is still obstructing the return of Serbs. "Vlada za povratak, a tolerise paljevine", *InterNacional*, 19 February 2004.

reside in their flats for six months.¹¹⁶ The Law does not deal with the reasons for their absence. According to Stjepan Mesic, "there are different categories and cases which must also be settled in a different way. A number of them has already been settled, since some individuals have instituted a lawsuit, won it and returned to their flats. There were also some people who had to leave their flats under pressure, while some went away for irrational reasons. And there are also those who have so far lived in the flats belonging to someone else and the former owners are now appearing".¹¹⁷

Under the legal provisions on the loss of tenancy rights by the force of law, due to failure to realize them for unjustified reasons for more than six months,¹¹⁸ tenancy rights are actually withdrawn, thus limiting the right of most refugees to return home. Moreover, tenancy rights have also been withdrawn in the court proceedings in the absence of tenancy-right holders.¹¹⁹ The returnees to Vukovar are especially dissatisfied with a moratorium on the sale of so-called socially owned flats – which were reconstructed with the funds provided by the Republic of Croatia. They argue that this makes them second-class citizens vis-à-vis the people from other parts of the country and that this moratorium on the purchase and sale of such flats is some kind of guarantee that the ethnic composition of the population¹²⁰ in Vukovar will remain the same as it is now.¹²¹

To facilitate the implementation of the Agreement between the Government and the SDSS members of parliament, as well as to solve the problems relating to the return of Serbian property, the Government set up an Agency to act as a guarantor that cooperation with local government representatives will be intensified and that decision-making relating to reconstruction will be accelerated.¹²² The Government also set up the body to supervise and coordinate the return of persons and property, take care that the time-limits are met and cooperate with the units of local self-government.¹²³

¹¹⁶ "Rat kao argument", *Politika*, 28 May 2004.

¹¹⁷ "Srbima će sve biti vraćeno", *Vecernje novosti*, 25 May 2004.

¹¹⁸ Ivo Sanader: All Croatian citizens, who had tenancy rights but left Croatia in 1991, have lost these rights and cannot have them back. "Sanader: izbegli Srbi izgubili stanarsko pravo", *Politika*, 27 May 2004.

¹¹⁹ "Licemerna odluka Zagreba", *Danas*, 6 April 2004.

¹²⁰ Vladimir Sengl, Mayor of Vukovar: "According to the 1991 census, there were 48% of Croats and 32% of Serbs, 12% undeclared, Yugoslavs, and 8% of national minorities. The 2001 census has shown the following figures: 33% of Serbs, 58% of Croats and 10% of members of other national minorities. "Korak napred, korak nazad", *NIN*, 13 May 2004.

¹²¹ *Ibid.*

¹²² According to the data of the state-run Real Estate Agency, in Croatia, from 1997 to the end of 2003, 7,085 houses were purchased from Serb refugees. In 2003, 1,727 houses were purchased, while in 2004 the Real Estate Agency is planning to purchase 1,200-1,300 Serbian houses. "Sedam hiljada novih vlasnika", *Politika*, 16 April 2004.

¹²³ "Vratimo sve stanove Srbima", *Blic*, 29 March 2004.

In mid-2004, the Croatian Government announced that during the first six months 1,461 housing units were returned to Serbian owners, including 468 illegally occupied¹²⁴ (i.e. without the decision of the competent body). There are still 2048 Serb-owned houses and flats which have to be returned and the applications for their recovery have been submitted. This figure also includes 55 illegally occupied houses and flats which were not returned by 30 June. Otherwise, 4,652 refugees returned officially to Croatia. According to the same data provided by the Government, during the last three months, 886 housing units were provided for the accommodation of temporary occupiers of private property, including mostly the houses purchased by the state-run Real Estate Agency from Serb refugees.¹²⁵

The SDSS raised the question of auditing the work of the Real Estate Agency due to the suspicion that it was purchasing the houses of Serb returnees without their consent.¹²⁶ In addition to the fact that the houses of Serb refugees are purchased at low prices, they are also purchased on the basis of a false power of attorney.¹²⁷ There was also the system of so-called double contracts: together with the people from the Agency, the agents would conclude double contracts – one to be shown to the owner and seller with a lower price and the other to be shown to the Agency with a higher price. In this way both the citizens and the state were robbed.¹²⁸

Economic Relations

The promotion of *economic relations* between Croatia and Serbia is of special significance within the promotion of their relations in general. This was also emphasized during the visit of Serbian Vice-Premier Miroljub Labus to Zagreb. The *Free Trade Agreement between Serbia and Montenegro and Croatia* came into effect on 1 July 2004, while the negotiations about the *Agreement on Veterinary and Phytosanitary Cooperation* are nearing completion. There is also a common interest in the Constanța-Pancevo-Omisalj oil pipeline.¹²⁹ The volume of trade between Serbia and Croatia increased, thus amounting to 200 million dollars during the first months of 2004. The coverage of imports from Croatia

¹²⁴ The geographic distribution of the occupied Serbian houses is also interesting: most of those which have not yet been returned to their owners are located in the Sibenik-Knin County (629); 469 are in the Zadar County and 330 are in the Sisak-Moslavac County 330 (in this region, the greatest number of occupied houses has been returned to their owners). In the Karlovac County there are 272 such houses. "Ostalo jos 55 zaposjednutih kuca", *Politika*, 13 July 2004.

¹²⁵ *Ibid.*

¹²⁶ "SDSS: kuće povratnika nezakonito se prodaju", *Danas*, 10 December 2004.

¹²⁷ "Rasprodaja tuđe imovine", *Politika*, 11 December 2004.

¹²⁸ "Prevare u otkupu", *Politika*, 20 December 2004.

¹²⁹ "Bez viza u Hrvatsku do kraja godine", *Politika*, 19 May 2004.

by exports from Serbia is 75%, as contrasted to last year's coverage of 42%.¹³⁰ The news that aroused a great interest and caused different reactions in Croatia was the announcement that Serbia's first more significant investment in Croatia could be the investment of Bogoljub Karic.¹³¹

The Serbian Minister of Science and Environmental Protection visited Zagreb to discuss numerous issues concerning the promotion of scientific and technological cooperation between the two countries with his host, the Croatian Minister of Science, Education and Sport, including the exchange of postgraduate students, mutual validation and recognition of academic degrees and titles, work on specified research projects, cooperation in reviewing research projects, participation in international scientific meetings, joint commemoration of the anniversaries of renowned scientists who are common to both countries, such as Nikola Tesla and Milutin Milankovic. It was also agreed to set up a coordination commission that would monitor future cooperation.¹³²

The Croatian Minority in Serbia

At the end of 2003 and the beginning of 2004, the *Croatian minority* in Vojvodina bore the brunt of Serbian nationalists. It was exposed to a series of ethnically motivated incidents, which led to the deterioration of the security situation in Vojvodina and culminated in threats to the Croatian Consulate General in Subotica. Official Belgrade ignored these incidents and there was no adequate response from the competent institutions. The Croatian Government was concerned over the events in Vojvodina and, wishing to maintain the positive dynamics of the hitherto relations, Croatian Foreign Minister Miomir Zuzul called the Ambassador of Serbia and Montenegro to Croatia, Milan Simurdic, for a talk.¹³³ In view of the fact that, during 2004, the status of the minorities in Serbia was dramatically aggravated, the victory of the Serbian Radical Party at the local elections in October endangered the process of democratization and the perspectives of the Croatian minority. On the occasion of the *Week of Croatian Minorities*, Croatian President Stipe Mesic met with the representatives of the Croatian minority and promised his support to them. Josip Ivanovic, President of the Croatian National Council in Serbia and

¹³⁰ "Putevi saradnje Srbije i Hrvatske", *Politika*, 11 November 2004.

¹³¹ On local, private Nova TV, Bogoljub Karic has said that he intends to buy one half of *Pridal* Construction Company from Zagreb and to participate, together with it, in the construction of an administrative-residential building near the Municipal Court, vis-à-vis the Zagreb City Hall, and that he also has some plans for investing in Croatia's Adriatic coast, especially in Istria. "Bogoljub Karic gradi u Zagrebu", *Politika*, 28 January 2004.

¹³² "Naučna saradnja Srbije i Hrvatske", *Politika*, 15 May 2004.

¹³³ "Zabrinuti Zuzul", *Politika*, 31 January 2004.

Montenegro, pointed to the problem of acquiring Croatian citizenship as the greatest problem faced by the Croatian minority, as well as the fact that the representatives of the Croatian minority do not decide – in the countries in which they live – on the allocation of funds earmarked for support to the Croats living outside their homeland.¹³⁴ The issue of symbols of the Croatian minority in Serbia was also raised during the year, but Josip Jovanovic pointed out that the symbols of the Croatian national minority in Serbia and Montenegro were just a "superstructure" and that it would be much more important to improve the climate in everyday life and then agree on the symbols, because their choice "at this moment could contain something incidental."¹³⁵

The rights to social security and the payment of acquired pension are exercised thanks to the *Social Insurance Agreement* (its implementation began a year and a half ago), which means that the Croatian Pension Fund pays more than 2.5 million euros into the accounts of its pensioners in Serbia each month. But, the problem is posed by 13,000 unsettled cases. In this regard, a delegation of Serbia and Montenegro visited Zagreb and an agreement was reached about all points at issue. As for the balance for the past 13 years (from 8 October 1991 to 30 May 2003), on which many Croatian pensioners in Serbia had counted, that issue was not on the agenda, because such payment is not stipulated by the Social Insurance Agreement. There were also no official talks about the extension of the time-limit for the recognition of the years of service and retirement decisions, which had been issued (from 1992 to 1995) by the Knin Pension Fund. Croatia passed the *Convalidation Law*, allowing for the possibility of settling this issue by the end of 2002. For the time being, there is no sign that this time-limit will be extended, although many of them living outside Croatia did not know that.¹³⁶

Despite numerous problems, as well as the opinion that only a small group of HDZ members rallied around Sanader has democratic views and that the structure of local and regional self-government has not changed since 1991,¹³⁷ progress is evident. In the Krka monastery near Kistanj, within the celebration of a religious holiday, a church-folk gathering¹³⁸ was organized. It was attended by a few thousand people, including the high officials of the Serbian Government and representatives of the Serbian Orthodox Church.¹³⁹

¹³⁴ "Situacija u Srbiji se radikalizuje", *Danas*, 21 September 2004.

¹³⁵ "I Hrvati u SCG zeke grb, zastavu i himnu", *Danas*, 2 June 2004.

¹³⁶ "Stizu nova resenja", *Vecernje novosti*, 23 November 2004.

¹³⁷ "Nema volje za resenje položaja Srba", *Danas*, 21 May 2004.

¹³⁸ Several visitors and one of the official guards at this religious festival devoted to the Assumption, at the Krupa monastery near Obrovac, were wearing T-shirts with the traditional Serbian two-headed eagle and the Chetnic slogan written in Cyrillic: *With the Faith in God: Freedom or Death*, "Cetnici se vraćaju u Hrvatsku", *InterNacional*, 31 August 2004.

¹³⁹ "Veliki crkveno-narodni skup u manastiru Krka", *Politika*, 19 August 2004.

Bosnia and Herzegovina: The Long Shadow of Crime

In comparison with its relations with other neighbouring countries, Serbia's relations with B&H are the most complex, bearing in mind war legacy, genocide, the lawsuit of B&H against Serbia for aggression and genocide before the International Court of Justice in The Hague and, finally, the claims by the Serbian nationalists to the Republic of Srpska. Nevertheless, due to pressures from the world community and a very offensive policy pursued by the High Representative for B&H, Paddy Ashdown, towards the integration of Bosnia, Serbia's relations with B&H are recording an upward tendency. It must also be pointed to the maintenance of informal relations on an individual, family, economic and cultural plane, which also contribute in large measure to the improvement of mutual relations. However, this progress in the relations between the two countries remains in the shadow of the crime committed against the Bosniaks. Apart from some mild commentaries concerning the responsibility for the genocide in Srebrenica, there is still no more serious admission of the responsibility for war policy and crimes committed in B&H, without which the real normalization of mutual relations is not possible.

The official meetings of the two countries' representatives are dominated by constructive rhetoric, so that emphasis is placed mostly on the significance of regional cooperation,¹ as a prerequisite for integration into Euro-Atlantic integration processes. Tomislav Leka, B&H Ambassador to S&M, holds that "the relations between the two countries are very good and are recording an upward tendency."² Sulejman Tihic, President of the B&H Presidency, holds that special links between Serbia and the Republic of Srpska (RS) should be extended to B&H as a whole.³ B&H represents the largest export market for S&M. At the same time, it is interested in the Serbian market. The companies

¹ Tomislav Leka, B&H Ambassador to S&M: "There is a great number of regional initiatives, but it seems to me that the process of cooperation in South Eastern Europe has so far proved to be the most effective. Most countries in this region have similar aims, which are oriented to the EU and NATO, so that our needs are also similar and, thus, it is easier for us to communicate with each other." "Hag – jedan od zajednickih problema", *Danas*, 27-28 November 2004.

² *Ibid.*

³ "Labus: buducnost Dejtona zavisi od volje tri naroda", *Danas*, 16 March 2004.

from B&H and S&M have also started the negotiations on joint access to third markets.⁴ It has also been agreed to hold the meeting of the inter-state council for cooperation between the two countries, as well as the business conference for businessmen from the diaspora and Serb representatives from B&H with a view to providing support to the programmes relating to the development of the B&H economy and firms.⁵ Reis-ul-Ulema Mustafa Cerić and the Mufti of Belgrade, Hamdija Jusufspasić, who led the delegation of the Islamic Community of Serbia, met in Sarajevo for the first time after the collapse of the former Yugoslavia. The meeting was held a few months after the March 2004 events in Kosovo, when the mosques in Belgrade and Nis were burnt and the building of the Islamic Community in Novi Sad was damaged. They discussed the problems of the Islamic Community, as well as of the Bosniaks and Muslims in Serbia and in the region.⁶

The Perception of Serbia From Sarajevo

All events in Serbia are followed with great attention in Bosnia, especially in Sarajevo.

The formation of the new Republican Government (in March 2004) was evaluated by the Bosniaks as "the strengthening of the right in Serbia, while the democratic bloc is stratified and does not instill confidence that it will be a counterweight to the radical bloc any more".⁷ It is also held that the basic tone to the Serbian political scene is set by the anti-Hague lobby and unreadiness to extradite the indicted for war crimes, primarily Radovan Karadžić⁸ and Ratko Mladić.⁹ On the basis of the unsuccessful efforts to arrest them, the patriotic bloc in the RS and nationalists in Serbia are creating the myth about them as modern haiduks, who are protected by true Serbs, God and angels.¹⁰

⁴ "Hag – jedan od zajedničkih problema", *Danas*, 27-28 November 2004.

⁵ "Los položaj Srba u B&H i Albaniji", *Politika*, 17 August 2004.

⁶ "Zblizavanje muslimana na prostoru Balkana", *Danas*, 10 June 2004.

⁷ Zlatko Lagumdžija, "Do Evrope za dva veka", *Vecernje novosti*, 16 March 2004.

⁸ The book by Radovan Karadžić, *Cudesna hronika noci (The Marvelous Chronicle of the Night)*, was launched at the International Book Fair in Belgrade. The event attracted great media attention. "EUFOR umesto SFOR-a", *Politika*, 25 October 2004.

⁹ Pierre-Richard Prosper, US Ambassador-at-Large for War Crimes Issues, stated: "The fact that Radovan Karadžić and Ratko Mladić, as well as other persons indicted for war crimes have not yet been arrested, poses an obstacle to the entry of B&H into Europe. It is necessary to bring the indicted for war crimes in B&H, especially Radovan Karadžić, to justice, so that B&H can finally turn to economic reforms and development, which will be of benefit to all citizens." "Prosper: Karadžić i Mladić prepreka za ulazak BiH u Evropu", *Danas*, 4 March 2004.

¹⁰ "Srpski političari Esdaunu predali RS", *Evropa*, 8 July 2004.

Strong reactions were especially provoked by the decision of the Serbian Parliament to equalize the status of the Partisan and Ravna Gora Chetnik movements. The Bosnian politicians agreed almost unanimously that this decision *showed the true fascist colours of Serbia*.¹¹ It was also requested to proclaim the head of S&M diplomacy, Vuk Drasković, *persona non grata* in B&H. The Council of the Congress of Bosniak Intellectuals stated that this was the question of an obvious act of rehabilitation of fascism and Chetnik crimes¹² committed during the past wars and pointed out that the *Chetnik law* would complicate the political and security situation in the region still further.¹³ Sačić Filandra, President of Preporod, the Bosniak Cultural Community, said that the Chetnik revolution in Serbia reached its climax.¹⁴

The Bosniaks are especially concerned with Belgrade's attitude towards the revision of the Dayton Peace Accords. In Belgrade, this initiative¹⁵ has been interpreted as an attempt to change the balance of power in the Balkans, within a broader Balkan strategy.¹⁶ The specific B&H structure, established under the Dayton Peace Accords,¹⁷ is regarded by official Belgrade as reality, viewing B&H as a single state, whose future depends on the will of its three constituent peoples.¹⁸ The determination of Kosovo's status during 2005 and 2006 will also raise the question of the status of the State Union of Serbia and Montenegro.¹⁹

¹¹ "Vuku zabrana ulaska u BiH?", *Vecernje novosti*, 28 December 2004.

¹² The leader of the Bosnian party, Mirnes Ajanović, said that Serbia was the only country which abolished crime and fascism. However, such a move might be of benefit to the RS citizens so as to realize that the neighbouring country was the main exponent of political evil in this region and that their future should lie in B&H. *Ibid.*

¹³ *Ibid.*

¹⁴ "That ideology has been institutionalized and politically established; it has become the state ideology. It is a disgrace for Serbia and a great danger for us." *Ibid.*

¹⁵ William Montgomery: I expect that the Bosniaks are irritated at the provisions of the Dayton Peace Accords, which restrict their decision-making and control in the country in which they have the highest percentage of voters. One of the symptoms of the aforementioned is the constant strength of the nationalist parties in Bosnia. "Bosna: mucna proslost, neizvesna buducnost", *Danas*, 4-5 December 2004.

¹⁶ According to Serbian Prime Minister Vojislav Kostunica, the Government is monitoring the developments in the RS with great concern following: "The implementation of undemocratic and inappropriate measures of High Representative Paddy Ashdown against the RS. The announcement of the High Representative about the possible abolition of the RS is especially unacceptable, because the Dayton Peace Accords guarantee peace and the existence of the RS. Ashdown's measures provoked a crisis not only in the RS, but also in B&H." The Prime Minister also said that it had to cause serious concern in S&M as one of the signatories of the Dayton Peace Accords. "Nedemokratski i necelishodno", *Politika*, 21 December 2004.

¹⁷ Pedi Esdaun, "Postovati Dejton", *Vecernje novosti*, 8 June 2004.

¹⁸ "Labus: buducnost Dejtona zavisi od volje tri naroda", *Danas*, 16 March 2004.

¹⁹ The critical year for the Balkans is 2005. Some members of the Serbian leadership in Belgrade have already announced that Kosovo will win independence in 2005. President Djukanović stated clearly that Montenegro would separate from Serbia in

In Belgrade, the fates of the RS²⁰ and Kosovo are closely related, since the international community is also against the change of the republican borders of the former Yugoslavia by force.²¹ Belgrade holds that if Kosovo wins independence, the RS should also have the right to join Serbia according to the same principle.

In 2004, High Representative Paddy Ashdown took various actions so as to discover the organized network of the people providing financial and logistic support to the indicted for war crimes. In Serbia, these actions of the High Representative attracted great attention and the reactions were not left out.²² Apart from arrests, the High Representative also undertook other concrete measures, such as the freezing of all payments to the SDS²³ from the government budget due to its failure to cooperate with the Hague Tribunal; dismissal of the SDS from their positions;²⁴ removal of certain persons from

2005. There are also requests for the revision of the Dayton Peace Accords. These moves by Ambassador Hayes seem to form part of a Balkan broader strategy. "Americki pakleni plan!", *Inter-Nacional*, 9-10 October 2004.

²⁰ Miroslav Labus: Ashdown's aim is quite evident. It is certain that the future status of Kosovo and Metohija will be decided in 2005. Thus, Ashdown is trying to change the balance of power and seal the fate of the RS in advance. In Serbia, we naturally had a chance to hear the usual reactions: the political parties affiliated with the Milosevic dictatorship mention a world conspiracy and the need to keep away from the US, EU and all those on which the fates of the Republic of Srpska and Kosovo depend. "Zajedno sa Srpskom u EU", *Politika*, 25 December 2004.

²¹ William Montgomery: Ironically, the Serbs all over the former Yugoslavia are not pointing to this principle, expecting that it will have to be applied to Kosovo. Their unpronounced message is that if this principle is not observed, it may not be observed anywhere else, too. "Bosna: mucna proslost, neizvesna buducnost", *Danas*, 4-5 December 2004.

²² The DSS holds that the decision of the High Representative for B&H is absolutely unjustified and that it is a wrong step in the current, very complex political situation. The DSS also states that it has "pointed out on a number of occasions that any dismissal of government and political officials from their positions, regardless of the election results and popular will, will only radicalize the political situation and stir up political extremism, which cannot contribute to regional stability". "DSS: pogresan korak", *Vecernje novosti*, 1 July 2004.

²³ Sejfidin Tokic, Vice-President of the Social-Democratic Union of B&H, regards the resignation of the SDS leadership as "an act by which it has become quite evident that the complete SDS leadership is an exponent of Karadzic's policy, which has been hampering the process in B&H for years." "Prizeljkuju zabranu rada", *Ekspres*, 13 February 2004.

²⁴ Velimir Curguz Kazimir: If we turn our attention to the past several years, we will encounter a rather strange phenomenon: the media devoted much greater attention to the removal of the RS politicians from office than to the address of the RS President relating to the investigation of what actually happened in Srebrenica. "Mit o sveopstoj krivici", *Danas*, 9 July 2004.

public life and the replacement of the Parliament Speaker and Foreign Minister of the RS.

The Kostunica Government²⁵ was regarding the actions of High Representative Paddy Ashdown as negative and was not responding to the calls of the international community to take an active part in the integration of Bosnia. In fact, it was responding with inertia, passivity and phrases, such as the one about the need for two-way cooperation.²⁶ Faced with pressures from the international community and the possibility of economic sanctions, as well as being aware of the responsibility for slowing down the process of B&H accession to the *Partnership for Peace* and EU, the RS leaders asked officially for the assistance of the relevant institutions in Serbia in searching for and arresting the indicted for war crimes being in the territory of Serbia.²⁷ The Prime Minister of the RS, Dragan Mikerevic, pointed out that he was seriously warned by the State Department that the Hague Tribunal would not be dissolved until the most wanted on the list of suspects were not brought before this institution.²⁸

Cooperation With The Hague Tribunal

The relations between the two countries are seriously burdened by Serbia's unreadiness to face its war past and the crimes and genocide committed in Bosnia.²⁹ The apology³⁰ of Serbian President Boris Tadic for the

²⁵ In the opinion of the DSS, the decisions of the High Representative concerning the RS will not contribute to regional stability; instead, they will only radicalize the political situation. Paddy Ashdown's punishment of the RS, which will be felt by the Serbian people, will have severe consequences and that is only another wrong step in the current, complex political situation. "DSS: pogresno", *Vecernje novosti*, 19 December 2004.

²⁶ Milorad Dodik accused the Belgrade authorities of *inertia* in cooperation with the Hague Tribunal and stated that such an attitude was harmful both to Serbia and the RS. "It is just unbelievable how strong this anti-Hague lobby is. It is deliberately pursuing the policy of non-cooperation and challenging specified international institutions, which will not come to a good end." "Prihvacena ostavka Vlade Republike Srpske", *Danas*, 21 December 2004.

²⁷ Milorad Dodik: "Regardless of whether that is just or not, honest or dishonest, it is absolutely impossible to bear the ignoring and pressure of international factors in these regions, vis-à-vis Serbia and the RS, and to continue resisting the extradition of the indicted for war crimes." "Dodik: Srbija inertna u saradnji sa Hagom", *Balkan*, 21 December 2004.

²⁸ The United States will especially provide assistance to a defence reform, so that out of 44 million dollars earmarked for assistance to B&H, 15 million dollars will go for this reform. Its implementation will be closely monitored by the United States, so that B&H can accede to the *Partnership for Peace* as soon as possible. "Potvrda reformi", *Politika*, 11 February 2004.

²⁹ Zdravko Grebo: "The situation in B&H has a decisive influence on the situation in Serbia and Croatia, while the people who were riding the national or nationalistic

crimes³¹ remained in the shadow of his relativization of the guilt because, as he put it, "we all owe an apology to each other". In February 2006, the International Court of Justice in The Hague will begin the hearing procedure concerning the lawsuit filed by B&H against S&M,³² whereby it requested indemnification for genocide and aggression.³³ The Serbian officials are persistently interceding for the withdrawal of charges and the establishment of the *Fund for Indemnification of War Victims*.³⁴ These charges carry special weight in the light of the facts established by the *RS Commission for Investigation of the Events in and around Srebrenica from 10 to 19 July 1995*,³⁵ as well as the RS admission³⁶ that Srebrenica was the site of the most horrible crime,³⁷ and that there was a well-developed system for hiding the evidence of that crime. In

wave are gradually turning into the blackmailers of their home countries and political parties. The real problem is the non-existence of the clear definition of what happened to us. You cannot say, like in Nuremberg, who won and who lost. "Bosna je krvavi kusur raspada bivse Jugoslavije", *Danas*, 30 April - 3 May 2004.

³⁰ The debate about who should apologize to the Serbs here, which was held among the representatives of non-governmental organizations in the RS, contributed significantly to the collection of 5,000 boxes with the documents evidencing crimes in Federal Sarajevo. First of all, it is pointed to those S&M officials who go around and apologize for the crimes committed by their compatriots. It can be expected that they request to apologize in public to the Serbs in B&H for the crimes committed by S&M citizens. Namely, almost the complete military and police establishment of the then B&H Army and Ministry of the Interior, as well as the leaders of paramilitary formations came directly from the Raska region. "Alijine Zelene beretke macetom sekle srpske glave i bacali ih u Miljacku", *Svedok*, 7 December 2004.

³¹ "The crimes were not committed by the whole Serbian people. They were committed by individuals. Therefore, it is not possible to accuse one people." "Najgori je zaborav", *Glas*, 8 December 2004.

³² Zlatko Lagumdžija: That lawsuit must follow its legal course and should not be politicized. It is cheaply politicized on both sides. "Do Evrope za dva veka", *Vecernje novosti*, 16 March 2004.

³³ "Pretrse februara 2006", *Politika*, 9 December 2004.

³⁴ "Softic: BiH ce dobiti spor", *Danas*, 24 August 2004.

³⁵ From the Report of the Commission: "Accepting and facing the fact that some members of the Serbian people committed the crime in Srebrenica, in July 1995, can have a favourable influence on the creation of conditions for the investigation of all crimes committed in the B&H territory and the punishment of the perpetrators. "Zlocin pocinjen i prikrivan", *Vecernje novosti*, 13 June 2004.

³⁶ Bernard Fassier: The RS Government has finally adopted the report and has admitted the planned and deliberate execution of Bosniaks in the Srebrenica enclave. That is a dramatic turnabout relative to the original position of the RS authorities. "Pocetak kraja agonije za Republiku Srpsku zbog Srebrenice", *Danas*, 10 November 2004.

³⁷ Sakib Softic: "It is a fact that crimes were committed by all sides. However, the difference lies in the fact that, on one side, crimes were committed by criminals and, on the other, were backed by the state. The crimes were organized and committed by the state and that is what makes the parties to this dispute different from each other. "Nagodba posle presude", *Politika*, 24 August 2004.

Serbia, however, the question of one's responsibility for organizing and planning the committed crimes has not been raised. The inauguration of Boris Tadic coincided with the anniversary of the fall of Srebrenica.³⁸ The overlooking of this date and the commemoration to the victims of the genocide³⁹ in the Memorial Centre at Potocari provoked very negative reactions in the Bosnian public.

At the end of 2004, the RS political leadership asked the Serbian authorities to extradite all RS citizens indicted by the Hague Tribunal who might be living in Serbia - either to The Hague or the RS authorities.⁴⁰ The arrest of war criminals was imposed by the High Representative as an unconditional and time-framed action.⁴¹ Special units assigned to capture Karadzic and Mladic were set up,⁴² while the former security head of the RS Army, Ljubisa Beara, who is indicted for the genocide in Srebrenica, called from the Hague Tribunal his comrades in arms to surrender so as to „relieve our country of the burden".⁴³ The decision of the EU Council to freeze the property of the indicted for war crimes was also enforced.⁴⁴ Most of 11 citizens of the RS indicted for war crimes have S&M citizenship and live in the territory of Serbia. Prime Minister Kostunica stated that "it is necessary to take off the load but, in relation to arrests, priority⁴⁵ is given to voluntary surrender."⁴⁶

³⁸ Boris Tadic: The brave and patriotic report of the RS on the crime in Srebrenica is an example of how the truth must be faced. That is the only way to keep the memories of Jasenovac, Skelane, Gorazdevac and all other graveyards alive, too. "Iznudjena katarza", *NIN*, 15 July 2004.

³⁹ This year, one can read for the first time in the green-framed obituaries around Potocari that *the victim of the genocide went to the Ahiret*. The last impression of Serbia a traveller can gain on his way to the RS is that of the posters of Tomislav Nikolic, whose commander is indicted by the Hague Tribunal for the ethnic cleansing of Bosnia, which should become a part of the *new Serbian state*. The last impression of a traveller leaving the RS, the only entity in the territory of the former Yugoslavia which has not extradited anyone to the Tribunal, is that of serbianized Potocari. On the day when the Srebrenica tragedy was commemorated, in front of the private houses, along which about 20,000 Bosniaks passed on that occasion, there were heartless offers were written: "Pigs for sale. Price KM 3.40." "Devet paklenih krugova", *Danas*, 17-18 July 2004.

⁴⁰ "Kod nas nisu, vi ih hapsite", *Vecernje novosti*, 22 November 2004.

⁴¹ Paddy Ashdown: "The real danger to the RS and its competences comes not from Sarajevo, but from Banjaluka." "Ne postujete Dejton i Ustav BiH", *Danas*, 3 November 2004.

⁴² Paddy Ashdown: There is documentary evidence that the name of Ratko Mladic was in the records of the RS Army and the Army of Yugoslavia until 2001 and 2002 respectively, despite the denials of these institutions and their claims that they broke any contact with him. "Ne ukidam Republiku Srpsku", *Nedeljni telegraf*, 15 December 2004.

⁴³ "Bolne rane Srebrenice", *Politika*, 18 October 2004.

⁴⁴ "Spiric: Imaju li osumnjiceni imovinu?", *Inter-Nacional*, 27 October 2004.

⁴⁵ The Hague indicttees, who surrender voluntarily by the end of this year, will be given the lump sum of 25,000 euros and will have some benefits during their detention

The former Prime Minister of the RS, Milorad Dodik, stated in public that "the RS authorities submitted to the Serbian Government nine addresses at which the indicted for war crimes from the RS were hiding, but it did not take any action". He also said that, at the moment, Prime Minister Kostunica and the Serbian Government were the basic problem of the RS due to their lack of interest to arrest the indictees from the RS. Dodik condemned the Serbian Prime Minister for *giving the errasor* to those wishing to erase the RS,⁴⁷ As one of the solutions for more efficient cooperation with the Hague Tribunal, he proposed the formation of a special police unit in the RS which would arrest and extradite the indictees to the Hague Tribunal. Under the agreement which would be signed with S&M, this unit could cross the border and arrest the indictees in the territory of Serbia as well.⁴⁸ The RS officials look at the problem of the Hague indictees as the Serbian national problem which exerts influence on all Serbian institutions⁴⁹ both in the State Union of Serbia and Montenegro and in Serbia, as well as in the RS, and stress the importance of institutional cooperation.⁵⁰ It is an established fact that the Hague indictees from the RS feel safe and protected in Serbia. At the same time, they form part of the network of businessmen and political and security structures protecting Karadzic and Mladic.⁵¹ High Representative Paddy Ashdown said unambiguously that "the person who had the leading role in planning the crimes in Srebrenica is still

pending trial... all this is based on Serbia's positive experience and in two months we had two voluntary surrenders. With the Serbian authorities we exchange operative knowledge. "Sarajevo srpska Srebrenica", *Vecernje novosti*, 12 December 2004.

⁴⁶ "Esdaun ukida SDS i policiju Srpske", *Blic*, 24 November 2004.

⁴⁷ Belgrade is only hindering us. I personally cannot understand the policy pursued by the Serbian Government, which is declaratively supporting close cooperation with The Hague, while at the same time appealing to the Hague indictees to surrender. "Esdaunu u lice bacio papire", *Vecernje novosti*, 24 December 2004.

⁴⁸ "Kostunica koci hapsenja", *Blic*, 8 November 2004.

⁴⁹ The Serbian Ministry of Religion condemned most harshly the action of SFOR on Pale, whereby an Orthodox priest and his son were seriously wounded. "The intrusion into the Church of the Assumption of the Holy Virgin and the parish house, whose door was broken by explosive, is an inadmissible and barbarian act. The SFOR has shown that it does not respect human dignity and the spiritual role of the clergy, as well as the consecrated space where the people pray to God of justice and love. All civilized armies of the modern democratic world are obliged to respect church autonomy and have no right to apologize and excuse themselves in such cases. One has to answer for such acts and be punished and not to apologize." "Akcija SFOR-a varvarski cin", *Politika*, 2 April 2004.

⁵⁰ "Dejton nije poklon", *Vecernje novosti*, 24 December 2004.

⁵¹ The Hague indictee Milan Lukic does not feel safe in Belgrade either, because, in March, the indicted General Sreten Lukic, his relative, patron and colleague, was removed from the position of Deputy Minister of the Interior by the newly elected Serbian Government. "Na meti srpske policije informator Tribunala o Radovanu Karadzicu", *Balkan*, 7 May 2004.

enjoying the protection of Belgrade and has been given refuge by some people in Banjaluka.⁵²

Cooperation between the Serbian Parliament and the Parliament of the RS has virtually been imposed, especially after the submission of the reports on cooperation of B&H, Serbia and Croatia with the Hague Tribunal to the UN by Carla del Ponte. For this reason, Predrag Markovic, Speaker of the Serbian Parliament, attended the session of the RS Parliament at the end of November.⁵³ Defending the RS, Serbian President Boris Tadic stated that the RS should not bear the consequences because of the opinion of the chief prosecutor of the Hague Tribunal that it was not cooperating with The Hague. He stated that the RS made a significant efforts to confront itself with the crime committed in Srebrenica. He pointed out that the RS initiated social and institutional reforms and established multiethnic institutions, that refugees were coming back and that the process of returning property throughout B&H was almost completed. The Army of the RS underwent thoroughgoing reforms – it was reduced and professionalized, while the RS institutions made the greatest possible effort to face the society with the problem of war crimes; also, the language of hatred was expelled from political life once and for all.⁵⁴

However, the RS has not arrested any indictee for war crimes for ten years already. The international community itself arrested all 25 persons indicted for war crimes. Therefore, Paddy Ashdown was forced to implement stringent measures. He sacked nine officials in the RS; bank accounts of six persons were frozen; the B&H authorities were instructed to carry out the reform of its Ministries of Police and Defence, while the US Administration banned the entry into the country to the leaders of two political parties in the RS, SDS and PDP. Ashdown's decisions resulted in the resignations of the RS officials.

Despite a strong reaction from Belgrade (due to the resignations of the RS officials, i.e. the government, head of state and parliament speaker) and severe charges against the High Representative, in addition to a specific mobilization of the Serbian national and political elites, Ashdown's action against the RS was not a surprise. The High Representative's move was a serious warning to Belgrade – as one of the guarantors of the Dayton Peace Accords – that it should bring the indicted to international justice together with the RS.⁵⁵ However, the Serbian political leaders – President Tadic, Prime Minister Kostunica and Parliament Speaker Markovic – took a uniform stand

⁵² "Esdaun optuzuje Beograd", *Politika*, 24 December 2004.

⁵³ "Policija RS bice prva na udaru Esdauna", *Danas*, 25 November 2004.

⁵⁴ "Pogresno usmereno", *Vecernje novosti*, 18 December 2004.

⁵⁵ "Ozbiljno upozorenje", *Politika*, 26 December 2004.

on the High Representative's activities, regarding them as undemocratic, anti-Dayton and unlawful.⁵⁶

The Serbian Orthodox Church's Attitude Towards Republika Srpska

At the end of the year, Belgrade's daily *Politika* and many other media received by fax a letter⁵⁷ which was allegedly written by Radovan Karadzic⁵⁸ and was addressed to the citizens of the RS because of dramatic political events.⁵⁹ The concern over „the difficult situation of our people in the RS and B&H" was also shown by the Holy Synod of Bishops of the Serbian Orthodox Church, which was also attended by the Orthodox Bishops from the RS and B&H Federation.⁶⁰ The Synod appealed to all those responsible in Europe to take urgent measures, so that the Serbian people would not be forced to lose its confidence in democratic processes in B&H. At the same time, they appealed to domestic politicians, calling them to show "absolute respect" for the freedoms and democratic rights of all citizens in B&H.⁶¹ By promoting itself as the factor of national integration, bringing together Serbia and the RS, the Serbian Orthodox Church is protecting Radovan Karadzic, while some of the clergymen holding very high positions are not hiding their pride because of that.⁶²

⁵⁶ Paddy Ashdown: What is *undemocratic, anti-Dayton and unlawful* is the fact that the RS authorities have not fulfilled their obligations arising from an international agreement and that fact is harmful for the future of all B&H citizens. The question to which official Belgrade should answer is: what Serbia can do in order to help Banjaluka to arrest war criminals instead of giving them refuge. "Preko Haga i u NATO", *Vecernje novosti*, 25 December 2004.

⁵⁷ Brothers and sisters, these are the decisive moments for the Serbian people of the Republic of Srpska. I would not hesitate for a moment to sacrifice myself for the Republic of Srpska if my sacrifice could save it. Unfortunately, those who wish to destroy the Republic of Srpska and establish a unitary Bosnian state, which would be run from Sarajevo, use the Hague Tribunal only as an excuse for their intentions. "Podmetnuto i Srbima i SDS i Radovanu", *Vecernje novosti*, 23 December 2004.

⁵⁸ Paddy Ashdown: Karadzic is at the head of a thoroughly corrupted and well-developed criminal network plundering its own people, so that it can remain beyond the reach of justice." "Necu da ukinem Republiku Srpsku", *NIN*, 15 July 2004.

⁵⁹ "Oglasio se Radovan Karadzic", *Politika*, 23 December 2004.

⁶⁰ "Zabrinutost zbog samovolje", *Politika*, 24 December 2004.

⁶¹ The latest decisions and statements of the High Representative, made on the eve of this Christmas, surprised many of them, the Orthodox Serbs probably the least. "Zabrinutost zbog samovolje", *Politika*, 24 December 2004.

⁶² Paddy Ashdown: There were too many commentaries by the people holding high positions in the Serbian Orthodox Church, who were publicly saying that they were proud to protect Karadzic. That is the flagrant violation of international law. I visited

Reacting to the wounding of the priest Starovlah and his son on Pale during the search for Radovan Karadzic, the B&H Council of Bishops brought the decision to withdraw the Serbian Orthodox Church from membership in the B&H Inter-Religious Council.⁶³ On that occasion, Metropolitan Amfilohije of Montenegro and the Littoral and Patriarch Paul also announced themselves. Amfilohije accused the „Muslims, Croats and Slovenes", SFOR members, for brutal lynch,⁶⁴ while Patriarch Paul sent a letter to the SFOR commander: "If it has not been clear to you until now that Serbian priests do not hide war criminals, we hope that it has now become evident. Or, if it is probably not so, we should expect from those we wish to regard as the people of good will to march in boots, with guns and bombs, against our holy churches and the lives of our priests and their families."⁶⁵

International Presence Transforms

In 2004, international presence underwent a significant transformation: the SFOR finished its mission at the end of the year and was replaced by the EUFOR. According to NATO Secretary-General Jap de Hoop Scheffer, the Balkan region, especially B&H, is the indicator of *trans-Atlantic realism*, in which great progress was made, since it is safe⁶⁶ to reduce the number of troops in BiH.⁶⁷ Seven thousand members of the European peace mission, EUFOR, who replaced the NATO troops on 2 December 2004, represent the turning point on the path of B&H to the EU. The European peace operation *Altea*, which covers 4.2 million inhabitants of B&H⁶⁸ (who are still burdened by ethnic tensions,

some churches; there you can find the medallions with Mladic's image. "Ovo je smrtno ozbiljna stvar", *Vecernje novosti*, 4 April 2004.

⁶³ "SPC izisla iz Medjureligijskog veka BiH", *Danas*, 10-12 April 2004.

⁶⁴ "Oca i sina Starovlaha lincovali Muslimani, Hrvati i Slovenci!", *Balkan*, 27 April 2004.

⁶⁵ "Pobesneli zbog Radovana", *Vecernje novosti*, 25 August 2004.

⁶⁶ Within the new concept of its intensified fight against terrorism, the United States intends to keep one of the most important air bases in B&H, Orao near Tuzla, even after the takeover of the SFOR mission in B&H by the EU forces, as announced by the US army officials. The members of the US Congress expressed great concern that B&H might become a *haven* for radical Islamic organizations linked to *Al-Kaida* and be used as the base for its acts of terrorism in Europe and elsewhere. "Americki plan za Bosnu", *Politika*, 14 July 2004.

⁶⁷ Bosnia is a litmus test for our ability to turn to concrete cooperation. Bosnia is also a test for the EU-NATO arrangements, which we are putting into effect under the so-called Berlin Plus Agreement. "Bosna je test NATO saradnje", *Vesti*, 9 February 2004.

⁶⁸ Several surveys conducted in B&H have shown that about 70% of young people wishes to leave this country and the analyses have confirmed that, should those wishes be fulfilled and should such a trend continue, B&H would have only 1% of young people in 2020. Even 92% hopes for an educational reform; one half holds that the

crime and corruption), has an ambition to change the *image* of Europe, which has been criticized for its indifference towards the war in Bosnia in 1992-1995, ending with quarter of a million victims and two million refugees.⁶⁹

Revision of the Dayton Peace Accords

The adoption of the declaration on the review and amending of the Dayton Peace Accords, which was sent to all important addresses in the world, was initiated by Tadeusz Mazowiecki, UN Human Rights Representative in Bosnia during the war, and Hans Koschnik, former EU Administrator for Mostar. They proceeded from the fact that the Dayton Peace Accords "legalized the consequences of extreme violence", and that "built-in duality" and the establishment of two entities and two legal systems were preventing B&H from developing into a constitutional state and genuine European society.⁷⁰ The influential members of the European Parliament in Strasbourg signed the declaration, stating that the *fundamental legal and political conditions, set by the Dayton Peace Accords impede the necessary economic and political development of that country*. The head of the delegation for South Europe to the EP, Doris Pack, holds that the Dayton Peace Accords must be revised, so that the central authorities in Bosnia can be strengthened only where that is necessary so as to make the government structures more efficient and much cheaper. The revision of the Dayton Peace Accords cannot affect the fundamental rights of the Serbs or Bosniaks and Croats, if the central government *is improved* only to the extent that will be of benefit to all.⁷² Specified restrictions contained in the agreement and especially the need to have one police⁷³ must be revised before B&H becomes a serious candidate for accession to the EU.⁷⁴

teachers do not pay attention to them as personalities, while 95% holds that they have no influence on politics, so that they cannot contribute to any essential change. Hence the data that 40% of them does not go to the polls. "Pogled preko granice", *Politika*, 31 January 2004.

⁶⁹ "EUFOR umesto SFOR", *Politika*, 25 October 2004.

⁷⁰ "Dejton nije bio dobar", *Danas*, 12 January 2004.

⁷¹ The official rate of unemployment in B&H is 42%; there is no confidence in the future of the country, especially among the young; widespread corruption and crime contribute to the feeling of unsafety among the population. *Ibid.*

⁷² *Ibid.*

⁷³ It is a fact that, in her report submitted to the UN Security Council, the chief prosecutor of the Hague Tribunal pointed to the fundamental systemic weaknesses of the security and law enforcement structures in the RS. The Ministry of the Interior and Ministry of Defence especially pose an obstacle to its functioning. "Ne ukidam Republiku Srpsku", *Nedeljni telegraf*, 15 December 2004.

⁷⁴ Paddy Ashdown: "The RS Army assisted Ratko Mladic to cross the border with B&H in June; he could not do that without an active participation of the Army and

However, Serbia does not support the revision of the Dayton Peace Accords and insists on the binding provisions of the agreement for all, emphasizing that nobody has the right to cause instability and radicalize the political public by himself, regardless of his intentions. All this contributes to the raising of the questions from the past.⁷⁵ The Bosnian side emphasizes the need for the reorganization of the entities,⁷⁶ that is, their abolition and organization of B&H as the state consisting of 12 cantons.⁷⁷ This would simplify the complicated administration for which 60% of total public revenues has to be earmarked.⁷⁸ The Serbian side insists on the intensification of special links between the RS and Serbia on an economic and cultural plane⁷⁹ because, as emphasized by Prime Minister Vojislav Kostunica, "the customs and tradition are a part of the same people living on two banks of the Drina".⁸⁰ The feeling that the RS is endangered is being constantly stirred up.⁸¹ So, during the visit of

bodies of the RS. They violated international law and the Dayton Peace Accords. A single police structure in B&H is a prerequisite set forth in the Feasibility Study. If B&H fails to move closer to the EU due to the RS, then the latter will pose an obstacle to the country's entry into the EU. The RS must decide what it wishes - corrupt structures, which it has now, or accession to the EU and the rule of law." "RS zavisi od Dejtona", *Vecernje novosti*, 19 December 2004.

⁷⁵ "Vracanje proslosti", *Vecernje novosti*, 21 December 2004.

⁷⁶ Sejfudin Tokic: "If someone has the obsession to keep the RS as the exclusive territory of the Serbian people, that it is unsustainable. "Evropski standardi i balkanska realnost", *Danas*, 28-29 February 2004.

⁷⁷ In his interview for BBC, the former Prime Minister of B&H, Haris Silajdzic, supported the change of the Dayton Peace Accords, which he called the project of the Belgrade regime. "Silajdzic za izmenu Dejtonskog sporazuma", *Danas*, 16 July 2004.

⁷⁸ Behind that idea was the proclamation of the District of Brcko for the eleventh canton. By realizing such an idea, the RS would be divided into two parts. Thus, it would not be necessary to raise the question of abolishing the RS formally. It would actually cease to exist, because it would not be a territorial entity any more. Bosnia would have 13 cantons - ten in the B&H Federation, one would be Brcko and the parts of the RS would constitute another two cantons. "Ruse RS preko Brckog", *Vecernje novosti*, 17 February 2004.

⁷⁹ Commemorating the 200th anniversary of the First Serbian Uprising in the RS, the central event was organized in the monastery of the Assumption of the Holy Virgin in Dobrun near Visegrad. It was attended by Crown Prince Aleksandar Karadjordjevic, member of the Presidency of B&H, Borislav Paravac, President of the RS, Dragan Cavic, and Prime Minister Mikerevic. "Spomenik Karadjordju u Dobrunu", *Danas*, 30 August 2004.

⁸⁰ *Ibid.*

⁸¹ The members of the Stirring Committee of the Serbian Forum for Democracy unanimously adopted the Declaration *The RS Is in Danger*: "The well-paid lobbies from abroad and the political centres in B&H are trying to create an atmosphere for the change of the Constitution and significant weakening of the RS. Such requests can destabilize the broader region. Therefore, we appeal to all international mediators, especially the states guarantors of the peace agreement, to provide strong support to the Dayton Peace

the delegation of the Serbian Ministry of Diaspora, it was emphasized that the position of the Serbs in the B&H Federation, who are one of the constituent peoples, was far from being satisfactory, since they were denied⁸² some of the fundamental human rights.⁸³ The RS officials hold that the establishment of special links is one of the rights granted under the Dayton Peace Accords, which is not sufficiently realized. Serbia must take into account the developments in the RS and help the Serbs living in it, because the RS survived just thanks to the assistance from the other bank of the Drina.⁸⁴

The Serbs argue that the RS is "something that lives, develops and matures", showing that it is purposeful and that it brought peace. The Serbs adopted the Dayton Peace Accords with difficulty⁸⁵ but they are now the strongest supporters of this international document.⁸⁶ The Serbs in the RS expect to be protected by Serbia as a guarantor of the Dayton Peace Accords.⁸⁷ At the meeting of the Serbian Radical Alliance Dr Vojislav Seselj in Bijeljina, Toma Nikolic, Vice-President of the SRS, called for the unification of the RS and Serbia, drawing the borders of Greater Serbia once again and characterizing B&H as an artefact which divides the Serbs from two banks of the Drina.⁸⁸ In

Accords once again, as well as to the B&H Constitution being derived from it". "Srpska je ugrozena?", *Vecernje novosti*, 16 February 2004.

⁸² Sejfudin Tokic: "As for human rights, the very fact that the RS has never arrested any person indicted for war crimes and has not participated in their arrest, gives the real picture. The RS has not yet finished any trial for the crimes committed during the war. "Evropski standardi i balkanska realnost", *Danas*, 28-29 February 2004.

⁸³ "Los položaj Srba u BiH i Albaniji", *Politika*, 17 August 2004.

⁸⁴ Milorad Dodik: The RS is an undefined vacuum where it survives from day to day and serves only to Ashdown to threaten it. The increase of crime and threatened security show clearly that we have become the ground for dirty games between the Belgrade and Banjaluka authorities. "Republika Srpska je postala teren za prljave igre vlasti Beograda i Banjaluke", *Danas*, 12-13 June 2004.

⁸⁵ The survey conducted by Partner has shown that the Bosniaks care about B&H the most and about the survival of the RS the least. By contrast, the Serbs care much more about the survival of the RS than about B&H as a state. "Gradjani najviše veruju Esdaunu", *Inter-Nacional*, 19 February 2004.

⁸⁶ Dragan Mikerevic: "Dejton dosledno", *Politika*, 16 February 2004.

⁸⁷ *Together for the Truth Association*: If we do not receive support, we will most likely hold a referendum. If our home country wishes us well, it will support it. After all, it is the question of 1.5 million Serbs on the other side of the Drina and even a much larger country than Serbia would not renounce such a number of its compatriots. "Muka nas juri iz BiH", *Vecernje novosti*, 1 September 2004.

⁸⁸ It is high time that they leave to us to do something that we could not do during the past nine years and that is to unite Serbia and the Republic of Serbia and never to forget the Republic of Srpska Krajina. Is there any more beautiful wish than to live in one state? Is there a way that this artefact survives? All this time, the Serbian traitors will be in power... to bring together the towns from both banks of the Drina, to have the same wish and the same aim, that this people lives in the same way: when it is

the same tone, Aleksandar Vucic praised the statements of those Serbian politicians from the RS who announced the holding of a referendum on accession to the home country – Serbia, should the entity be abolished.⁸⁹ The politicians from both banks of the Drina point out that the whole region is in a very complex situation. On one side, there is strong support for the independence of Kosovo and, on the other, there is a request for the abolition of the RS.⁹⁰ They point out that the attempt to abolish the competences of the RS would radicalize the situation and it is uncertain how all this will end. Radicalization might even assume such characteristics as those in Kosovo and Metohija,⁹¹ so that if "the Bosniaks continue with this dirty campaign against the RS and everything that bears the attribute 'Serbian', there will be no politicians in the RS, including its leadership, who will have the authority to prevent the further unfavourable course of events."⁹² It is also pointed to the need to draw a parallel between the RS and Kosovo, which means that everything that will be allowed to the Kosovo Albanians⁹³ should also be allowed to the Serbs in the RS,⁹⁴ since the status of the RS is in the vital national

good there, it is also good here. "Sastavimo Srbiju i RS", *Vecernje novosti*, 14 September 2004.

⁸⁹ "Tiho ukidanje 'Srpske'", *Politika*, 21 December 2004.

⁹⁰ Two news arrived at the address of official Banjaluka at the same time and each of them, in its own way, announced the abolition of the Dayton structure of B&H. First, the B&H Constitutional Court brought the decision to remove the prefix „Serbian" from the names of 12 towns and municipalities which, in its own way, announced the deletion of the name of the Republic of Srpska in the coming period as well. The other news is about the insistence of the HDZ in B&H on the internal reorganization of B&H in such a way as to abolish the B&H Federation as an entity first and then to cantonize the RS over a longer period. "Muke s prefiksom 'srpski'", *Borba*, 30 March 2004.

⁹¹ Stating that Ashdown's punishment of the RS will have severe consequences, the DSS points out that the international community remained mute when Ramush Haradinai was elected Prime Minister of Kosovo. "Srbija uzdrzana", *Danas*, 20 December 2004.

⁹² Dragan Kalinic: "Ne igrajte se vatrom", *Vecernje novosti*, 1 April 2004.

⁹³ David Vujich, advisor in the US Administration, says: Like many others in Washington, I also believe that the time has come that we can say clearly that the Serbs in the RS are discriminated and that they are denied human rights. We must take advantage of what is happening in Kosovo with the call of Albanians for independence so as to justify the democratic aspirations of the people in the RS to independence. "Uspece nezavisnost RS!", *Inter-Nacional*, 16-17 October 2004.

⁹⁴ Miroslav Mikes, Vice President of the Chamber of Nations of the RS: "I will be very happy if nobody, including the politicians from Serbia, views the RS as an object of bargaining. This is important, so that the course of history does not run over the back of this impoverished and nationally alienated people. I do not like it too much that both Tadic and Svetozar Marovic suddenly became concerned over the RS and nobody ever mentioned it for seven years." "Specijalne veze sa Srbijom", *Vecernje novosti*, 30 December 2004.

interest.⁹⁵ This is also confirmed by Miroљub Labus: "It is in our interest to protect the RS and have the RS, accede to the EU tomorrow together wish us. There is one million and a half of our compatriots over there,⁹⁶ who sacrificed four years so as to live together with us.⁹⁷ Just because the Serbs in B&H were not recognized the right enjoyed by all other European peoples, our state was subject to the sanctions from which it has not recovered to the present day.⁹⁸

Preconditions to Bosnia-Herzegovina's Joining Euro-Atlantic Integration Processes

The activities of the High Representative for B&H, which have been dramatically experienced on both banks of the Drina,⁹⁹ were focussed on the inclusion of B&H in Euro-Atlantic integration processes, in addition to initiating integration processes and the processes of confronting the RS with the past.¹⁰⁰ With its obstructions, the RS political leadership proved to be an obstacle to B&H on its path to the EU. Ashdown insisted on the fulfilment of 16 basic

⁹⁵ Djordje Vukadinovic: The process of silent and continuing suffocation of the RS, with the blessing of the international community, is underway. All this is being met with the indifference and weak protests of official Belgrade. Ashdown is only continuing with something which was done by his Austrian predecessors - making the RS institutions senseless and abolishing them. "Tiho ukidanje Srpske", *Politika*, 21 December 2004.

⁹⁶ Dragan Mikerevic: The anthem is a cultural and historical question of one people and the question of its identity. It is my right to choose the anthem I wish and feel it like being mine. The anthem of the RS is „God of Justice!", "Bice 'Buk Bijela' samo mozda - manja", *Vecernje novosti*, 31 August 2004.

⁹⁷ Sarajevo does not mean anything to us. Pale, Banjaluka and Belgrade are much closer to us... The S&M football players (there was a match between the B&H and S&M national teams) were also greeted with the cry „This is Serbia!" when they appeared in the field. The Bosniaks were hissing the football players and the anthem, while the Serbian fans were singing during the playing of the B&H anthem: "All of you are the Turks and all this is Serbian!" and "Bosnia will be the heart of Serbia!". "Divljaju horde zla i manijaci", *Nedeljni telegraf*, 13 October 2004.

⁹⁸ "Zajedno sa Srpskom u EU", *Politika*, 25 December 2004.

⁹⁹ One third of the B&H population does not trust any politician and those who trust have the greatest confidence in Paddy Ashdown. This was shown by Partner, an agency for public opinion survey from Banjaluka. The survey, which was conducted on the sample of 1,190 adult citizens from both entities, shows that 29% does not trust any politician in B&H. With 16.4% of vote, Ashdown holds the first place. "Gradjani najviše veruju Esdaunu", *Inter-Nacional*, 19 February 2004.

¹⁰⁰ Paddy Ashdown: During that period, the RS did not arrest any war criminal or criticize the people in the Serbian Orthodox Church who were stating in public that it was their duty to protect war crimes. They also did not take any steps against the firms helping the war criminal. "Ovo je smrtno ozbiljna stvar", *Vecernje novosti*, 4 April 2004.

conditions for the convergence of B&H towards the EU and *Partnership for Peace*. Due to its slow progress in meeting these 16 conditions set in the *Feasibility Study*, the beginning of the negotiations on stabilization and association with the EU was postponed.¹⁰¹ In this connection, the RS authorities must take an active part in the formation of the national security and information agency (SIPA), in the formation of the high prosecutor's and judicial council, as well as in the very important election of the first Minister of Defence of B&H.¹⁰²

Ashdown insisted on the two-way implementation of the Dayton Peace Accords which, at one level, concerned the entities and, on the other, the need for strengthening state institutions. The RS must accept both parts.¹⁰³ The decisions on the removal of the political leaders of the RS from public life,¹⁰⁴ freezing of the financing of the SDS from the budget and sacking of 59 officials who were helping the indicted for war crimes were evaluated as the attempt to "break collective and personal resistance (of the Serbs) to the unitarianization of B&H, revise the Dayton Peace Accords and annul the strong and irreplaceable political influence of the SDS on the future of the RS and the Serbian people over the years."¹⁰⁵ Faced with the readiness of the international community to break the network of financial,¹⁰⁶ political and logistic support to the indicted for war crimes, the RS authorities began to simulate their cooperativeness and good political will. The attempt to arrest the Hague indictee Milan Lukic¹⁰⁷ in

¹⁰¹ "BiH ugrozava pregovore s Evropom", *Inter-Nacional*, 31 March 2004.

¹⁰² "Esdaun postavio rok", *Politika*, 6 February 2004.

¹⁰³ "Bez Srba nema promene Dejtona", *Vecernje novosti*, 9 February 2004.

¹⁰⁴ The leader of the SDS in the RS, Dragan Kalinic, and all members of the Presidency of that party, submitted their irrevocable resignations from all functions in the party. Such a decision was brought by the Presidency of the SDS after having considered the request of the High Representative for B&H that Mirko Sarovic, one of the Vice-Presidents of the SDS, should be removed from public and political life in the RS and B&H. Forced to leave the position of a member of the Presidency of B&H due to the scandal with Orao, Sarovic also resigned from the position of the leader of the SDS. "Kalinic i rukovodstvo SDS podneli neopozive ostavke", *Danas*, 12 February 2004.

¹⁰⁵ "Rukovodstvo SDS podnelo ostavku", *Politika*, 12 February 2004.

¹⁰⁶ Dragan Kalinic added that he did what he could as regards cooperation with the Hague Tribunal. "I was also removed from office because of the controversial financial report of an international auditor, according to the scenario which has been in effect since the scandal with Orao, through the Electric Power Authority of the RS, up to Telekom Srpska, in which - except for a hypothesis that the SDS is financing the indicted for war crimes - there is no evidence. "Karadzica cuvaju Bog i andjeli", *Vecernje novosti*, 1 July 2004.

¹⁰⁷ Milan Lukic became known to the general public after the abduction of passengers from a train at Strpci in 1993, when at least 19 passengers, mostly Muslims, were taken out of the train and executed in Visegrad. He was the commander of the unit called Avengers. That same year he was arrested in Serbia, but was then transferred to the RS, after which he was decorated by Karadzic. He is also responsible for the crime

Visegrad was the first more serious attempt of the RS authorities to fulfil their obligations to the Hague Tribunal.¹⁰⁸ Paddy Ashdown insisted on the observance of the orders of the *Human Rights House of B&H* relating to the formation of the Commission for the Truth About Srebrenica. Dissatisfied with the work of the Commission, several months after its formation, he removed from office the Chief of Staff of the RS Army, Head of the Bureau for Relations with the Hague Tribunal and the Chairman of the Commission.¹⁰⁹ At the same time, Ashdown stated that the task of the international community was – should the *Human Rights House* request the formation of the Commission for Investigation of the Crimes Committed Against the Serbs in Sarajevo – to provide the necessary conditions for its work. However, such an initiative¹¹⁰ must come from the RS.¹¹¹

Commission for Investigation of the Events in and Around Srebrenica

On 25 December 2003, the RS Government appointed the members of the *Commission for Investigation of the Events in and around Srebrenica from 10 to 19 July 1995*. The Office of the High Representative for B&H and the International Criminal Tribunal in The Hague acquired the status of an observer. The decision to set up the Commission was motivated by the obligation of the RS to respond to the decision of the *Human Rights Chamber of B&H*, which was brought on 3 March 2003, concerning 49 claims submitted by the relatives of the persons who perished in Srebrenica. The claims were submitted against the RS and form part of 1,800 similar claims¹¹² which are currently being processed by

committed against the bus passengers at Sjeverin in 1992. Last year, the district court in Belgrade sentenced him in absence to 20 years imprisonment. He spent many years in Visegrad as its renowned citizen and frequently visited Serbia. The Hague indictment imputes to him the massacre of Muslims from Visegrad at the beginning of the Bosnian war. "Ko je Milan Lukic", *Vreme*, 22 April 2004.

¹⁰⁸ "Ugrozena RS", *Vecernje novosti*, 22 April 2004.

¹⁰⁹ "Smenjen i nacelnik generalstaba VRS", *Vecernje novosti*, 17 April 2004.

¹¹⁰ The Association of the Families of Missing Persons and the Town Organization of POVs from Srpsko Sarajevo filed a lawsuit against the Government of the B&H Federation before the Constitutional Court of B&H for the violation of the European Convention on Human Rights, Dayton Peace Accords and UN Declaration, requesting the disclosure of the fate of the missing Serbs. It enclosed 63 claims and asked for the indemnity of KM 6 million. "Tuzbom do istine", *Vecernje novosti*, 15 December 2004.

¹¹¹ "Potrazite svoje mrtve", *Vecernje novosti*, 15 December 2004.

¹¹² The RS was instructed to pay - to the credit of all applicants and families of the Srebrenica victims - the lump sum of KM 2 million into the Fund by 7 September at the latest, and guarantee that it would also make four annual payments of KM 500,000 each by 2007. "Od naredbe u martu do osnivanja u decembru", *Danas*, 13 January 2004.

the *House*.¹¹³ The formation and work of the Commission represented the initial albeit declarative progress in facing the RS with the fact that the genocide in Srebrenica was planned in a systematic and organized way and that it is "the symbol of Serbian fascism".¹¹⁴ After six months of its investigation, the Commission concluded that "a large-scale crime was committed in Srebrenica". The RS Government expressed its readiness to bring all perpetrators of war crimes to justice, emphasizing that "no crime can remain unpunished regardless of who committed it."¹¹⁵ The RS Government admitted a large-scale crime, but not genocide. The President of the RS, Dragan Cavic, admits that "we cannot manipulate the facts. I think that the facts should be established in this way at all locations in B&H. The time has come that the policy of a continuous search for a balance in crime should give way to a new political climate in B&H and search for a balance in justice."¹¹⁶

The work of the Commission and its investigation were impeded by the RS institutions, especially the RS Army Headquarters and Ministry of Defence.¹¹⁷ The investigation was hampered at almost all levels, since all of them supported it only declaratively and, in fact, tried to hide the documents and information.¹¹⁸ After the completion of the Report, the RS Ministry of the Interior submitted to the High Representative for B&H 16 boxes with the documents containing crucial information about the events in Srebrenica, in 1995.¹¹⁹ Some RS officials, who supported the Report, pointed out that, "by putting a stop to the events in Srebrenica",¹²⁰ the two-way process would be

¹¹³ "Povod 49 prijava koje su podneli najblizi rodjaci nestalih", *Danas*, 16 June 2004.

¹¹⁴ Joska Fiser: "Iznudjena katarza", *NIN*, 15 July 2004.

¹¹⁵ "Izvinjenje Vlade RS porodicama stradalih u Srebrenici", *Danas*, 11 November 2004.

¹¹⁶ "Cavic: pravda za sve", *Balkan*, 15 June 2004.

¹¹⁷ The investigation revealed that the RS disposed of the documents about the events in the Srebrenica enclave in July 1995. This statement was supported by the fact that the local sections of the Ministry of Defence, in the eastern part of the RS, and the Ministry of Defence had 118 documents about which nothing had been known thus far. The documents speak about the preparations for the operation Krivaja 95. They also refer to the transport of prisoners from the enclave and the mopping-up and clearing-up of the ground. Apart from the members of the army and police, the fate of the missing Bosniaks is known to the secretary of the Zvornik section of the Ministry of Defence, heads of several sections of the Ministry of Defence in eastern Bosnia, managers of firms, drivers of buses, trucks and trailers, head of the District Headquarters of the Central Prison in Zvornik and heads of municipal sections in eastern Bosnia, as well as the members of the units in charge of mopping up and cleaning up the ground, a total of 100-200 persons. "Otkrica Komisije", *Glas*, 17 April 2004.

¹¹⁸ "Organi RS ometali rad Komisije o Srebrenici", *Glas*, 17 April 2004.

¹¹⁹ "Predata dokumenta o Srebrenici", *Danas*, 17 June 2004.

¹²⁰ From 10 to 19 July 1995, in Srebrenica and its neighbourhood, several thousand Bosniaks were executed in the way which represented the violation of

precluded. They emphasize that the RS could pose the question as to the location of Serbian graves¹²¹ in the B&H Federation.¹²² In the Report, it is admitted that several thousand Bosniaks were executed and that the military and police forces of the RS participated in their execution, including the special units of the RS Ministry of the Interior.

Due to the limited time and rationalization of the procedure, the Commission used the historical context and facts of the case contained in the verdict against Radislav Krstic.¹²³ On 15 October 2004, the Commission published the Supplement to its Report of 11 June 2004 concerning the events in and about Srebrenica from 10 to 19 July 1995. In this Supplement, the Commission stated that, according to its findings, 7,000-8,000 persons perished in the Srebrenica massacre.¹²⁴ According to the documents possessed by the Commission, the police units from Serbia and the Republic of Srpska Krajina took part in these actions.¹²⁵ In Serbia, the reactions to this Report were minimal and mostly related to the number of victims, i.e. that they were not civilians,¹²⁶ that they were soldiers who had changed their uniforms and that nobody mentions the Serbian side of Srebrenica.¹²⁷ The statement of the RS President, Dragan Cavic, that the Srebrenica tragedy is "a black page in the history of the Serbian people", is only an effort at *historical reductionism*, because there is no

international humanitarian law and the executor also took the measures so as to hush up the crime by removing the bodies. So far, 32 new, hitherto unknown mass graves have been discovered, of which 4 are primary ones. The crucial date for the events in Srebrenica was 10 July. "Nove 32 grobnice", *Vecernje novosti*, 12 June 2004.

¹²¹ Milijana Bojic, President of the Federation of the Associations of the Families of the Missing and Imprisoned Persons of the RS, does not hide her bitterness towards those responsible in the RS, who are just sitting on their hands, while the Federal Commission for the Search for Missing Persons is constantly in session. "Nestala i brigada o nestalima", *Vecernje novosti*, 16 August 2004.

¹²² "Najtezi zadatak – utvrđivanje stvarnog broja zrtava", *Danas*, 5 May 2004.

¹²³ "Zlocin pocinjen i prikrivan", *Vecernje novosti*, 13 June 2004.

¹²⁴ "Srebrenica od poricanja do priznanja", *Helsinki Committee for Human Rights in Serbia*, Belgrade, 2005.

¹²⁵ „Vlada RS usvojila izvestaj o Srebrenici", *Danas*, 12-13 June 2004.

¹²⁶ Slavko Jovicic, Vice-President of the RS Federation of POVs, disputes the Report of the Commission for the Truth about Srebrenica: the number of victims is much lesser than 7,800, because the list also includes the people killed in action and the people who died naturally during the four years of the war. It is also necessary to find the truth about 1,760 Serbian civilians who perished in this town. "Nisu zrtve svi poginuli", *Vecernje novosti*, 10 November 2004.

¹²⁷ The former First Secretary of the B&H Mission to the UN, Darko Trifunovic, holds that the former Chairman of the UN Expert Commission, Sheriff Bassioni should also be tried before the Hague Tribunal *due to the abuse of the final report on crimes in B&H, which he submitted to the UN Secretary General in 1994*. Namely, Bassioni did not include in his final document the detailed 1993 report on the crime of the Muslim forces against some 1000 civilians, mostly Serbs, in Srebrenica and the neighbouring settlements, including the names of the perpetrators. "Pristrasni izvestaj", *Glas*, 7 February 2004.

mention of genocide as the planned and organized action of the political and military leaders of the RS and Serbia. The RS Government accepted the invitation of the President of the Srebrenica Municipality, Abdurahman Malkic, to support the commemoration of the 9th anniversary of the Srebrenica massacre. However, due to the statement that it was the question of genocide, the RS Prime Minister, Dragan Mikerevic,¹²⁸ declined the invitation of the President of the Presidency of B&H, Sulejman Tihic, to take part in the organization,¹²⁹ but the Government gave KM 50,000.

On the occasion of the 9th anniversary of the massacre in Srebrenica, apart from the statement of Boris Tadic, which was not well-received, because his inauguration was that same day, several NGOs from Belgrade, such as, the *Centre for Modern Politics*, for example, announced themselves, too. In their statements it was emphasized that "although some of the perpetrators of the massacre in Srebrenica have already been convicted for genocide before the International Criminal Tribunal, the main actors, such as Ratko Mladic and Radovan Karadzic, are still at large, being encouraged by the support of all those political forces, organizations and media which, at that time, just like today, tried, in the name of their governments, to legitimize the killing and deny that such a crime was ever committed. Those are the forces which are still settling accounts with all those supporting a responsible approach to the historical facts and the future of our country; those are the retrograde forces which tried, by assassinating Zoran Djindjic, to stop the process of democratization and modernization."¹³⁰ In many statements, it was emphasized that the confrontation with the crimes of one's own people would be a prerequisite for cohabitation with the neighbours and the adoption of the European values in this part of Europe.¹³¹ At the Square of the Republic in Belgrade, the activists of the *Women in Black* made a circle, while holding the placards devoted to the crime in Srebrenica. At the same time, around this circle, there were a few dozens of people, mostly younger, protesting and shouting the names of Ratko Mladic and Radovan Karadzic. The *Women in Black* were holding the placards with the inscriptions: "Why the authorities still keep quiet?", "The women in Srebrenica are searching for ten thousand killed and missing persons!", "Amnesty for all who refused to go to war!", "Oblivion

¹²⁸ What future can be built in the same house, B&H, with the Serbs, if they are called genocide aggressors on their trash heap. "Razgovor gluvih", *Politika*, 11 July 2004.

¹²⁹ In the Memorial Centre at Potocari near Srebrenica, 338 identified bodies of the Srebrenica inhabitants, killed in July 1995, were buried. Among the identified bodies, there were also the bodies of one woman and 19 minors. According to the Potocari Organizing Committee, the yesterday's prayer for the dead was attended by more than 20,000 people, including the members of the Initiative of the Young from Belgrade, members of the Women in Black from Serbia, diplomatic corps in B&H and the officials from both B&H entities. "Sahranjeno 338 identifikovanih zrtava", *Danas*, 12 July 2004.

¹³⁰ *Ibid.*

¹³¹ "Iznudjena katarza", *NIN*, 15 July 2004.

and silence are a crime!"¹³² On 11 July 2004, Rasim Ljajic, Minister for Human and Minority Rights, appeared in the B92 talk show *The Impression of the Week*. On that occasion, he said that he was impressed with the impartial and analytical coverage of the events at Potocari that day by the Serbian electronic media. The same event was also covered by *Channel 1 of German TV*, which commented that the Bosniaks harshly protested, because just on that date the Serbian President took the solemn oath and showed Tadic kissing the Serbian flag.¹³³

After nine years of silence, the Commission found another 32 mass graves, in addition to 51 graves which had already been discovered in the region of Srebrenica.¹³⁴ In the Supplement to its Final Report, the *Commission for Investigation of the Events in and around Srebrenica* prepared the list of the missing persons¹³⁵ in the Srebrenica massacre and mentioned the existence of another two graves, thus totalling 34 graves.¹³⁶ Munira Subasic, President of the *Association of the Mothers of the Srebrenica and Zepa Enclaves*, announced filing a lawsuit against the RS and S&M for the crimes committed in Srebrenica.¹³⁷

Processing of War Crimes Before Bosnian Courts

During 2004, B&H made serious preparations so as to enable the domestic judiciary to assume the hitherto role of the Hague Tribunal. It did a lot on the provision of adequate prison and detention conditions. The jurisdiction over the cases marked by the Tribunal with the letter A will be conferred to the domestic courts.¹³⁸ The first trials for war crimes committed in B&H, which were verified by the Hague Tribunal, will begin before the B&H court and state prosecutor in 2005. It is the question of two cases and eight indictees charged with war crimes in the region of Foca and Prijedor. The War Crimes Department began to take over the cases from the Hague Tribunal and will have a tremendous task in the coming years. Only the first group of cases, which the Hague Tribunal investigated and confirmed that there would be

¹³² „Incidenti bez fizickog sukoba“, *Danas*, 12 July 2004.

¹³³ "Iznudjena katarza", *NIN*, 15 July 2004.

¹³⁴ The printed media in the B&H Federation reported on about 7,793 Bosniak victims. In addition, after 19 July, another 938 Bosniaks were killed, so that on the list of all Srebrenica victims there are 8,731 names. The *Association of the Mothers of Srebrenica and Zepa* submitted the lists with the names of 10,500 missing persons. "Spisak zrtava duzi", *Vecernje novosti*, 18 October 2004.

¹³⁵ The Commission on the Missing Persons has so far gathered the reliable data on 1,331 persons registered as missing in Srebrenica. "Zasad ekshumirano osam tela", *Danas*, 17 June 2004.

¹³⁶ "Sastavljen spisak nestalih u Srebrenici", *Danas*, 14 October 2004.

¹³⁷ "Tuzice RS i SCG", *Vecernje novosti*, 11 November 2004.

¹³⁸ "Sprema se 'bosanski Sevensingen'", *Vecernje novosti*, 8 November 2004.

enough evidence for their processing, includes 600 cases, a greater number of which has already been prepared for cantonal courts in the Federation and district courts in the RS. The second group or category includes about 10,000 cases which the Hague Tribunal has examined, but has not finished the investigation.¹³⁹

In the territory of B&H, over 18,000 war victims have been exhumed and 363 mass graves with five or more bodies have been processed. According to the Chairman of the *Commission on the Missing Persons of the B&H Federation*, Amor Masovic, about 10,000 exhumed bodies, out of 18,000, have been identified, while other victims are awaiting for a DNA analysis. In B&H, since 1996, more than 3,800 individual and common graves have been exhumed, the largest being the Crni vrh mass grave in the Osmaci Municipality from which 629 bodies have been exhumed. Insofar as S&M is concerned, exhumations will be continued in the territory of Belgrade, Zemun, Obrenovac, as well as at other sites "where the victims were buried at local cemeteries. These victims, B&H citizens, came to there in various ways, or their bodies were thrown into the Drina at the beginning of the war and came up to here."¹⁴⁰ Sabac and Sremska Mitrovica are still waiting for their investigators.¹⁴¹

The Lawsuit Before the International Court of Justice

The hearing on the lawsuit of B&H against S&M for aggression and genocide began before the permanent International Court of Justice in The Hague 11 years after its submission. In Belgrade there were proposals to answer with a countercharge. This was explained by the fact that only after being faced with the possibility to be indicted for the forceful, armed secession from the former Yugoslavia and be forced to pay war indemnity, the Sarajevo authorities would agree to talk about the withdrawal of its charge or, in other words, about out-of-court settlement. The lawsuit before the permanent International Court of Justice in The Hague is used in Serbia for daily political needs so as to refute and relativize the responsibility for aggression and the instigation of the war.¹⁴² According to Belgrade, it would be proved that in

¹³⁹ "Hiljade osumnjicnih", *Politika*, 14 December 2004.

¹⁴⁰ "Iz Bosne ekshumirano 18,000 zrtava", *Danas*, 30 December 2004.

¹⁴¹ "Locirane 83 masovne grobnice", *Danas*, 17-18 July 2004.

¹⁴² Darko Trifunovic, expert in international criminal law: "The Muslims accused us of genocide before the permanent International Court of Justice. Yes, they asked from that court to bring the decision by which the Federal Republic of Yugoslavia, i.e. the Serbs would be *prevented to commit genocide any further*. Consequently, we have the situation that those who are responsible for genocide, the Muslims, accuse the victims of that genocide. We were accused by the so-called Muslim-Croat Federation and now, all of a sudden, B&H is appearing as the plaintiff. That is violence against justice. This

B&H there was an armed, unconstitutional secession, which then evolved into a civil war.¹⁴³ The Serb representatives in the B&H Parliament have never supported the legal proceedings against S&M. The RS members of the Presidency still hold that it is unlawful.¹⁴⁴

The findings of the RS Commission about the massacre in Srebrenica confirm the charge of B&H against S&M. The Report gives detailed information about the participation of the military and police forces from the Republic of Srpska Krajina and Srbija. There is not only the evidence relating to the existence of primary and secondary graves, but there are also the documents evidencing the participation of S&M in the genocide committed in Srebrenica.¹⁴⁵ The legal representatives of B&H insist on a hearing, while the other party asks for its adjournment. The Serbian party refers to the Dayton Peace Accords in which there is no mention of aggression but of conflict, and holds that it will be difficult to prove the guilt of S&M. In the opinion of the legal representative of B&H. Sakib Softic: "S&M is charged with genocide and aggression is only an environment in which the genocide was committed."¹⁴⁶ There is also the verdict of the Hague Tribunal against General Krstic as an accomplice in the genocide in Srebrenica. Radoslav Stojanovic, now the defence lawyer of S&M in The Hague, holds that Slobodan Milosevic will not be convicted for genocide, because it is impossible to impute to him that he planned to exterminate the Bosniaks and Croats in B&H totally or partly, and that it is possible that this verdict also exerts influence on these proceedings.¹⁴⁷ Sulejman Tihic, President of the Presidency of B&H, rules out the possibility that B&H withdraws its charges for aggression and genocide. "The lawsuit is in the vital interest of B&H and its citizens both because of the truth, justice and past, as well as because of the future. We can develop our relations with S&M only on the basis of the truth and this truth is just being established before the International Court of Justice."¹⁴⁸

Federation does not exist any more; there exists the state of B&H. As the lawyers put it, they do not have active legitimation. We know that the Serbs in the RS are against that lawsuit and give support to S&M. Such a logic of the Sarajevo authorities could lead to the situation that each S&M citizen has to pay 100,000 euros to each B&H citizen. "Za rusenje kula u Njujorku obucavani u Bosni", *Svedok*, 4 May 2004.

¹⁴³ "Sarajevski i tuzlanski masakr Srba", *Ogledalo*, 17 November 2004.

¹⁴⁴ "Softic: BiH ce dobiti spor", *Danas*, 24 August 2004.

¹⁴⁵ "Ahmic: genocid nad Bosnjacima", *Politika*, 17 June 2004.

¹⁴⁶ "Softic: BiH ce dobiti spor", *Danas*, 24 August 2004.

¹⁴⁷ "Odustati da bismo opstali", *Vecernje novosti*, 25 August 2004.

¹⁴⁸ "BiH nece povuci tuzbu protiv SCG", *Nacional*, 7 September 2004.

The Return of Refugees

One of the indicators of progress made in the relations between S&M and B&H is also the process of return of refugees which is regarded as positive.¹⁴⁹ The Serbian Ministry of Diaspora is constantly pointing out that the Serbs in the B&H Federation constitute only 5% of the population. The greatest progress was made with respect to the return of property to the Serbs: so far, 90% has been returned to their owners. However, the representative of the Serbian Ministry of Diaspora points out that the "Serbs sell their property either due to psychological pressure, or because it is impossible to ensure their sustainable return, i.e. it is difficult to find employment." He holds that an effort was made to regulate the issue of social security in greater detail. So, in Sarajevo, an administrative agreement was signed with a view to regulating the implementation of the already signed *Social Security Agreement between the two countries*, which stipulates the methods for acquiring the rights to pension, health care, disability allowance and child's allowance. Since Serbia regards the RS as a part of one ethnic, economic¹⁵⁰ and cultural¹⁵¹ territory, the representative of the Serbian Ministry also suggests taking a census in the RS so as to show that the RS is more multiethnic than the B&H Federation, as well as the launching of an initiative that the diaspora helps financing the development of small and medium-sized enterprises.¹⁵²

The Free Trade Agreement between Serbia and B&H came into force on 1 April 2004, as the result of an agreement reached by the Serbian and B&H officials. It was agreed to speed up the joint work on the adoption of certificates and standards, which accompany the implementation of the Free Trade Agreement.¹⁵³ The talks covered the concrete fields of cooperation, from energy to transport and tourism.¹⁵⁴ Most products supplied by the RS come from S&M, while most goods in the southern parts of the Federation originate from Croatia. The businessmen from the Bosnian entities say that mutual trade is not in their economic interest, because they must pay high taxes and undergo a complex administrative procedure, which increases the prices of their products.

¹⁴⁹ The encouraging UNHCR data about more than one million returnees - three quarters to the Bosniak-Croat Federation and the rest to the RS - are supplemented by the fact that since the end of the war B&H has got the infusion of over 5 billion dollars.

¹⁵⁰ Dragan Mikerevic: That is a single economic tissue with complementary industries. We depend on each other. "Bili smo pred bankrotom", *Vecernje novosti*, 6 September 2004.

¹⁵¹ Vuk Draskovic: Should the businessmen and persons prominent in cultural life from S&M and B&H cooperate so well like, unfortunately, the criminals from both sides of the Drina, our prospects for integration into Europe could really be great. "Hag nacionalni interes", *Vecernje novosti*, 17 August 2004.

¹⁵² "Los položaj Srba u BiH i Albaniji", *Politika*, 17 August 2004.

¹⁵³ "Labus: buducnost Dejtona zavisi od volje tri naroda", *Danas*, 16 March 2004.

¹⁵⁴ *Ibid.*

For them it would be much more profitable to import products from the neighbouring countries, since Bosnia signed free trade agreements with them.¹⁵⁵

The Border Between S&M and B&H

At the *Inter-state Council of S&M and B&H* it was agreed to draft the agreement on the common border (the deadline is six months) and propose the solutions for the rectification of the borderline. The S&M inter-state diplomatic commission on the state border is trying to impose the exchange of territories as a prerequisite for signing the agreement on the border. The proposal of S&M concerning the exchange of the territories at the state border is justified by increased functionality of the borders. The B&H Minister for Civil Affairs, Safet Halilovic, claims that official Belgrade is to blame because the agreement on the border between the two neighbouring countries has not yet been signed. There is no legal framework for the exchange of territories,¹⁵⁶ so that the relevant talks can begin only after the signing and ratification of the agreement on the border.

Belgrade is persistently blocking the signing of the *Agreement on Border Crossings, Border Traffic and the Simplification of the Regime of Crossing the State Border at Rudo, that is, Priboj*. The Bosnian party insists on the signing of this agreement within the framework of the present borders. Commenting on the failure to sign the inter-state agreement on delimitation, Sulejman Tihic said: "We will insist on the agreement on the present borders. Thereafter, we will see whether we should agree to the exchange of territories or probably claim the Bay of Kotor."¹⁵⁷ This statement provoked different reactions, but was immediately denied as being wrongly interpreted, since B&H never had any territorial claim in its history, especially not now and not to its neighbours.¹⁵⁸ An agreement can be reached on the basis of equality and for Serbia it is evidently difficult to accept the fact that it cannot draw its map without the consent of B&H.¹⁵⁹

¹⁵⁵ "Objedinjavanje trzista", *Reporter*, 22 September 2004.

¹⁵⁶ Of the four disputed border points, two are in the course of the Drina river. The Zvornik Hydroelectric Power Plant belongs to Serbia, but the border divides it into two parts, Serbian and Bosnian. Thus, it was proposed to move the border from the Serbian side towards the Bosnian bank of the river, so that the complete Hydroelectric Power Plant is in the Serbian territory. The same applies to HE Bajina Basta, whose generating sets are in B&H. Also, the Belgrade-Bar railway runs through the B&H territory, from Jablanica to Strpci, in the length of about 10 km, mostly via Goles tunnel. It was proposed to draw the borderline along the railway, so that the trains do not pass through a foreign country. The fourth disputed point is the "Bosnian island" near Priboj.

¹⁵⁷ "Tihic trazi Boku", *Vecernje novosti*, 15 September 2004.

¹⁵⁸ "Pogresna interpretacija izjave o Boki Kotorskoj", *Danas*, 16 September 2004.

¹⁵⁹ Mladen Ivanic: S&M needs the rectification of the borderline in some of its sections so as to ensure the survival of some places and the Belgrade-Bar railway. We

Military Housing

In March 2004, the Government of the Federation submitted the *Law on the Sale of Flats* to the Parliament for its procedure, whereby it proposed the settlement of the housing problem of the former JNA officers living outside B&H. Since the flats in B&H cannot be returned, although they were purchased in 1991, the JNA members would be given their money back plus interest.¹⁶⁰ The *Chamber of Nations of the Parliament of the B&H Federation* agreed to the amendments to the *Law on the Sale of Flats* under which the Bosniak-Croat entity would retain 1,500 flats of the JNA officers and civilians working in the former JNA. Instead of the right to recover their flats they are offered certificates to the value to be set by the Government, that is, the Parliament which adopted such legal provisions. Under the draft Law, this right would not be enjoyed by the persons who solved their housing problem in the neighbouring state.¹⁶¹ Regardless of the fact that those flats became private property before the war, the war authorities in Sarajevo held that they should automatically become the property of the newly established state, thus giving them to fighters and families of killed persons. After the formation of the Federation and Ministry of Defence, these war decisions were confirmed in most cases. International representatives argue that everyone has the right to recover his property and that this also applies to military flats. The authorities of the B&H Federation avoided to return them with the justification that it was the only way to provide housing to war veterans, needy families and officers of the B&H Army.¹⁶² The RS calls attention to the fact that it returned the flats to their old owners, including the members of the armed forces from the Federation and the former common state. They insist on the fact that it is not the question of tenancy rights, but of the recovery of the legally purchased, private property, so that this case should be considered in accordance with the Charter on the Protection of Human Rights.¹⁶³

will support this wherever there will be no problem to us. These territorial changes would be based on a simple principle – one square kilometre of one party for the same area of the other party and that would be the end of the story." "Mladen Ivanic: Tihic je izneo glup stav o Boki Kotorskoj", *Danas*, 17 September 2004.

¹⁶⁰ "Stanovi", *Glas*, 30 March 2004.

¹⁶¹ "Prisvajanje 1500 stanova bivse JNA", *Politika*, 21 September 2004.

¹⁶² The basic argument of the Ministry of Defence and the Government of the Federation for the non-fulfilment of the obligation to return this property is that the JNA members, who found themselves in the armed forces of the newly established states, i.e. outside B&H, on 19 May 1992, have probably solved their housing problem in those countries. So, in that sense, they cannot be regarded as refugees. This general view also applies to the officers who remained in the RS Army which, otherwise, is not treated as a foreign army. "Prodaja tuđe imovine", *Politika*, 12 June 2004.

¹⁶³ *Ibid.*

Macedonia: Church Funnels Politics

Under the Serbian national project, Macedonia is an important territory which has not yet been renounced by the Serbian nationalists. On the contrary! They still reckon with it as "Serbian", especially through the activities of the Serbian Orthodox Church, which does not recognize the autocephaly of the Macedonian Orthodox Church. Thus, the dispute between the Macedonian Orthodox Church and the Serbian Orthodox Church dominates the Serbian-Macedonian relations.

The tendency of the Serbian Orthodox Church to realize its own political aspirations in "southern Serbia" by negating the identity of the Macedonian state and the Macedonian people¹, is also reflected in the proclamation of a group of 30 monks of the Macedonian Orthodox Church that they will join the autonomous Ohrid Archbishopric under the tutelage of the Serbian Orthodox Church, thus leaving the "schismatic Macedonian Orthodox Church".² On 11 January, the monks were evicted from the residential quarters of four monasteries by the police, because they had joined the autonomous Ohrid Archbishopric of the Exarch, Metropolitan Jovan (Vraniskovski) of Veles and Povardarje. The evicted monks were prepared to institute court proceedings because, as they said, they were evicted without writs and without the legally prescribed notice period of 15 days. In the court proceedings (instituted before the basic courts in Skopje, Prilep and Resen) it will be determined whether there was a legal basis for their temporary arrest.³

¹ Branko Crvenkovski: "The Orthodox churches exist and function at the national level. If the Macedonian people and the Macedonian state are not disputable for Serbia, it is unclear why it does not wish to recognize the right of that people to have its church." "Skoplje se ne plasi nezavisnog Kosova", *NIN*, 18 November 2004.

² David (Ninov), prior of the Treskavec monastery: "The whole reputation of the Church, the police, the state and the people is suffering because of several spiritual cripples in the Synod of the so-called Macedonian Orthodox Church, who live by the sweat of an ordinary worker's brow." "Uspostavljanje zakonitog stanja", *Ogledalo*, 18 February 2004.

³ "U celije - preko suda", *Vecernje novosti*, 15 December 2004.

Establishment of the Ohrid Archbishopric

With the formation of the Synod of the Ohrid Archbishopric, one more church in Macedonia was actually formed, under the direct tutelage of the Serbian Orthodox Church, which continued to "act with the help of God".⁴ Metropolitan Jovan, the Exarch of the Serbian Patriarch for the autonomous Ohrid Archbishopric is the only bishop of the Macedonian Orthodox Church who, at the call of Serbian Patriarch Paul, following the failure of the Nis agreement between the Serbian Orthodox Church and the Macedonian Orthodox Church two years ago, returned to canonic unity with the Serbian Patriarchate. However, his activities soon ended in court and he was sentenced by the panel of judges of the Basic Court at Bitola to 18-months imprisonment for, as it was stated in the verdict, "instigating national and religious hatred, friction and intolerance."⁵ The Serbian Orthodox Church behaves not only on terms of equality, but also as a political factor which is in the position to set its conditions to the Macedonian Government. Thus, among other things, Serbian Patriarch Paul conditioned the arrival of the Macedonian state delegation in the Prohor Pcinjski monastery on St Elias' Day by "its stopping the persecution of the canonic diocese of the Ohrid Archbishopric, its clergy, monks and believers."⁶

Official Belgrade warned the Macedonian authorities through the statement given by the Ministry of Religion that "their interference with the canonic rights of the Serbian Orthodox Church is burdening the mutual relations⁷ of Serbia and Macedonia"⁸. The Serbian Ministry of Religion stated that the reasons for convicting Metropolitan Jovan are "non-understandable, unconvincing and unacceptable", pointing out that "our expectations were not cynically and brutally fulfilled once again."⁹ The Information Service of the Serbian Orthodox Church conveyed the message of the Ohrid Archbishopric that "The Former Yugoslav Republic of Macedonia is far from Europe and even

⁴ "Spaljena porodicna kuca mitropolita Jovana", *Politika*, 21 February 2004.

⁵ "Odbrana ulaze zalbu", *Danas*, 20 August 2004.

⁶ *Ibid.*

⁷ These mutual relations were not burned by the case of the former head of the Macedonian Customs Administration, Dragan Daravelski, who had been indicted in Macedonia for the embezzlement of government funds, but found refugee in Serbia by suddenly becoming the citizen of Serbia and Montenegro. It is estimated that he caused damage to Macedonia to the amount of two and a half million euros. Despite being arrested in Belgrade, he was released from detention pending extradition, since it turned out that he was a citizen of Serbia and Montenegro. "Potraga za makedonskim Kertesom", *NIN*, 15 July 2004.

⁸ "Skoplje daleko od Evrope", *Danas*, 23 August 2004.

⁹ "Izigrana i dobra volja", *Vecernje novosti*, 21 August 2004.

further from Christian consciousness.¹⁰ Macedonian society has not been and, as things stand now, will never be democratic."¹¹

Patriarch Paul wrote a letter to Macedonian President Branko Crvenkovski appealing to him to use all his powers and authority so as to stop the "violation of the fundamental human and religious rights in Macedonia. This sentence confirms that Macedonia continues with an even more persistent prosecution because of religious beliefs and religious affiliation, to the direct detriment of the dignity of Macedonia and its international reputation."¹²

Apart from the official protests of the Serbian Orthodox Church and Patriarch Paul understanding the verdict as an attack not only on the Serbian Orthodox Church, but also on "the Orthodox Church in general and its humiliation"¹³, the orchestrated protests from Serbia were also joined by the Serbian Journalists' Association (UNS) because of Misa Vujovic, editor-in-chief of Belgrade's journal *Princip*, who became *persona non grata* in Macedonia. They requested from Macedonian President Branko Crvenkovski to intercede for and prevent the "unjustified discrimination of the professional rights of this Belgrade journalist."¹⁴ The demolition of the illegally built monastery complex of St John Chrysostom within the Ohrid Archbishopric in the village of Nizopolje, was described in the Serbian print media as "the scandalous persistence of the Macedonian authorities", because, pursuant to the decision of the Republican Construction Inspectorate of the Ministry of Transport and Communications, the structure was torn down under the spotlights. The Minister for Diaspora, Vojislav Vukcevic, called the action taken by the Macedonian authorities "the gross violation of the religious freedoms of the members of the Serbian Orthodox Church,¹⁵ most of them being the Serbs."¹⁶

¹⁰ Ivan Stoilkovic, leader of the Democratic Party of Serbs in Macedonia: "The treatment of Serbs is increasingly better. Our political rating is increasing each day. We succeeded in being represented in all bodies of government. In the Assembly, government and in all government institutions both horizontally and vertically, including the Ministry of the Interior and the Army of Macedonia. We are dissatisfied a little with Serb representation in the government administration, but the situation is also improving thanks to the EU financial circles. All Serbs in Macedonia are looking at Belgrade, if not with two eyes than with one." "Srbima u Rumuniji dobro, u Makedoniji moze i bolje", *Svedok*, 25 May 2004.

¹¹ "Skoplje daleko od Evrope", *Danas*, 23 August 2004.

¹² Ivan Stoilkovic: "In 2001, we became a constituent people in Macedonia. The Serbs are deputies to the Assembly, assume significant positions, such as that of the deputy minister for transport and communications; they also became the presidents of two municipalities." "Srbima u Rumuniji dobro, u Makedoniji moze i bolje", *Svedok*, 25 May 2004.

¹³ "Zaustavite gazenje verskih prava", *Politika*, 25 August 2004.

¹⁴ "Novinar opasan kao divizija", *Politika*, 20 September 2004.

¹⁵ Miodrag Jaksic, Deputy Minister for Diaspora: "According to the latest, 2003 census, in Macedonia there are 36,000 Serbs, but Serbian organizations did not accept that figure. They claim that there are at least 45,000 of them, or even 60,000. The Serbs

The orchestrated attacks on the Macedonian Orthodox Church were also joined by the Metropolitanate of Montenegro and the Littoral, which issued the statement concerning an attempt to stop Bishop Irinej at the Tabanovce border crossing. Namely, Macedonia has the law prohibiting the persons wearing church robes to enter the country. By ignoring this law, Bishop Irinej, a dignitary of the Serbian Orthodox Church, became the actor of an incident in which the Macedonian authorities (the Skopje Establishment)¹⁷ were condemned for "untenable discriminatory actions".¹⁸

In 2004, bearing in mind its very inhospitable surroundings, Macedonia launched an initiative for its membership in the NATO¹⁹ and EU.²⁰ The US Congress passed the Resolution in support of Macedonia's accession to the Alliance. Apart from the United States, Turkey and The Netherlands (as the country presiding over the EU) also supported Macedonia's membership. Macedonia also initiated the Adriatic Group joint media campaign for the formation of the regional PR training centre in Skopje, with the assistance of Switzerland.²¹ Last year, Macedonia was obliged to fill in the EU questionnaire, comprising about 3000 questions on the political, economic and social situation in the country.²²

In the traditional address of the President of the Republic to the Parliament, Branko Crvenkovski, stated that the next 12-18 months would be decisive for the process of the country's European integration and called on all intellectual potentials to direct their efforts towards that aim. The head of state is expecting that, in 2006, Macedonia will become a candidate for membership in the EU and that it will be invited by the NATO to join it. In Macedonia there are no foreign troops any more; ethnic relations are being stabilized despite some problems, and the country's credibility is being restored. He called on the

mostly complain about the lack of textbooks and books. "Srbima u Rumuniji dobro, u Makedoniji moze i bolje", *Svedok*, 25 May 2004.

¹⁶ "Cupali i temelje hrama", *Vecernje novosti*, 18 October 2004.

¹⁷ "Skoplje diskriminise pravoslavne svetenike", *Politika*, 22 October 2004.

¹⁸ *Ibid.*

¹⁹ More than half of the Macedonians believes in strategic partnership with the Americans, while 70% supports the country's wish to become a NATO member, as was shown by a public opinion survey. In January, the Centre for Ethnic and Security Issues within the Institute for Sociological, Political and Legal Research conducted the survey relating to defence reforms. The results show that 35% of the respondents hold that NATO membership will enable the country to preserve its territorial integrity and sovereignty. Macedonia's strategic partnership with the USA is supported by 53% of inhabitants, while a negative answer was given by 31%. "Makedonske evrointegracije", *Glas*, 31 January 2004.

²⁰ Macedonia was ready to submit an official application for EU membership (France promised to support it) in Dublin, on 26 February 2002. However, due to the death of Macedonian President Boris Trajkovski the procedure was postponed.

²¹ "Diplomska ofanziva", *Politika*, 11 June 2004.

²² "Pribilizavanje uniji", *Politika*, 19 May 2004.

Government to place on its political agenda the laws that would stipulate the use of the symbols of ethnic communities, as well as the use of languages, thus reducing risks and eliminating frustrations in the sphere of ethnic relations, because good ethnic relations are the foundation of the stability of the Republic of Macedonia and its future.²³

Territorial Division

The set of laws on decentralization and territorial division includes forty or so important laws relating to the country's territorial reorganization. The obligation to pass this set of laws is stipulated by the Ohrid Agreement concluded at the time of crisis in 2001. These laws provide for the transfer of a number of competences to the local level and define the use of the Albanian language²⁴ as the second official language in the municipalities with a majority Albanian population. The Government proposed the formation of 62 municipalities, instead of 123 municipalities up to then. However, the problem that imposed itself was the fixing of the Struga and Kicevo borders and drawing of a new map of Skopje (the Albanian political parties requested one of the nine Skopje municipalities, Kale, whereby four rural municipalities would also be added to the urban area, thus ensuring the use of two official languages). Local elections were scheduled for early October,²⁵ when Macedonia had to obtain new institutions of local government.²⁶

A compromise reached by the ruling parties within the Macedonian and Albanian political blocs about the adoption of the proposed set of laws relating to decentralization and new organizational-territorial division, was accepted at the session of the Hari Kostov Government. In the joint statement of the US, OSCE, EU and NATO representatives in Skopje, the Government's decision was welcomed, while at the same time suggesting the activities that would accelerate the process of adoption of the setoff decentralization laws in

²³ "Iduca godina presudna za Republiku Makedoniju", *Politika*, 23 December 2004.

²⁴ Under the Constitution, the Macedonian language is the official language throughout the state, but in those municipalities in which another nationality constitutes more than 20% of the population, the official use of both languages is allowed. Due to the Draft Law on Territorial Division, Macedonia held forty or so referendums at which the citizens voiced their opinion on the fusion or autonomy of some municipalities. "Teski pregovori u Skoplju", *Danas*, 13 July 2004.

²⁵ The opposition holds that it is the question of assuming control over the territories on an ethnic basis and not of the reorganization of the state, thus ensuring better life to its citizens, that it is not the question of democracy but of the country's division along ethnic lines and its long-term destabilization and disintegration. "Crtaci granica", *Politika*, 14 June 2004.

²⁶ "Demokratizacijom blize coveku", *Politika*, 10 June 2004.

parliament.²⁷ As an expression of civil disobedience, the Crisis Headquarters for the Salvation of Struga proclaimed the Struga Evenings of Resistance. Irritated at the statement of President Branko Crvenkovski that there is fear of cohabitation with the Albanians,²⁸ thirty or so political parties, non-governmental organizations and intellectuals signed the Declaration against the government project on the country's decentralization, requesting the withdrawal of the proposal, postponement of decentralization and local elections in accordance with the old laws and regulations.²⁹ The World Macedonian Congress launched a campaign for collecting signatures for the conduct of a referendum on the country's territorial division. Since 185,000 signatures were collected, the Macedonian Parliament adopted the holding of a referendum on 7 November. Without denying the democratic significance of a referendum, the Albanian political parties pointed to the possibility of a negative outcome, thus confirming the concern that there would be no cohabitation with the Albanians. Stating that the Albanians in Macedonia do not enjoy all legal rights, Arben Dzafari, the leader of the Albanian Democratic Party and a signatory to the Ohrid Peace Agreement, announced the possibility of holding their referendum on autonomy.³⁰

Apart from the leaders of the Albanian political parties, the ruling Social-Democratic Alliance also decided not to support the referendum question, because the proposed model of territorial organization was a clear political offer for the country's unity and integrity and European prosperity, as well as the guarantee of cohabitation of all ethnic groups.³¹

The British Foreign Office Secretary of State, Dennis McShane, called the citizens of Macedonia to boycott the referendum, since it was contrary to the Ohrid Agreement, so that its success would take Macedonia back into the past.³² The Albanian Parliament appealed to the citizens of Macedonia not to participate in this referendum, emphasizing that the aim of the referendum was to block the legal right of ethnic Albanians to enjoy greater autonomy and that the voting of most citizens against the decentralization of government would jeopardize peace and security in the region. Albanian Prime Minister Fatos Nano pointed out that the referendum would jeopardize the co-existence of

²⁷ Vlade Popovski, Professor at the Law School in Skopje: "The division of Macedonia along ethnic lines at the self-government level will create such a basis that, within 5-6 years, the question of one unit of self-government or canton, that is, the consolidation of local self-governments along ethnic lines will be raised. That is federalization or separation, which means that the Government's proposal may provide a basis for a more serious disruption of the unitary character of the state and its integrity." "Put za cepanje Makedonije", *Vecernje novosti*, 17 July 2004.

²⁸ "Struske noci otpora", *Politika*, 20 July 2004.

²⁹ "Makedoniji preti teritorijalna podela", *Politika*, 21 July 2004.

³⁰ "Albanci se otcepljuju", *Vecernje novosti*, 25 August 2004.

³¹ "Put u buducnost ili u proslost", *Politika*, 9 October 2004.

³² "Denis Meksejn pozvao na bojkot", *Politika*, 27 October 2003.

Albanians and Macedonians and that the citizens' "yes" to the idea of the opposition could suspend integration and cooperation in the region.³³ According to Javier Solana, decentralization is crucial for the implementation of the Ohrid Agreement being decisive for Macedonia's accession to the EU.³⁴

The referendum on the territorial reorganization of Macedonia was unsuccessful, since the turnout was less than 50% of citizens with the voting right. According to the non-governmental organization MOST, the turnout was only 26.3%.³⁵

Several days before the referendum, on 4 November, the United States brought the decision to recognize Macedonia under its constitutional name – the Republic of Macedonia, despite the ongoing negotiations between Skopje and Athens to that effect, since Athens hold that the name Macedonia is part of Greek heritage. US State Secretary Colin Powell stated that the aim of Washington was to award Macedonia and weaken the position of the "Macedonian nationalists" who had initiated this referendum.³⁶ The Department of State's Spokesman, Richard Boucher, said that by the decision to recognize Macedonia under its constitutional name "the citizens of that country have received the message from the United States that it supports multiethnic and democratic Macedonia within its present borders. We hope that the citizens have received that message and that it has influenced their decision to follow the course of the Ohrid Agreement."³⁷

The course set by the Ohrid Agreement, as the guarantee of cohabitation, multiethnic and democratic environment and European prosperity, is the message to which the Serbian political elite - while following the developments relating to the adoption of a set of laws on decentralization and territorial division - did not react. The Macedonian model of settling ethnic relations, based on respect for the rights of all minorities,³⁸ can also be used in Kosovo so as to facilitate the establishment of the "legal system and the building of institutions that will protect such a system"³⁹, instead of sending the threatening messages from Belgrade that the independence of Kosovo will lead to the disintegration of Macedonia. On the other hand, the Macedonian political elite holds that there can be no Macedonian government without the Albanians and that they must be integrated into the government institutions and all spheres of

³³ "Poziv na bojkot referenduma", *Politika*, 4 November 2004.

³⁴ "Referendum usporava reforme", *Politika*, 10 September 2004.

³⁵ "Neuspeh referenduma", *Danas*, 8 November 2004.

³⁶ "Neočekivani mali odziv", *Danas*, 8 November 2004.

³⁷ "Vashington i Brisel hvale Skoplje", *Danas*, 10 November 2004.

³⁸ The Macedonian public obtained a new newspaper. *Pogled* is the first newspaper in the Serbian language in the Republic of Macedonia. This 64-page monthly will cover the current issues being of interest to the Serbian ethnic community in Makedonija, "Pogled na srpskom jeziku", *Politika*, 5 June 2004.

³⁹ Branko Crvenkovski: "Skoplje se ne plasi nezavisnog Kosova", *NIN*, 18 November 2004.

social life. President Branko Crvenkovski himself supports the emancipation of Albanians through education, culture and the media, as well as the formation of institutions on a multiethnic basis, i.e. the police, army, diplomacy and public administration.⁴⁰

⁴⁰ "Mlad, a vec star", *Politika*, 5 May 2004.

VIII

Media: An Unchanged Matrix

Conclusions

- The analysis of media in Serbia indicates that the illusion of the unification of "Serbian lands" and the concept of the Serbian nation as a "natural community" has not been given up. Despite the fact that this project is military defeated, the message sent through the media, by persisting on the same political propaganda, stereotypes, education, science and culture that interiorize this ideology, is that "Greater Serbia" as a goal has only been postponed. Facing the recent wars and the political and moral responsibility for those wars is one of the most important elements in the process of social transition, but not a serious topic in any of the media. On the contrary, an interpretation of the past that relativizes and ignores this responsibility prevails. Thus the media maintain continuity with the times of Slobodan Milosevic. They do not represent a force of change but rather a basis for the rehabilitation of the old regime and a transformation of its legacy into political normality.

- The influence that the anti-Hague and mafia lobbies, as well as of people from Milosevic's surrounding have on the media is still very strong, which is evident from the editorial concept of the media. The non-transparency of the ownership structure of the majority of printed media in Serbia should be perceived from this point. Some media are just a transmission or some sort of a bulletin of specific services which use these media to spread rumors and create affairs.

- After October 5, there was no attempt to debrief the public. The public opinion created through nationalistic propaganda back at the end of the eighties and the beginning of the nineties is petrified. Thus even very brief nationalistic campaigns are sufficient to revive old animosities against both the neighbors and the minorities in Serbia as well as political opponents.

- A very low professional level of journalists has been noted and an overall lack of information about specific issues they report on. This significantly blunts their critical position, and results in a lack of inventiveness in the choice of topics. The media fail to play a critical role and raise important

issues pertaining to the reform of the society. Populism dominates both in the form and the essence of the message.

- The press often announces political events and practically prepares the public opinion even for the most retrograde decisions made by politicians, thus directly taking part in the radicalization of the society.

- A significantly strong and influential alternative medium that would confront the dominating media behavior does not exist, which deprives the society of an alternative viewpoint regarding the events and processes in the society. A consensus on the main political and social issues exists in almost all media. The main proponent of the nationalistic and conservative orientation is the *Vecernje Novosti*, a daily newspaper with a circulation over 200 thousand. Other media can be placed within the range of the ones more radical than *Novosti* (in terms of rhetoric), on one end, and those that transmit the same message in a more subtle way, on the other. Media that could be excluded from this ideological matrix have failed to impose a radically different editorial policy and are often giving in to the conservative and nationalistic public opinion and making excursions into sensationalism characteristic for the "yellow press".

- The lie that is being spread by the majority of media has deformed the society which lives in deep delusion. The primary goal of permanent propaganda is to prevent any feeling of responsibility and remorse. A sense of self-pity and a feeling of permanent endangerment due to an alleged worldwide conspiracy against the Serbian people are being promoted.

Recommendations

- A professionalization of the media is necessary, through repeated seminars and schools on professional, not only art standards, as well as through education on certain topics which are crucial for the reform processes in Serbia.

- A commercialization of certain media which could function in a value framework different from the dominating one, would have negative effects because it would lead to their adjustment to the conservative and nationalistic public opinion. Thus a support of this media is still necessary in order to create conditions in Serbia for a debriefing of the public opinion, and to offer a different option to the citizens. However, it is necessary to include in these processes the Radio-Television of Serbia, which should as soon as possible be transformed into a public service, with an editorial policy totally different from the present, and directed towards a serious facing of the past, not its "normalization".

- It is necessary to exercise the existing legal regulations that would efficiently protect the citizens, and even public figures, from manipulations and blackmails, as well as curtail the spreading of hate speech.

- In order to attain a faster internal integration of the region it is desirable to initiate the work on the creation of regional media that would express the common interest of the citizens in the countries of the region, in particular the post-Yugoslav countries. One of these interests is by all means to join the European Union.

- Starting from the basic ethical principles, the media have the moral obligation to recognize the hate speech and to strongly present the standpoints that oppose this speech.

Introduction

The Helsinki Committee for Human Rights in Serbia daily scrutinized around 10 Serbian dailies and weeklies in the period 1 March - 31 August 2004 with a view to identifying the predominant attitude towards specific topics and ideological leanings. The Committee opted for such an analysis for yet another reason: bearing in mind the fierce media propaganda on the eve of the wars in the territory of ex-Yugoslavia and in the Milosevic era, and the media's overall impact on public opinion, the media can now crucially contribute to the reform of the Serb state and society. The Helsinki Committee takes that a new media concept and a changed media landscape are hardly attainable without a thorough insight into the media coverage.

We tried to pinpoint the dominant media discourse by researching and analyzing several key topics impacting the period of transition and morphing of a conservative-belligerent society into a modern, liberal-minded and market-oriented society and the state capable of ensuring a strong framework for the exercise and respect of human rights.¹ Thus from the standpoint of key reforms, we attached special importance to the following themes: stance on neighbors (notably Bosnia and Herzegovina), Kosovo, Vojvodina, minorities, The Hague Tribunal, trial of the indictees in the case of the Premier Djindjic assassination, hate speech, and stance on NGOs and civil society.

In our research we focused on the print media given that they lay bare the prevalent public discourse on the key topics covered by this study. As for the electronic media, we assumed that radio and television mostly followed up on the discourse dictated by the print media. Unlike the strong influence the print media (notably dailies and weeklies aspiring to be analytical, rather than just informative) exert on people who actually mold the public opinion, the broadcast media have are more populist and attractive to masses.

It is noteworthy that the observed period coincided with the first months of Kostunica-led government that had been formed thanks to the support of the Socialist Party of Serbia. In the said period most reforms were stymied, privatization stalled, and the process of the overhaul of educational system (the most successful one in the post-5 October period) was reversed. The aforementioned "successes" marked the beginning of the rule of the forces, which had opposed Milosevic's extradition to The Hague Tribunal and stopped all other handovers to the ICTY. Presidential elections were also held in that period. In the run-off contenders were the Democratic Party's candidate, Boris Tadic, and the candidate of the Serbian Radical Party, Tomislav Nikolic. Tadic won by a slim margin.

¹ See the 2003 Annual Report of the Helsinki Committee.

The local elections were also held. The far-right Serbian Radical Party won a large number of seats, along with the post of the mayor of Novi Sad, capital of Vojvodina. Because of their attitude towards many issues of key importance for the reform process and transition, the media are responsible for the triumph of the rightist option. However, the media stance on elections cannot be observed through their coverage of the election campaign alone. For, the campaign against reformers first rallied around late premier Djindjic and then around the Democratic Party and some parts of the DOS coalition, has lasted for over two years. That period was also characterized by rapprochement between the Democratic Party and the Democratic Party of Serbia that started with Boris Tadic's inter-party victory and was resumed after his election for the President of Serbia. The difference between the ruling coalition and the opposition was thus practically erased – a fatal outcome when it comes to the Serbian society. On the other hand, the largest part of political scene came to be occupied by the right-wing, populist and anti-reform parties, ranging from the Democratic Party of Serbia to the extremist Serbian Radical Party. After a reshuffle in its leadership, the Democratic Party that had been admitted to the Socialist International at the time Zoran Zivkovic helmed the cabinet veered to populism.

Such a political scene was reflected on the media. Most of them overtly and consistently advocated the political concepts that had nothing to do with partisan affiliation. Under such circumstances, despite a plethora of newspapers, the media scene was visibly bereft of an alternate media outlet able to promote a different, i.e. a pro-reform discourse and editorial policy. The media considered capable of taking upon themselves a role as such are still searching for their identity. Hence their attempts to impose new values of a civil and West-oriented society were futile. On the other hand, the formed distinction between pro-regime and independent media, marking the Milosevic era, is not valid any longer, notably because the media that used to be perceived as symbols of anti-war and independent journalism have failed to adjust their policies to new, post-Milosevic circumstances. In the attempt to become competitive on the market and attract larger readership, those media simply lost the enlightening profile they had been known for during the wars in the territory of the former Yugoslavia and the Milosevic era. Since the Serb society is markedly conservative and anti-reform one, any emphasis on commercialization of "independent" media may turn out questionable – for, commercialization implies their adjustment to the conservative mindset, rather than a struggle to alter it.²

After the 5-October changeover Serbia was virtually swamped by numerous tabloids, which appeared and disappeared in succession. But what concerns us is their direct connection with politics and political contents. Property structure of tabloids is blurred. For instance, their imprints hardly

² See the 2003 Annual Report of the Helsinki Committee.

ever carry owners' names. Further, some other facts indicate certain economic and political circles dictate their editorial policies. The circulation of some tabloids is so small that one cannot but conclude that the objective of their existence is certainly not profit-making. Tabloids in Serbia deal mostly with political topics (their front pages are, as a rule, brimming with politics), while the normal tabloid contents (private life of public figures, notably show business stars) are just a bait for new readership. Of particular concern is the fact that there are no public responses, even by those public figures and decision-makers directly affected by misinformation published by some tabloids and high circulation, populist newspapers.

The tabloid style is gradually emulated by serious dailies and weeklies, notably when it comes to interviewees, topics and attitudes towards certain developments and issues. What differs them from tabloids are writing techniques and choice of words. Responsibility of those serious dailies and weeklies is by far bigger than the one of tabloids, for the former play a more important role in the shaping of moral and social values.

Though journalists' ranks are swelling, notably in the broadcast media, an acute shortage of professionals not only with journalistic expertise, but with general education, is more than evident. Journalism has been reduced to a cliché: both sides must be given the opportunity to tell their stories. However, all interviewees are equally treated, the accuracy of information imparted is hardly ever double checked, while journalists are just there to jot down or record statements that are published without any second thoughts whatsoever. If owners of the media aspiring to play an important role in the region fail to attach more attention to educational structure of their journalists and editors, their aspirations are dead-ended. Public relations agencies have become stronger than some media, while PR officers imposing their doctored "information," have turned more powerful than many editors-in-chief.

Our media research indicated that the freedom of speech is perceived by almost all papers and a large part of the public as the liberty to publish any kind of information a matter for which journalists and editors are not responsible. By becoming the highest social value, the freedom of speech is blatantly and widely abused. And this is reflected not only in tabloids, but also in the media with long tradition and influence on intellectual circles and political and economic elites.

Today it is necessary to take a critical stance on the media in Serbia, in view of an obvious braking of the transition process, and a very low level of development of the civil society when compared to the one existing in Western societies. Curbing the freedom of information has been a part of the state policy for long, while the public opinion – particularly when it comes to younger generations – has been shaped through misinformation, lack of information, and spreading of hate speech and stereotypes. Such a policy along with an educational system based the values contrary to today's civilization, distorted interpretation of social sciences, and literary stereotypes, laid the groundwork

for an enormous media influence. Hence it is necessary to de-brief the general public, and in that process the media should be key channels. Further, it is necessary to assume a critical stance on the media, which must be encouraged by the very media circles. The former entails rejection of the principle according to which any criticism of the media is an attack on the freedom of speech.

The media blueprint devised by Serb intellectual and political circles, coalesced around the project of "Greater Serbia" on the eve of ex-Yugoslavia's disintegration, is still present in various shapes. Production of lies, hate speech and ethnic stereotypes continues unabated in many media. .

The Stance Toward Minorities and the Vojvodina Issue

In our research we paid special attention to interethnic relations and the issue of minorities. The latest minorities-targeting incidents in the Serb society have confirmed that the minority issue ³ has not been comprehensively resolved in the post- 5 October 2000 period, and that it is yet to top the political and social agenda. However the media failed to understand the negative minorities-related trend and consequently alarm the public, which has been funneled, over the past two decades, towards intolerance or false tolerance of minorities, embedded in the blueprint that "all non-Serb entities and non-Serbian Eastern Orthodox believers may enjoy in the Serbian state all human and minority rights to the extent decided by a representative body of the Serbian people... since they are denied an original right of theirs to any form of self-rule or autonomy."⁴ Judging by relevant news stories, all ethnically motivated incidents or criminal offences committed against members of minority communities in March-August 2004 (official sources put their figure at 300) were unconnected, i.e. isolated cases. The official policy towards minorities was never criticized or called into question by the media.

An analysis of interethnic relations in Serbia in 2004, conducted by the Helsinki Committee indicated that "advocacy of multiculturalism in the sphere of public opinion is more a matter of ideological circumstances than of a principled stand." "The context within which minorities are treated by the media is highly politicized and oft reduced to incidents and conflict situations. (Public opinion is more sensitized to placing of a plaque in memory of Ustashi in the *neighboring* Croatia, then to violence against minorities in Vojvodina.) An undifferentiated stand as such fuels the prejudice that minorities, "unlike us," are not only homogenous, but also "all the same." Attempts to manifest

³ "In Conflict With the State's Ethnic Identity: National Minorities in Serbia," the Helsinki Committee for Human Rights in Serbia, Belgrade, October 2004.

⁴ "Hate speech as freedom of speech", Helsinki Committee for Human Rights in Serbia, 1994.

diversity in a different, socially acceptable way, often end up in a pre-modern perception of minorities as exotic, folklore groups; such a perception boosts assimilation, rather than upholds cultural identities."⁵

Though attacks on Hungarians and other minorities in Vojvodina intensified in March 2004, the Belgrade press started covering them only in September when the issue was internationalized. Such belated coverage is tantamount to attempts to hush up cases of blatant violations of human and minority rights. However, much hyped was another incident in Vojvodina. Namely, a restaurant brawl in which several Hungarian hooligans injured a Serb, was qualified by some papers as an interethnic incident, despite denial of the victim himself. Some high circulation dailies harped on the hooligans' ethnic origin. Some papers headlined the incident "Resurrection of Hungary" or run stories claiming, for instance, that "the incident's monstrosity brings to mind the horrific incident in which Djordje Martinovic was maimed in Kosovo in 1980s." At the same time, in June, no newspaper covered by a news item, let alone a serious article, frequent attacks on Hungarians and other minorities.

The ever stronger campaign against those advocating greater autonomy of Vojvodina within Serbia is also a relic of the past. Some analysts and politicians thus called Vojvodina's pro-autonomy leaders separatists. Tabloid "Nacional," for example, carried a poll in which the principal question was: "Is Kasa (one of the leaders of Vojvodina Hungarians) trying to effect secession of Vojvodina?". The same as in late 1980's and early 1990's they spread theories about a global anti-Yugoslav conspiracy, today's media in Serbia hype the world complot to have Vojvodina seceded.

Kosovo

During the observed period we also focused on Kosovo. Prime Minister Vojislav Kostunica began his term of office by touching on the issue of Kosovo in a manner most perilous to regional stability. Namely, in his address of 2 March, Kostunica announced that his government would urge cantonization of Kosovo or its division into entities. In the follow-up to that idea, the Serbian Parliament in April adopted the Plan for Resolution of the Current Situation in Kosovo and Metohija. The plan envisaged a territorial re-organization of Kosovo and its division into regions. According to the said Plan, Serbs would be entitled to parts of the territories which naturally link larger Serb settlements, wherein they had not been in the majority, but to which "people, expelled during the ethnic-cleansing campaign, are now returning." Those regions should represent "rounded up territorial units." In the Kosovo March revolt, according to the UN sources, 19 people were killed (11 Albanians and 8

⁵ "In conflict with the ethnic identity of state; National minorities in Serbia", Helsinki Committee for Human Rights in Serbia, Belgrade, October 2004.

Serbs), while 900 persons were injured, including 65 international and 58 Kosovo policemen⁶. In parallel with attacks on Serbs in Kosovo, members of minority communities, notably Albanians and Ashkalia were assaulted on the streets of Belgrade and other Serb cities, mosques and other sacred Muslim institutions were torched and Muslim property was destroyed.

During the March developments in Kosovo the Belgrade media fueled the ethnic hatred and tension, instead of trying to appease the general mood, and report objectively on the situation in the province. Nearly identical, emotionally charged emergency programs aired by all television stations, also helped to escalate the mood of retribution and instigated the torching of mosques Serbia-wide and destruction of Albanian and Goranci property. The notorious war-mongering scenario, with derogatory overtones, was played out again. Here are several headlines illustrating the foregoing: "Shiptars Start a New War," "Army Marches towards Kosmet," "War in Kosovo," "Serbs On Their Toes - Bloodbath in Kosmet," "6,000 Terrorists Threaten Serbs." A caption under a photograph showing Serbian soldiers in fatigues run, "We shall stay here until we perish!". On the other hand, news stories about the torched mosques were scarce.

During the summer months newspapers handled the so-called intelligence reports suggesting new unrest, that is, "new wave of violence against Serbs". Such coverage was intended to shore up the Serb defense. The "intelligence reports" were usually accompanied by the thesis of the Serb cultural elite that the situation in Kosovo could not be stabilized and that Albanian population was not able to develop a modern society. Albanian-related coverage is still riddled with *negative ethnic stereotypes*, which before and during the Milosevic regime had served to justify the state-organized repression in the province. This is about deeply rooted stereotypes. With a few exceptions, journalists go to Kosovo already charged with negative emotions and anti-Albanian prejudice, which is more than evident in their reporting. Let us illustrate that assertion with a following example: some 18 months ago the Helsinki Committee for Human Rights in Serbia provided a RTS journalist with all kinds of contacts in Kosovo, so as to help him make a documentary about the Kosovo society and present the Kosovo reality from an angle different from the one the Serbian media recur to. According to the journalist, the RTS refused to air the documentary, regardless of its exclusivity.

Ljubodrag Stojadinovic, a columnist for the longstanding and serious Serb daily "Politika," maintained: "Albanians fanatically believe in the efficiency of violence alone. For them awards and punishment do not exist in civilized and political sense." Derogatory terms for Kosovo Albanians are still very much present not only in tabloids, but also in some influential and prestigious print media.

⁶ www.b92.net

An illustrative instance of despising attitude towards Kosovo and Albanians was a statement made by the RTS' incoming editor-in-chief, Nenad Stefanovic, during the popular TV B92 talk show "Impression of the Week" (21 November). Referring to Haradinai's chances to be elected the Kosovo Premier, Stefanovic maliciously said he was "glad that someone opts for a senseless solution," adding, "Haradinai's hands are bloodied... and that fact affects the negotiating position of Kosovo Albanians." Earlier, for days on end, the print media kept harping on Haradinai's criminal past - a claim they supported by the fact that the Chief ICTY Prosecutor, Carla del Ponte, had requested him to make a statement - which he did - as well as by 108 charges pressed against him in Serbia. Without providing follow-up information about Haradinai's conversation with the ICTY Prosecutor, or questioning those 108 charges, the media offhandedly concluded that Haradinai was a criminal.

Louis Alvin Day in his book "Ethics in the Media" concludes that the media representatives because of their impact on culture have a moral obligation to understand the differences between stereotypes and reality and consequently prevent the emergence of the stereotype-based discrimination in the real world.

Neighboring Countries and Montenegro

Special attention was paid to the media attitude towards neighboring countries, Bosnia-Herzegovina in particular, and towards Montenegro given that the future of the State Union is still blurred. Here we also had in mind the unresolved status of Kosovo and Serbian politicians' ambiguous stand when it comes to Republika Srpska. In this context, the spirit of 1980s and 1990s - the warmongering idea about "the unity of the Serbian cultural and spiritual space" - still prevails. Against the backdrop of new reality, i.e. the presence of international troops in Serbia's neighborhood, going for another war is not a viable option as long as these troops are in the region. However, one should be concerned with the fact that the media one-sidedly interpret the wars in the former Yugoslavia - namely, the threatened Serbian people nothing but defended themselves. Such an interpretation hinders cooperation with neighbors, and flies in the face of the international community's efforts to normalize regional relations.

A recent incident (November 2004) a couple of Belgrade students provoked in downtown Zagreb by promenading a photo of the WWII Chetnik leader and advocate of Greater Serbia, Draza Mihajlovic, just illustrated that the majority population in Serbia is fully unaware of true consequences of recent wars. And the media are largely to blame for such unawareness. The media fail to show any compassion for the war victims - and not only when it comes to people belonging to other ethnicities, but also to Serbs. No wonder then that

young generations so offhandedly use symbols that bring back war memories and taint dignity of those who had experienced suffering. Any punishment of those who show off such symbols is perceived as violation of fundamental human rights, notably the right of free expression.

The Hague Tribunal

The manner in which the media cover The Hague Tribunal's proceedings and the persons indicted for war crimes is crucial for citizens' acceptance of new values and reshaping of the public opinion, the more so since generations have already been raised in the atmosphere of interethnic hatred and at the time of belligerence. Today's media are still focused on Milosevic's statements and the testimonies of the witnesses for the defense, while turning a blind eye to war victims. Victims are rarely mentioned, while newspapers are swamped with human-angle, affectionate stories about the war crimes suspects, and warm-toned interviews with them or with their relatives and friends. The interviewed war crime indictees mostly justify or deny their crimes without any solid arguments. Neither journalists' questions nor answers provide the readership with any information about the crime itself. Thus most interviews are riddled with common denominators. The same pattern is applied to the interviews conducted with high SPS officials and individuals from the Milosevic regime. In the aftermath of 5 October they were available to journalistic scrutiny, but journalists seemed to be caught napping and not to be up to the task. Figures from Milosevic's era, mostly those coming from the Socialist Party of Serbia and the Serbian Radical Party, are, in a way, omnipresent in certain media. The foregoing is important from the standpoint of the much-mentioned process of lustration.

Not a single media outlet attempted to thoroughly analyze a year-long presentation of the Prosecution witnesses in the first part of the Milosevic trial. A new system of values cannot be promoted as long as the past is not subjected to scrutiny and the glorification of the so-called patriots put to an end.

Trial of the Accused of the Premier Djindjic Assassination

The media's attitude towards the trial of the accused of the Premier Djindjic assassination is identical to that towards the proceedings before The Hague Tribunal. The same as in the case of the tribunal, most media and the structures in power have reached a consensus to founder the indictment counts. The trial itself reflects the media coined image of the assassinated Premier: he and his closest associates had been strongly tied with his assassins and

organized crime. Only few journalists, prompted by professional courage, rather than by policies of the newspapers they work for dare challenge such entrenched version.

The prime suspect, Milorad Ulemek Legija, was arrested on 2 May, that is, he surrendered to the Serb police. Two phenomena are noteworthy from the media angle: the media were "primed" much earlier for that arrest, and they abused the fact that the trial was deferred until a day before the presidential run-off in Serbia.

In those terms indicative is the interview the Nacional daily conducted with a certain Joe Beretka (Beret) in late March. *"They can say whatever they want about him, they can spit on him and tarnish his image, but he will shortly turn up and recount the whole story. He is a patriot and he shall soon prove it,"* said Beretka referring to Legija. According to the tabloid, Joe Beretka, who can hardly be identified from the accompanying photograph, is a member of the Red Berets, the dismantled special forces unit suspected of ethnic cleansing and other atrocities committed during the wars in the territory of ex-Yugoslavia. It is interesting to note that the same Joe Beretka was "used" on other occasions by other media, notably by "Kurir." It happens often that different media run the same "exclusive" information or identical "exclusive statements" by the same interlocutors. That indicates a foul play, or behind-the-scenes "suppliers" of texts and information, rather than exclusivity or professional engagement of journalists in digging up such stories. Above all controversial is an uncritical attitude of editors and journalists towards that kind of information.

On the other hand, the print media misused the fact that Legija's first appearance before the court was deterred until a day before the presidential run-off. Almost all newspapers kept speculating what was it the defendant would reveal about Djindjic's ties with organized crime. Our media research indicates stories as such were supposed to influence the outcome of the presidential run-off and totally discredit the Democratic Party the candidate of which was measuring swords with the candidate of the extremely rightist Serbian Radical Party, Tomislav Nikolic.

Hate Speech

Hate speech (verbal and written assaults on individuals or groups of people), destructive to the civil society, is still commonplace in the Serb print media. Hate speech is even used by some weeklies catering to high-brow readers. Moreover, it is disseminated by articles penned by prominent columnists who sometimes go so far as to call on the lynching of some public figures. One of such columnists is Aleksandar Tijanic, director of the Radio & Television Serbia, who used to be the minister of information during the Milosevic era. In some of his columns he even demanded arrest of some public figures who were not even under investigation. His poisonous pen often targets

closest associates of the assassinated Premier Djindjic. Apart from political minority, the hate speech mostly aims certain NGOs, ethnic and religious minorities, and homosexuals.

Our research also indicated that most media perceive promotion of clerical nationalism as their major mission. Given that the Serbian Orthodox Church is still one of the pillars of national homogenization, there is much media-bashing of other religious communities in Serbia. Their frequent depiction as sects, generates the general public's resentment of anything not bearing a Serbian Eastern Orthodox hallmark.

Professor Louis Alvin Day cautions that "indecent speech is per se damaging... but provocative and malicious rhetoric as well as glorification of violence may also generate anti-social attitudes and behavior, even violence among militant groups. Even among the largest part of society such insulting speech may breed a culture of indecency, which tends to manifest its open hostility before millions of enthusiastic viewers, while the 'insult your neighbor's policy' is turned into a mass sport."⁷

The campaign against some NGOs and their leaders – particularly those who advocate punishment of war criminals and work on the facing projects - continues unabated. Media-bashing of those persons, in certain political periods, is even stepped up. Anti-NGOs articles are not only characteristic of the so-called yellow press, but also of highly reputed and longstanding weeklies that engage well-known journalists.

Domestic legislation sanctions instigation of national and religious hatred (Article 134 of the Basic Penal Code of the State Union of Serbia and Montenegro, and Article 51 of the Charter on Human and Minority Rights and Civil Liberties). Though the provision expressly banning instigation of national hatred was in force during the Milosevic era and the wars in the territory of the former Yugoslavia, the hate speech was practically incorporated into the official policy and the policies of most media.

Deep roots of inter-ethnic hatred in this country, recent wars in the region, and the ongoing minorities-related incidents, indicate the need for passing relevant legislation including pertinent sanctions. Prevention of ethnically motivated incidents and ethnic intolerance should not hinge on legal provisions and sanctions only. The media have a moral obligation to recognize the hate speech and to counter it by espousing contrary stands.

In stressing that the issue must be above all tackled from an ethnic standpoint, Professor Day, writes, "Even those who despise politeness, have the right to demand a hospitable rostrum from which they could spread their messages. But the media employees, barring the cases in which the law imposes a free access, don't have a moral obligation to adjust their attitudes to suppliers of hate speech."

⁷ "Ethics in the Media", p. 333, Louis Alvin Day, Belgrade, 2004.

In Serbia, however, still prevails "an excessive tolerance" towards propagators of hate speech, as well as is a much too accommodating attitude when it comes to the wishes of the most conservative consumers in the media market.

INTRODUCTION

Serbia's entry into a new era of populism and national homogenization is best reflected by the contents of the print media, which, unlike in the recent past, tend to speak with one voice on the matters/problems of the so-called national importance. Dissenting voices are almost inaudible. Moreover, most print media posture as a genuine avant-garde in the process of a renewed nationalistic radicalization of Serbia. As a rule, they were in the forefront of the political elite-led program of setting the "hard-line" guidelines for the resolution of the national problems such as the co-operation with The Hague Tribunal, arrests and handovers of the principal fugitives from The Hague Tribunal justice, Karadzic and Mladic, the Vojvodina issue, a clean break with the DOS government legacy, and showdown with its "corrupt" prime movers. The said media also had an extremely critical and even subversive stance as regards the work of the Special Court. The foregoing raised serious suspicions about the financing sources of most print media and influence exerted by some political and other circles on editorial policy thereof. As early as in the course of last year's "Saber" action the impact of capital of the organized gangland was detected in the property structures of some newspapers. The mid-March Kosovo revolt obviously became the number one media topic, and during those events the concept of the "Serb media harmony" visibly peaked.

The Kosovo issue generated a new wave of harsh criticism of NGOs dealing with the realm of human rights. The old pattern of verbal assaults was set in motion: allegedly, human rights activists tend to focus on the minor breaches of interests of national minorities, while failing to engage in the protection of Kosovo Serbs. In parallel, clericalization of political life gathered momentum, with the media's large contribution to strengthening the Serbian Orthodox Church role as a principal catalyst in resolution of the burning political ("national") problems. There were no dissenting voices among the most influential print media, or at least invisible were the media ready to critically question whether such a large scale involvement of the Serbian Orthodox Church in politics and state affairs was acceptable and sensible.

Such a strong indoctrination of the print media was followed by a sharp decline in professional journalism. Principles of tabloid-style journalism reign supreme in the press sphere in Serbia, and paradoxically, they are most obvious in the so-called political journalism. Political life has been increasingly painted in yellow hue. Newspapers, as a principal arena of political communication, are riddled with sensational reporting and reflect amply a primitive, populist discourse, as the main feature of the political dialogue in Serbia. Actually, there is no dialogue at all. There are no confrontations between the opposite concepts

or attempts to launch a serious and responsible debate on the key and burning issues of the society.

In the Serb media, notably in the print ones, hate speech is a regular occurrence. Those commonplace manifestations of religious, national and racial hatred/intolerance and similar socially deviant attitudes rarely provoke public reactions, though in many cases they are of such a serious nature that they should attract the attention of an institution as high as the one of the public attorney.

At play is a revival of old patterns of national mobilization with the goal of attaining a full realization of the national-populist project. The foregoing is confirmed by the fact that the most ardent radicalism is promoted in some newspapers through "letters to the editor" columns in the same manner as the infamous Politika's column "Echoes and Reactions" once did.

KOSOVO

Large number of newspapers responded to the March Kosovo revolt by engaging in a war-mongering verbosity and advocating the so-called radical/militant moves and solutions. That conclusion stems even from superficial analysis of headlines splashed on front-pages of the 18th March issues:

"Nacional" – The paper's front page associates the time when the state of war was declared. The term war dominates in two headlines: "Shiptars start a new war" and "Army moves towards Kosmet." News stories are illustrated by the photographs of military formations and the injured.

"Centar"- The front-page banner runs, "War in Kosovo!"

"Glas Javnosti"- An identical banner, "War in Kosovo!"

"Kurir"- The front-page is also dominated by the term war, while the subhead states, "In organized Albanian attacks on Serbs Kosovo-wide, more than ten dead and 300 wounded."

"Balkan"- Headline, "War;" subheads, "Albanians raid Serb villages", "UNMIK betrays Serbs".

"Blic" - Headline, "Terror against Serbs;" Subheads, "Nine dead," "Serb houses and churches in fire throughout Kosovo."

"Vecernje Novosti" – Headline, "Serbs on the alert – Bloodbath in Kosmet."

The torching of the two mosques in Belgrade and in Nis the night before was shyly mentioned under small print headlines ran by "Centar" and "Vecernje Novosti." The incidents were not even referred to on the front pages of Blic, "Nacional," "Kurir," "Balkan," "Glas Javnosti" and "Politika."

Large part of the print media failed to at least professionally distance themselves from their reports. Instead, they followed the rules of war propaganda by embracing the lowest-level, disqualifying vocabulary and epithets with respect to the "foe."

This is how "Nacional" in its issue of 19 March presented the state-run agency TANJUG's news about an interview Ibrahim Rugova gave to the BBC: "Albanian leaders again *weep and lament* in the lap of their mentors: Rugova demands an independent Kosovo."

The well-known pattern of fueling ethnic stereotypes was set in motion – *In sheer emulation of Racak, used as a pretext for NATO aggression against the FRY, Shiptars prepared a new scenario for independent Kosovo: When is necessary, they sacrifice their own children*" ("Nacional," 19th March). The article deals with an alleged conspiracy of Albanian leaders and most influential international media, notably the CNN, with a view of building up an anti-Serb public opinion worldwide and thus securing independence of Kosovo. Vocabulary used in the print media was akin to hate speech of RTS prime time news commentaries during the wars in Bosnia-Herzegovina and Croatia. "One should note that afoot American televisions, the other day, did not broadcast live from the Kosmet bloodbath. Instead they aired the footage of a bomb explosion in a Baghdad hotel killing 20 Muslims. Serbs are surely not gloating over such a large number of casualties, but cannot but wonder whether Kosmet Shiptars were saddened by the bombing? The incident provides Tachi and his pal Rugova, who are giving synchronized interviews the Croat Section of the BBC in London, with a perfect setting."

Kosovo revolt was a good enough pretext to re-launch the media rehabilitation of the most notorious levers of Milosevic apparatus "Former members of the Red Berets decided to protect Serbs in Kosovo and Metohija: Wolves are coming to aid their brethren" (Nacional, 19th March). Under the aforementioned headline, the article spoke about a certain Joe, former member of the "Red Berets" and member of the "Boys from Brazil" gang, who contacted journalist of "Nacional" and informed that he was about to organize an immediate departure of a group of special agents for Kosovo and Metohija. "This is Brazilian who speaks. Tell the people down there that we are on our way so that they shouldn't be afraid."

So, the readership was "informed" that the commander of those boys was a man called Sareni (Multicolor) and that his nickname associates Milorad Lukovic Legija because of the latter's tattooed body. "They can demonize him as much as they want, they can vilify him as much as they want, but he shall turn up soon and give his account of events. He is a patriot, and that shall soon become evident," said Joe. The paper also ran his statement about "the Red Berets' resentment of Svilanovic, Batic, Tadic and others who wielded all the power in the last three years," and "the anger we feel towards Natasa Kandic, Biljana Kovacevic Vuco and that fat Borka Pavicevic."

In a genuine warmongering and sensational style, a red-white banner "6,000 TERRORISTS THREATEN SERBS" was splashed over the 19 March issue of "Centar." A day later, the daily's front page was dominated by a large photo of soldiers in fatigues, with long, unkempt beards, wearing Chetnik-style fur-hats and holding Serb flags in their hands. The accompanying caption read,

"WE SHALL STAY HERE UNTIL WE DIE." The photograph's style suggested that it might have been shot among the Serb paramilitaries in Croatia and Bosnia during recent wars.

Also evident was the fact that the Serb press embraced the Kosovo revolt with much propagandistic zeal, but with poor journalistic standards. Texts ran during the Kosovo developments consisted mainly of information compiled from domestic and foreign news agencies, and their main feature was a straightforward and factual style of news agencies. To add spice to such style and show their own creativity, editorial staffs of dailies resorted to bombastic headlines, subheads, captions, etc.

What was most striking was the focus on a negative or at least awkward role of KFOR and UNMIK, with an underlying message that Serbia's security forces should be deployed in Kosovo in order to render proper protection to local Serbs.

"Under the pretext of evacuation KFOR is engaged in ethnic cleansing" (Balkan, 20th March). The story quotes "analysts" Milovan Drecun and Zoran Dragisic, "With the excuse of not being in the position to provide protection to the minority Serb population under current circumstances, KFOR and the Kosovo police are engaged in ethnic cleansing, which they call evacuation." The example of village Ugljare was given: "Shortly after KFOR and KPF evacuated locals, terrorists raided the village and immediately began to torch houses."

Coverage of daily "Balkan" issue of 22 March was similarly biased – KFOR seizes Serb weapons, and then tells them it cannot defend them. The story quotes an unidentified Serb from the village of Svinjara, "We opened fire, they withdrew immediately, and then KFOR and UNMIK seized our weapons and told us to leave our village, for they could not defend us. Had they only permitted us, we could have defended ourselves by our own means."

Statement by Branko Krga, chief of staff of the Army of Serbia and Montenegro, given to BK TV, was placed above the aforementioned text: "It is necessary to supplement the UN Resolution 1244 with a document defining a framework for actions of the Army of Serbia and Montenegro in Kosovo and Metohija". The intention and message behind the headline "Krga: the Army of Serbia and Montenegro should be enabled to return to Kosovo" – was quite obvious.

"Vecernje Novosti" (20th March) gave much room to General Nebojsa Pavkovic to comment impotence of KFOR to resolve problems in Kosmet and send across a clear message. "Our army would resolve everything swiftly!" said Pavkovic, adding, "The Army of Serbia and Montenegro has a long experience in combating terrorists, and they have strong memories of our strength." The interview was an opportunity for Pavkovic's nostalgic recollection of the "victory" over NATO and the feats, which had preceded it. "It was never so difficult for us as in 1998," he says and adds, "NATO plans failed, for we had managed to outsmart both William Walker and terrorists."

In the same issue "Vecernje Novosti" ran the text headlined "ARMY SHALL NOT GIVE UP," in which the then minister of defense, Boris Tadic,

floated his stance that Serbia and Montenegro "retain the right to reconsider its Kosovo and Metohija policy in the event KFOR does not comply with the obligations deriving from the UN Resolution 1244 and the Kumanovo Military-Technical Agreement."

While Nebojsa Pavkovic was interviewed by "Vecernje Novosti", another Hague indictee, General Vladimir Lazarevic, on 19th March told "Kurir," "Weapon for a weapon! The international community has been engaged in Kosmet for five years, and has not achieved anything. Therefore, Serbia must voice loud and clear its ultimatum to peace-keeping forces. If they fail to end violence by a set deadline, our army should be deployed to protect Serb people. People are being killed by firearms in Kosovo, and only arms can stop that violence."

The media orchestrated a bashing campaign against Richard Holbrooke. "Blic" of 25th March carried a text headlined "Holbrooke and Tachi planned the current terror campaign". Its subhead was "Secret dinner in Washington", and the text was "illustrated" by well-known photograph portraying the barefoot Holbrooke sitting with the Kosovo Liberation Army soldiers. The daily quotes an unidentified US source claiming that a week before the outbreak of violence in Kosovo, David Phillips hosted a dinner party for many former Clinton administration officials, including Holbrooke and the Democratic Party presidential candidate, John Kerry. According to the source, Hashim Tachi was a guest of honor. "Blic's source maintained that it was agreed to wait for the first good opportunity to launch an offensive. And such an opportunity arose several days later when Albanians, spurred on by the drowning of three children in Ibar began their terror campaign against Serbs."

Much more restrained "Politika" resorted to subtler means in order to join in the anti-KFOR and anti-UNMIK media chorus, notably, by running carefully selected foreign media reports. Thus on 20th of March the daily ran the transcript of the BBC's broadcast, including the interview with Misha Glenny, who said, "The international community may well stop its current activities, which amount to doing nothing....Judging by development, UNMIK is doing its job poorly."

"Blic" of 21st March wrote: "German KFOR without a shot or tear-gas fired left to the mercy of an enraged Albanian mob the Saint Archangel monastery in the vicinity of Prizren. According to Serb sources, a large number of young Albanian vandals simply walked into the monastery, built by Tsar Dusan, while 15 German members of KFOR standing at a nearby bridge watched them silently." The story's headline was explicit: "The monastery torn down before the eyes of KFOR troops."

Uniformly hued editorial policies indicated a tacit national consensus on Kosovo's division, as once articulated by the "father of the nation", Dobrica Cosic. "Kurir" of 23rd March noted that "division of Kosmet is not an ideal solution, but it is the maximum achievable at this moment."

Cosic himself declined to comment the aforementioned idea of his to "Kurir," for, as the newspaper put it, "He is of opinion that such a sensitive topic

may be only broached in the Academy of Arts and Sciences". However, he granted permission to the daily to carry excerpts from his May 1999 letter to the government of France. The letter, inter alia, read, *"If Tito's Yugoslavia did not manage to survive, if the experiment involving a multiethnic Dayton-style Bosnia and Herzegovina failed, it is quite certain that after a civil and ethnic war, a multiethnic Kosovo is also doomed to fail. After the Albanian secessionist insurgency and the US and EU war against Serbia, Albanians and Serbs cannot live side by side in Kosovo...In an absolute awe of a famous academic "Kurir" furthermore carried fantasies of the ex-president of FRY. "In Kosovo and Metohija, around large Serb monasteries and ethnic enclaves, independent states like San Marino, Andorra, Vatican, Lichtenstein, and similar sovereign communities in Europe such as the Aaland Islands in Finland should be formed. The Serb-populated areas in North Kosovo, which have belonged to Serbia since liberation from Turks, until 1958, should be annexed to Serbia, while southern, Albanian majority parts of Kosovo and a part of Metohija should be annexed to Albania, or to an independent Albanian state, if so wish Kosovo Albanians."*

If one relied on the Serb press as a source, one found out that it was well night impossible to establish the exact death toll, or the number of victims, and their ethnic origins. This indicated that at play was not a sudden humanism of Serb journalists and piety towards victims, but an obvious manipulation with relevant facts and figures, plus an obvious intent to absolutely lay emphasis on the suffering of Serbs, and cloud the fact that among the casualties there were more Albanians, than Serbs. The intention was also underscore the passivity of international forces. Contrary to such coverage stood the 21st March report of Co-coordinating Centre, citing that "according to available data, of 31 casualties, 7 were of Serb ethnicity, while national identity of other, larger number of fatalities has not yet been established."

Probably disgruntled by the official version, exposing such a high figure of Albanian fatalities, "Glas Javnosti" (22nd March) resorted to a headline "7 Serbs killed, ethnic origin of other victims unknown".

A lengthy text in "Blic" (21st of March), though headlined "Tallying the casualties and struggle for aid", failed to mention the number of casualties. In the lead-in it was said that 3,600 Serbs and other non-Albanians were moved away. However Serb victims were most frequently individualized, that is given names and surnames. That same issue of "Blic" ran a front-page photograph portraying nine wounded Serbs, and announced other installments with their testimonies about torture to which they had been subjected.

"Politika" of 19th March ran a front-page text headline, "Serbs live in fear". In that article it was stated that "31 people were killed and 500 wounded". However nationalities of victims were not disclosed. The author of the text also anticipated: "It is feared that the death toll is likely to be higher, for international forces failed to reach all the villages ravaged by Albanian militants."

Media whole-heartedly tried to contribute to a new population-wide "national awakening" by the manner in which they covered rallies in Belgrade and other cities staged in support of Kosovo Serbs.

Mob wildling in the streets of Belgrade, during which the Bajrakli mosque was torched, was thus covered by "Nacional" (19th March) – headline: *In Belgrade two nights ago spontaneously rallied group of citizens violently protested against organized killings of Serbs in Kosmet; headline: Young don't want to relinquish Kosovo!* The text contained a statement given by one of the vandals, called-a demonstrator: *"This is only part of our retaliation for all the Serb victims and torching of all Serb monasteries."*

In the same issue of "Nacional" a report on protests in Novi Sad was headlined: *"Canak is an Ustashi"*.

"Centar" (19th March) carried a headline "Albanians are taught how to set fire to our monasteries, while we are not taught how to extinguish that fire." That headline was extracted from a statement of a demonstrator Dragan Pavlovic: *"I am from Gnjilane like Goran Svilanovic. His family has flats here, and I preserved their houses there. Our Hilandar would not have been burnt if had managed to preserve Kosovo. Albanians are taught how to set fire to our monasteries and we are not taught how to extinguish it."*

The text went on to note that the rally enthused over the address by a French publicist, Yves Pattie: *"He correctly enounced-Brothers and sisters I stood by you when you were bombed by American criminals, and I wish no American felt safe in Serbia and Europe. – He called on Serbia and Europe to march into Kosovo.* The aforementioned example is illustrative of attempts to revive use of propaganda clichés and patterns of Milosevic era media machinery, which used to hand-pick great friends of Serb people, notably "a philosopher and humanist" Daniel Shiffer, from a group of obscure, foreign individuals.

Carried away by the propaganda frenzy, "Centar" begun to disseminate utter disinformation. *"After Pattie's address the crowd was surprised to hear the Croat Ambassador Davor Bozinovic say that "today we have fascism in Kosovo, while yesterday we had it in Croatia and Bosnia. We know who is behind it-NATO and international community."* But the truth is that Ambassador Bozinovic was not among demonstrators gathered in front of the government of Serbia building.

As protectors of Serbs in Kosovo, the print media again promoted the Milosevic era patriots. *"The rally was addressed by a renowned actress Ivana Zigon. She invited the protesters to stay the whole night there, to show that Belgrade has a heart. – This is probably the hardest night in the history of Kosovo and Serbia, and therefore, let us please, in large numbers, and peacefully support unprotected children and women in Kosovo."*

"Masses were heartened by arrival of singer Ceca Raznatovic and her sister Lidija. An excited woman ran to her, grabbed her hand and cried out, "Ceca, you are a true Serb." " Ceca told the rally to protest peacefully, and without scandals "to avoid being targeted as culprits by CNN, and other foreign media which always win their wars against us." (Centar, 19th March)

"Ceca stated that she interrupted work on her new LP, for she was not in the mood for songs and carousing-I have tears in my eyes and a lump in my throat. I hope this evil shall end soon, and I intend to stay in the street and in this cordon of support as long as it is necessary." (Kurir, 19th March)

"Among the crowd were renowned actress Ivana Zigon and folk singer Svetlana-Ceca Raznatovic, who called on the electronic media to stop broadcasting music, and then read a passage from the Bible." (Blic, 19th March)

"Politika" of 18th March in the text devoted to "spontaneous protests of citizens" noted the presence of public figures and cultural and political dignitaries, notably, Dragan Kojadinovic, Milorad Vucelic, Ivana Zigon, Svetlana Ceca Raznatovic and Kristijan Golubovic ("recently released from jail") among the crowd.

There was no criticism of protests, though they were riddled with negative manifestations and generally represented means for further radicalization of political situation in Serbia. Events not related to protests, were covered and marketed discreetly, as if they were marginal side-effects of mass rallies (placing of the plaque marking the Zoran Djindjic Plateau shared their fate). Incident at the Plateau was covered by extracts from related Democratic Party press releases. In fact the press did not treat that incident as a news story.

Serb print media depicted the Serb Orthodox Church as the principal victim of the Kosovo revolt, due to massive destruction of its churches and monasteries. That in turn opened room for broadening the political influence of the SOC. The voice of the Church became a kind of a political imperative, and its political counsels something to be heeded by all political subjects, specially the very top state leadership. Government and Church simultaneously masterminded and orchestrated mass rallies, whereby the government officials were even pleased to take the back seat in the whole campaign. The foregoing is best illustrated by a sub-heading "Prayer for salvation of Serbs in Kosovo and Metohija" (Balkan, 19th March): "In addition to the highest SOC dignitaries, members of the government of Serbia and high representatives of Serbia and Montenegro took part in the prayer before the Western door of the Vracar Temple." The church dignitaries were in the forefront, while the state leadership marched beside or behind them. Newspapers were full of photographs of praying state officials with candles in their hands, in humble postures before the officiating spiritual leaders. Thus in those days Serbia even visually did not give the impression of a secular state.

The protests coverage was mostly imbued with high spiritual inspiration and emphasis on the positive impact of the SOC on demonstrators. In other words "Church dignitaries, notably Bishop Amfilohije during the night of the mosque torching, channeled well the protesters' venting of rage and guided well students of Theological Faculty. "Goran Grubic from humanitarian organization "Defenders of homeland" 1998-99 called on the male protesters to set on a journey to Kosovo ...His plea was interrupted by shouts of mostly secondary-school

pupils - Let's go to Kosovo - Kosovo is heart of Serbia - Kill and butcher all the Shiptars. That militant tone was changed to a more pacific one after the appearance of prayer-chanting and icon-holding students of Theological Faculty." (Kurir, 20th March)

High SOC clerics have stopped hiding their hefty political ambitions, and the media servility towards the SOC has considerably contributed to realization of those ambitions. "Glas Javnosti" (20th March), for example, attached much importance to statements of Bishop Amfilohije ("Bartholomew Night and pogrom of an entire people happened in Kosovo") and of Bishop Artemije (*Let's remain in Kosovo, our strongest and mightiest ally God shall help us there*) by posting them on the front-page.

A central-pages text better expressed stances of Bishop Amfilohije: "We expect the international community to call a spade a spade, and help dispensation of justice." He added that if the international community kept failing to protect Serb people and Serb sacred institutions in Kosovo and Metohija, like it did in the last 45 years, our people shall be compelled to defend themselves, their very being, and their dignity."

Spurred on by the religious-nationalistic fervor and pathos the press stoops to abuse of children. The aforementioned issue of "Glas Javnosti" ran a photograph of the three pre-school children, two of them holding high a cross, and one drawing a church design. Interestingly enough that photograph was used to illustrate a brief text relating to a protest rally of Muslim faithfuls in the torched mosque.

Unwritten law on an absolute infallibility of Church expanded on matters of minor importance for the nation, notably on minor abuse charges with which Bishop Pahomije was faced. It was a front-page scoop of "Nacional" (issue of 29 March). That daily furthermore maintained that the entire case was part of covert operation of Security Services of Macedonia in their SOC-bashing campaign. - Pahomije's "vice" was bought for 30,000 Euro. Added to that a thesis was elaborated that "via the Pahomije case, independence of the Macedonian Orthodox Church would be attained." "One cannot help but wonder why the Macedonian Interior Ministry and intelligence officers started that media-bashing campaign...was it prompted by the wish of so-called MOC to finally gain independence...hence the assault of the Macedonian state bodies on the SOC, the only untarnished institution of the Serb people, unlike the Catholic Church, never tainted by sexual scandals...or the vilification campaign was orchestrated by a financially strong Albanian lobby, eager to weaken the SOC influence in South Serbia and by strengthening its influence realize its goal: annexation of that part of Kosmet." Thus the uppermost question of Kosovo was linked to a profane and deviant occurrence like pedophilia...all of which indicated perverted standards setting and shaping the public mood in Serbia. All incidents, including the pedophilic scandal and the fire in the Serbian monastery at Mount Athos, were used to raise the intensity of nationalistic euphoria and hatred towards others.

"Nacional" of 27th March ran a lengthy front-page article: "*Monastery Hilandar torched by Albanians*". In the third page text, a former Hilandar monk disclosed that the fire was not due to the fraternity's negligence, but that it was planted by several Albanian criminals aiming at stealing a Serb relic.

THE HAGUE TRIBUNAL

Unilateral approach to the Kosovo revolt was long-exercised in the press treatment of the ICTY. Negative connotations and open cynicism are constant features in The Hague Tribunal coverage. Added to that the ICTY is one of the most negatively treated topics by the Serb public opinion. Animosity towards that Tribunal is mostly projected towards its Chief Prosecutor Carla Del Ponte. Creators of public opinion in Serbia and their media stooges treat her as evil embodied and the biggest threat to Serbia and Serb people.

At the same time the trend of encouraging "solidarity" with the most notorious ICTY arrestee Slobodan Milosevic and his current and potential neighbors in the Tribunal's Scheveningen detention unit, Seselj, Karadzic, Mladic, Pavkovic...is obvious. Practically the cast was divided into positive and negative heroes as early as in Milosevic's presidential days, and notably after the indictment had been filed against him.

It bears saying that independent media during the rule of Milosevic clique were bolder in distancing themselves from the Milosevic war policy. But now nationalistic homogenization is openly encouraged by all the print media. Moreover newspapers manifest a kind of repentance for the hand-over of Milosevic to the ICTY, and that trend is unabashedly set by gutter press. Power and impact of what is usually called an anti-Hague lobby, a mixed bag of organized gangland and the Milosevic era ruling structures are most visible in coverage of large-circulation tabloids.

In a radical revision of the pro-reform moves made during Djindjic-led government, a key argument in disqualification of the then power-holders is the factor of their, allegedly, too co-operative stance towards the Hague Tribunal. When "Balkan" (issue of 1st March) banners a headline: "*Beba took Carla twice to Chief of Staff*," it plainly shows its *attempt* to monger another scandal involving the figures from the reform block. Contacts which Vladimir Popovic, Djindjic's aide and former Secretary of the Information Bureau of Government of Serbia made with Carla del Ponte (the fact that she is called only Carla by "Balkan" and other newspapers denotes a popular primitivism tone which dominates the public speech in the present-day Serbia) is seen as one of his major sins.

It is also indicative that the source of the aforementioned invective is Nebojsa Pavkovic, who is openly supported by "Balkan" in his plight against the Hague Tribunal. "*Pavkovic also accused Cedomir Jovanovic, the outgoing vice-premier, Nenad Milic, Deputy Interior Secretary, Bora Banjac, Head of Internal Security, Dejan Sotirov, former Telecommunications Secretary and brother of*

Pavkovic's ex-wife, and Andrija Jovicevic, former Montenegrin Interior Secretary, of conniving with the Hague Tribunal. "Balkan" uncovered that all the aforementioned individuals had a common motive for urging Pavkovic's hand-over or surrender to the Hague Tribunal even before indictments against him and other military and police generals Vladimir Lazarevic, Vlastimir-Rodja Djordjevic and Sreten Lukic, were officially forwarded to Belgrade."

Editorial staff of the newspaper allegedly found "unidentified moles" in the top Interior Ministry leadership who reiterated Pavkovic's claims, and made it known that "*Andrija Jovicevic, thanks to his connections in the Podgorica office of the Helsinki Committee, upon his return from an official visit to the US, raised the issue of Pavkovic's arrest and hand-over at the Montenegrin Parliament session.*" According to "Balkan" "*Jovicevic was forced to raise that issue due to friendly persuasion by some circles, and the fact that he had helped Glorija Markovic smuggle out of the country a large foreign currency amount last year.*" *Involvement of Pavkovic's former wife, a very popular figure in some gossip columns, in this conspiracy tale showcases consistent print media efforts to lower political life to the level of a mere show-business.*

The same day the whole front-page of "Centar" was dedicated to statement of Nebojsa Pavkovic and banner-headlined – *Beba Lies – and – the Victor shall not go to The Hague*. The fact that both "Balkan" and "Centar" devoted their space to words uttered by "the victor Pavkovic" seriously indicated that contents, or editorial policies of several media were masterminded by the same centers of influence. And the principal goal of those centers was obviously strong lobbying against co-operation with the Hague Tribunal.

Sub-heading of that text read: "*He brokered that appointment with Carla Del Ponte*", and then in slim-letters: "*Pavkovic files criminal complaints against Vladimir Popovic, Nenad Milic and Ceda Jovanovic because of threats they issued during their bodyguard-escorted visit.*"

Instead of "unidentified sources from top Interior Ministry echelons", mentioned by "Balkan", "Centar" quotes assertions by Pavkovic's lawyer, Nebojsa Pavlovic: "*Nenad Milic and Beba Popovic helped Pavkovic's wife Glorija to totally destroy him in both financial and moral sense.*" Pavkovic proper stated to "Centar": "*Popovic and I have known each other for a long time...he once organized my two meetings with Carla Del Ponte, at her request.*" Pavkovic presented himself as a kind of harbinger of a wave of retaliation towards former officials. "*If Vladimir Beba Popovic has a clean conscience I hope he shall remain in Serbia after the installment of the new government ...*"

Along with Pavkovic, the star interviewee of the 1st March issue of "Balkan" was Milorad Vucelic. The newspaper ran a lengthy interview with the SPS official, under an incisive headline: "*Tadic and Soivanovic must go; there will be no hand-over of four generals*". Using a genuine principle of inversion, Vucelic thus defined co-operation with the ICTY as an obligation of the state to assist in defense of its citizens: "*Of course co-operation with the Hague is one of the main prerequisites... for the state must financially and legally help the Hague prisoners and*

none of the chain of command indictees should be handed over to the Hague." Vucelic thus practically announced promulgation of the Act on Assistance to the Hague Prisoners.

The media pandering to the most notorious Hague escapees is also evident. The Serb press frequently glorifies them as heroes, their families are depicted as victims of the international injustice, and their lawyers' explanations receive much coverage. In the 1st March issue of "Centar" there were two markedly anti-Hague texts, an interview with Kosta Cavoski and a column penned by Uros Suvakovic.

Cavoski, presented as *"one of the most bitter opponents of the Hague Tribunal"*, had the following message: *"Holbrooke's word is not worth a dime."* Cavoski also mentioned an alleged agreement between Karadzic and Richard Holbrooke: *"He was promised to be left at peace if he agreed to step down as President of RS and SDP."* He thus replied to the question whether it was in the interest of Serbia to get financial assistance of the West if one of the strings attached to was co-operation with the ICTY: *"I am guided by a sense of justice, and the one who is not guilty should not assume responsibility. By the way, that assistance is tantamount to a minor sum of hundred million dollars, and not 1 billion dollars. National pride should not be sold for such a minor sum..."*

In his column "Slobodan" Uros Suvakovic analyzed "a total rout of Carla's indictment" and maintained: *"The first part of the process staged by Carla del Ponte against President Slobodan Milosevic ended with the following result 0:400. Practically all Carla's witnesses testified in his favor. "He went on to note that "witnesses, Radomir Markovic, Captain Dragan, Bora Jovic, Zoran Lilic, Lord David Owen, General Morillon" confirmed that "our country and Army of Yugoslavia were not involved into the conflict in former Bosnia and Herzegovina, in the Srebrenica developments, which according to General Morillon, resulted from a previous Muslim crime, that in Kosmet at play was combat against terrorists allied with NATO, that President Milosevic always urged peace..."*

According to Suvakovic, lies of other witnesses were immediately transparent, *"for example, that Albanian who maintained that he was shot down by the Serb forces machine-gun fire from a distance of only 7 meters ...or the German genocide expert who asserted that during the WW2 genocide of Ustashi took place in Croatia!!!"*

"Nacional" of 2nd March was even more explicit than its competition. The following headlines were splashed over its entire front-page: *"Milosevic is innocent", "Bush discloses truth about Serbia", "The Hague Tribunal is on the brink of collapse".* That daily tried to convince the general public that Milosevic was the no. 1 US topic and how that fact might bring us some benefits from the Bush Administration. By transparently manipulating elements of the conspiracy theory, "Nacional" noted: *"A source close to the White House, stated that though Milosevic was an American man he was sold out because of influence of moneyed Croat and Muslim lobbies in Washington and Wall Street...Everything was going smoothly for Milosevic until Holbrooke took charge...he supplied arms to Croats and Muslims and left*

Milosevic high and dry in order no to share profits with him...Bush is yet to grasp why his fellow-nationals sold Milosevic."

According to "Nacional", *"due to the above, the Milosevic trial is doomed to fail...that is the main reason behind resignation of Judge May, and not his alleged ill health."* That is one in a series of texts casting doubt on the health problems of Judge May and used for proving Milosevic's innocence, regardless of the course and contents of trial. Departure of Carla Del Ponte from the ICTY is mentioned as a confirmation of Milosevic's triumph over his indictment - *"This sudden illness of Judge May and only four months given to Milosevic to prepare his defense come as no surprise. The whole thing is a set-up; Del Ponte is already eyeing a top post with the Rome-based International Criminal Tribunal."*

The wording used by "Vecernje Novosti" was: *"Slobodan Milosevic shook up indictment": "Poor performance of Carla del Ponte is mostly caused by the arrogance of that Swiss woman who strove first to make the gravity of indictment strongly impress the general public and lay heavy charges on the former president of FRY and Serbia, and only later tried to collect evidence against him."* (Vecernje Novosti, 1st March)

"The end of the Hague is visible" trumpeted "Vecernje Novosti", in a text by Kosta Cavoski in which he also tried to freely interpret reasons behind resignation of Judge May: *"In my mind Richard May has no physical ailment, but his conscience has made him withdrew from the case. He kept making compromises with his professional conscience by misconducting the proceedings. And then the moment came when his professional conscience could no longer put up with such legal misuses. That is the principal reason behind his resignation, which by extension called into question not only regularity of the Milosevic trial, but also of the entire work of the ICTY."* (Vecernje Novosti, 2nd March)

Members of families of The Hague indictees are also treated well and frequently by the print media. Their arguments in defense of their next of kin are respected. Several dailies almost on a daily basis run reports on developments relating to Ljiljana Zelen-Karadzic, wife of Radovan Karadzic, his brother Luka and daughter Sonja. If those close to Karadzic and Mladic refuse to issue statements, journalists tend to understand and even justify such lack of communicability.

"Centar" of 23rd March on its front-page pompously announced an interview with Vera, wife of General Mladic by a headline: *"Ratko gave everything he had for Serbs."* Then we learn from the text on page 12 that in actual fact Vera Mladic uttered only a similar sentence, while driving reporters away from her gate. *"The white gate was locked, no-one from security was in sight, but then a flustered woman ran out of the house and told us to leave immediately. She angrily yelled: Ratko and I gave everything we had for the Serb people. Others should think about Serbs now," and slammed the door.* Thus, Mladic's wife is "angry", and not unkind or uncouth.

Contrary to Vera Mladic, the aforementioned members of Karadzic's family are fond of giving public statements, and that propensity of theirs is

generously welcomed by press. In its 3rd March issue "Vecernje Novosti" ran a lengthy interview with Luka Karadzic, in which he spoke in detail about his brother's alleged deal with Americans, his talks with Pierre Richard Prosper, the US Ambassador for Human Rights, and the way in which Americans obstructed his business "for I am the only family member engaged in business". "Prosper was a guest in our house... and before my mother he brazenly stated that they will liquidate Radovan, if he does not give himself up." When asked how he and his mother reacted to those "threats", Luka Karadzic replied, "How can a mother react when she is bluntly told in her house that someone intends to liquidate her son!!"

Two days later, on 5th March, "Vecernje Novosti" ran a lengthy interview with Ljiljana Zelen-Karadzic. She reiterated Luka Karadzic's words regarding Karadzic's deal with Holbrooke, "which ultimately was trampled upon by Americans," and spoke about threats issued by envoys and their demands for Karadzic's surrender. At the end of the interview the next installment was announced by the following headline: "They seized evidence of Radovan's innocence".

Karadzic's wife was interviewed frequently by other dailies. In her interview to Centar" of 5th March it was inter alia noted: "Karadzic's wife lives at Pale. In the course of several NATO-staged Radovan-hunts, her house was repeatedly searched – They took my wedding certificate, but I know that I am still married to him – she added bitterly. " Several days later she made sensational claims in "Centar", vilified the Hague Tribunal, and accused it of widespread corruption. Daily's front-page bannered a headline: "The Hague Tribunal investigators wanted \$ 5 million in order to withdraw the indictment."

"On several occasions I met with self-styled Hague investigators. Those "secret meetings" were organized everywhere in Bosnia and Montenegro... Sometimes Luka accompanied me, but mostly I went there alone. After sitting down they used to produce their IDs and we would start talking...The end of our conversation was always the same – they asked us money in order to withdraw the indictment. Various amounts were mentioned, first \$ 100,000, and later \$ 5 million. They would allegedly see that the money reached the right place..."

Karadzic's wife discredited the ICTY both on ethical and political grounds. "Radovan shall not surrender while in the Hague only Serbs are accused, and not a single muslim (Muslim written with small m) or Croat is brought to trial to answer for crimes against Serbs...the Tribunal is behaving as if we did not have a three-side war, as if Serbs did not suffer..."

In general it is an established practice to allow the Hague indictees (Seselj, Pavkovic, Lazarevic...) and those backing them on parental or other grounds to engage in political agitation and to lay a great emphasis on their political comments and ideas. Little is written about the contents of indictments. Press reports tend to be satisfied with the indictees' families views on the Tribunal, their phrases on their necessity to defend their own country, etc.

Some prominence was also given to the family of indictee Veselin Slijivancanin. His daughter Aleksandra maintained in "Vecernje Novosti" -"My innocent dad is imprisoned in the Hague (10th March), and added that she expected staging of imminent trials of Goran Svilanovic, Cedomir Jovanovic and Dusan Mihajlovic "for handing over my father to the Hague Tribunal."

Hostile stance on the ICTY featured also heavily in professional and decent "Politika", which insisted on the story about the violated US deal with Karadzic. "Richard Holbrooke's interview to "Dnevni Avaz" was undoubtedly a major favor to Belgrade and Serbia, for it was tantamount to a public confession of what had already been suspected, namely that the then Clinton Administration guaranteed to Karadzic liberty and immunity from the Hague Tribunal prosecution in exchange for his resignation. In mid-90's Madeleine Albright, Secretary of State promised to President of RS Biljana Plavsic that Karadzic would be exempted from international, legal prosecution, if he withdrew to the River Piva canyon and started practicing psychiatry in an American-built hospital. " (Politika, 1st March)

Leaving aside the veracity or falsity of theories about the US-Karadzic deal, one cannot but notice a continuing and large scale relativization of moral norms in Serb press: immorality of violators of a secret and highly problematic deal is underscored, while the reasons of Karadzic's indictment are totally disregarded.

By and large Serb press seems to have reached a tacit agreement on how to totally ignore the ICTY and its trials. Developments which could help boost the necessary facing process among the population at large are glossed over. Coverage of the ICTY-related information and news is patchy and brief. For example sentencing of Admiral Miodrag Jokic (18th March), was not even mentioned by some dailies, while previously his admission of guilt failed to attract the minimum media attention. Serb press, barring "Politika" and "Vecernje Novosti," was not even interested the sentence meted out to Serb Ranko Cescic (11th March), following his admission of heinous crimes committed against Muslims and Croats.

Newspaper which covered the work of the Hague Tribunal more amply, "Politika", nonetheless tended to assume a highly negative and critical stand towards it. This is best illustrated by writing of the "Politika's" journalist Zorana Suvakovic, whose regular columns about the ICTY were riddled with snide comments and bias with respect to the proceedings conducted in that international institution and its Chief Prosecutor Carla Del Ponte.

"One can only try to guess the motive behind the Brussels statement of Carla Del Ponte that according to her sources both Karadzic and Mladic are hiding in Belgrade. But something has changed regarding the international faith in the Chief Prosecutor...her statements are no longer taken for granted. Only few people believed in her words this time around, notably, Natasa Kandic, President of the Fund for Humanitarian Law." (Politika, 2nd March).

The above quotation indicated that "Politika" also joined in the media-bashing campaign targeting not only the Hague Tribunal, but also "domestic

traitors", that is, NGO activists. Such coverage aimed at strengthening the logic that the national interest would be betrayed if co-operation with the ICTY and compliance with obligations taken on by Serbia was urged and advocated.

The aforementioned journalist of "Politika" has a special penchant for malicious speculations about deals between the ICTY and indictees admitting their guilt. In other words she diverts the attention from contents of those confessions to the allegedly "bought" benefits and amenities. In her text with highly suggestive sub-heading and headline, "Special status of Milan Babic" and "Award for co-operation", Zorana Suvakovic, inter alia, comments: "*The news spread in the detention unit in Scheveningen that one of the inmates was re-located...the person in question is Milan Babic, former President of Republika Srpska Krajina, who, thanks to his co-operative stance during the Milosevic trial, automatically earned his pass for many, special amenities.*" (Politika, 27th March)

Media are not particularly interested in domestic war crimes trials. When they cover them, they tend to treat the indictees benevolently. "*I have never shot a single civilian or children*" was the headline of "Centar's" lengthy text on the final defense statement at the end of the trial of Sasa Cvjetan, former "Scorpio" unit member, charged with killing of 14 Albanians and wounding five children in 1999 in Podujevo (17th March.) The side-box included the following sentence: "*Kandic brought a false witness*". The text gave much prominence to Cvjetan's claims that his trial was politically motivated, that during investigation he was exposed to threats and intimidation, and that he was compelled to admit his guilt in order to save his life.

Cvjetan's final statement regarding a 20-year prison conviction was included in the lead-in of the 18th March "Centar's" issue: "*The biggest crime is to convict an innocent man. I shall cross myself now, and to you judge I wish all the best. God shall judge you.*" *After the remark that Cvjetan calmly heard the sentence, the author compassionately noted that his mother and sister kept weeping and saying that there was no justice. The side-bar's headline was in fact the statement made by Cvjetan's father: "My son has not killed anyone! He is innocent and I don't know why he is sent to jail. This is all a major, political set-up. Shame on them!" Other papers reporting on that trial also stuck to the pattern of denial of guilt by the indictee.*

VOJVODINA

Serb press covered extensively Vojvodina until the eruption of revolt in Kosovo. The print media unanimously condemned "Vojvodina's separatism" and provincial authorities, mostly composed of members of former DOS. Intensity of bashing of "autonomy-minded" and "separatist" officials grew after adoption of "Subotica Initiative", the signatories of which were widely vilified by all newspapers.

For example, "Balkan", 1st march issue, devoted its whole front-page to so-called Vojvodina issue, though it was regularly treated on internal pages. Without naming anyone in particular Nebojsa Covic condemned "Vojvodina

pro-autonomy reformers" and called them "relics of the communist-bureaucratic legacy". Kosta Cavoski accused Nenad Canak of working for the Croat government, and Dusan Janjic spoke about alleged lobbies in Germany, Austria and Hungary, "interested in promoting separatism in Vojvodina." In such a context the news headline "Canak underwent his 12th operation" should not be treated as a show of disregard for the politician's privacy, but rather as a minor and malicious contribution to an open anti-autonomy campaign.

On the same day "Centar" let Mile Isakov rant against parties rallied around "Subotica Initiative.", but failed to provide the attacked ones with an opportunity to air their views on the gist of that initiative. That intentional fuelling of an anti-autonomy mood is best illustrated by the following formulation of the street poll question: "Is Kasa trying to effect secession of Vojvodina?" "Nacional" in its text of a highly suggestive headline "Canak and Kasa invoke protectorate in province" explained that allies of Canak and Kasa are "communist Methuselahs Zivan Berisavljevic and Bosko Krunic", while it went on to portray a far-right right-wing movement "Svetozar Miletic" "as the most massive NGO in Vojvodina". Canak was also vilified for "being close to organized gangland."

Pro-autonomy politicians are criticized for trying to "internationalize the Vojvodina issue". "Centar" (2nd March) ran a lengthy commentary by Milan Bozic. The author was very critical of Nenad Canak's methods: "Internationalization. That is an old method, but in this country it is very popular. During disintegration of Yugoslavia it was the principal means for effecting secession of nations and republics. When a state is weak, sponsors for such a venture are easily found."

"Glas Javnosti" (2nd March) also dealt with Vojvodina in the text titled "Separatists do not enjoy large popular backing". It is conspicuous that the term "separatists" was not considered too strong in a situation in which a showdown with forces rallied around "Subotica Initiative" was being contemplated. Unbalanced tone of that allegedly analytical text is best demonstrated by the fact that it contained only statements by masterminds and advocates of "Declaration on Vojvodina", a counter-thesis to "Subotica Initiative" - from Democratic Party of Serbia, Serbian Renewal Movement, New Serbia.

"Glas Javnosti" tends to manifest its militant, nationalistic bias and propensity in the column "Voice of readers", reserved for opinions of daily's readers. Thus the 2nd March issue of "Glas" in that column included a letter from an Obrenovac reader, headlined "Amazement" and with a sub-heading "Are there Serbs in Vojvodina?"

Author of the letter wondered about the number of Serb MPs in parliament during the voting on symbols of Vojvodina. He also likened Vojvodina separatists to "Shiptars in Kosmet", questioned Canak's and A. Crkvenjakov's nationality, in view of the fact that "RTS dealt only with marginal problems of Serbia."

Renewed fuelling of international conspiracy theories is also a hallmark of the press treatment of Vojvodina issue. "Nacional" (2nd March) on two pages ran a text proving that "ethnic federalists from EU back secession in Vojvodina and separatists in Serbia.". The author in fact talked about "the Assembly of European Regions, established in 1985 by a group of Portuguese, Spanish and French politicians ... Germans, namely politicians from the Baden-Wurttemberg region, who later joined that group, are now spearheading operation aiming at effecting the secession of Vojvodina. The author, Zoran Petrovic Pirocanac, an old expert in conspiracy theories, then quoted the book "Minorities and regionalism, investigation into a German plan likely to alarm Europe." According to Pirocanac and Pierre Illar, a historian and the book's author, "the Institute is striving to grant political autonomy to regions like Vojvodina, but regions which shall be ultimately governed by supranational Brussels institutions." According to Pirocanac and his source and inspiration "the whole project is discreetly backed by the German government". In his conclusion Pirocanac made it known that "all ethnic federalists, from Canak, Kasa to those in Sandzak and among Vlachs, are being funded and backed by a single institute, the Assembly of European Regions."

Under Pirocanac's text, there was a text headlined "Minor left-wingers join Kasa and Canak." The text was obviously tantamount to a comment " how the pro-autonomy politicians at the First Vojvodina Convention adopted the Subotica Initiative, envisaging the secession of the northern province from Serbia". The stance of editorial staff on that topic was best indicated by the side-box's headline "The mood of boredom, typical of pro-autonomy movement, permeated the Convention.". "The most interesting speech at the first Vojvodina convention was held by the veteran pro-autonomy advocate, Zivan Berisavljevic. His boring speech was riddled with phrases like "Serb nationalists", "clerical fascism" and "nationalistic-centralistic"...

"Vecernje Novosti" of 1st March devoted its whole page to "stormy reactions to Subotica Initiative", and the following headlines featured heavily in that issue, "Hoax of defeated pro-autonomy advocates", "Outsiders look for salvation", "There is no Vojvodina issue", "Interests of Serbs under threat", "Provocation of citizens", "and Ball of vampires".

Under the headline "Incapable of engaging in politics or football", "Vecernje Novosti" (4th of March) ran an interview with Dejan Mikavica from the Novi Sad branch of Democratic Party of Serbia: "Pro-autonomy advocates' attempt to return to political life, foreign interference in internal affairs of Serbia and Subotica Initiative are tantamount to disregard of will of the majority citizens of Vojvodina...Provincial flag is like the club one, and they are not capable of engaging in politics or in football." Total misunderstanding which imbued a "dialogue" between a journalist and interviewee was best demonstrated by the following question, which came after a series of Mikavica's critical remarks: "How this Subotica Initiative complicates relations in Vojvodina?" Journalist prodded his interlocutor to voice "more" condemnations of his political opponent, and failed

to confront him with the opposed stands, and consequently initiate a genuine and substantive dialogue.

Vojvodina flag was effortlessly re-named "Canak's banner" by "Vecernje Novosti." The text headlined "Canak's banner flying in the face of polemics", read: "Department for General Affairs of the Assembly and Executive Council of Vojvodina reacted promptly to the pertinent parliamentary decision by hoisting that banner in the middle of the night." Representative of the Serb Fatherland Movement "Obraz", Mladen Obradovic, was provided with an opportunity to comment the newly-adopted Vojvodina symbols in "Vecernje Novosti": "Bizarre hybrid of that banner is a result of the wish of the incumbent power-holders in Vojvodina to retain as long as possible their positions and to attempt to effect the secession of Vojvodina."

All the foregoing means that political dogmas, established in early stages of Milosevic rule, notably an absolute aversion to any form of Vojvodina autonomy, are still very much alive and valid in the Serb media sphere.

RESTITUTION

Editorial policies of many print media joined a wide front of struggle for invalidating all the reform effects of previous government. Trend of demonization of the late Prime Minister Zoran Djindjic was so conspicuous, that many could draw an ironic conclusion that Djindjic was behind his own assassination.

"Nacional" (10th March) launched a front-page scoop, that several days after 5 October "Djindjic set up assassination of Velja Ilic". Source of this sensational piece of news was "close to the leader of the New Serbia." *Assassination plot was carefully hatched in the very heart of the then DOS, in the then headquarters of late Prime Minister Zoran Djindjic. Though the name of prospective assassin was never disclosed, it was known that the defeated police forces of Slobodan Milosevic were to be accused of that crime!*"

There were orchestrated attacks on the closest Djindjic's aides, while from the pages of various newspapers obscure political figures like "Duke" Sinisa Vucinic or Borislav Mikelic implied that Djindjic's assassins were hiding among the circle of his closest aides, and accused former Vice Prime Minister Cedomir Jovanovic, former head of the government's Communication Bureau Vladimir Beba Popovic and former Deputy Interior Minister, Nenad Milic of the heinous crime.

In parallel press treated with increasing respect notorious high officials of Milosevic regime and criminals arrested during the action "Sword". Those in the dock through their lawyers and other representatives of their interests were increasingly engaged in a special war against the Special Court and the media were their principal weapons in that war. Several daily and weekly tabloids were the most drastic examples of instrumentalization for the sake of revival of Milosevic men and organized gangland: "Nacional", "Kurir", "Centar", "Balkan",

"Svedok"... However, other print media, which still enjoyed some professional reputation, failed to contribute to creation of a different public mood.

Of great concern was the fact that editorial policies of reputable and long-standing weeklies, like "NIN", frequently replicated the ones pursued by a slew of tabloid trash. To put it more concretely, the foregoing was most visible in "NIN's" efforts to give prominence to various "secret" documents and their tendentious interpretations with a view of invalidating indictments against those involved in Djindjic's assassination.

Principal target of public criticism, which sporadically acquired dimensions of a veritable persecution, were members of the former DOS government. The incumbent government was rarely criticized, not even when it made controversial moves like the naming of Rade Bulatovic, arrested during the "Sword", head of Security-Informative Agency. Media avoid criticizing the government even when its moves were of a genuinely anti-reform character, notably, revision of the previous educational system reform, or interventions in the field of privatization which were slowing down that process, or intention of the Industry Minister, Dragan Marsicanin to freeze impending privatization of nationalized companies. Absence of minimal social consensus on issues having a bearing on Serbia's future, notably firm orientation towards European integration and transition into a free-market society, enjoying rule of law and respectful of human rights, was reflected by the Serb press.

Possibility of suspension of the Special Court, discreetly announced by the Justice Minister, Zoran Stojkovic, had been already trumpeted with much passion by part of press, which in parallel manifested an openly apologetic attitude towards those indicted for Djindjic's assassination. Pattern of romantic glorification of criminals was a legacy of the wartime Milosevic era, during which "tough guys from Belgrade streets" overnight were transformed into national heroes, courageous individuals, brave volunteers defending defenseless Serbs.

Depicting him as the "*Last Serb Don*", "Centar" of 9th March devoted four pages, including the front one, to "an exclusive testimony of Kristijan Golubovic". In the manner of a Hollywood star, Golubovic posed before photographer, with two Magnum guns in his hands, an enormous golden cross around his neck, and tattoos all over his chest and arms. Headline contained his principal message: "*If criminals were like me, Beograd would be full of flower scent*". Kristijan's opinions also received much coverage in other tabloids: "Kurir", "Balkan", "Nacional".

As "Centar" assessed that Golubovic was the right person to answer the question "*why Siptar and Godfather were killed*", we learnt: "*They failed to obfuscate the reasons behind Draza Mihailovic's murder...therefore we shall learn how, as they say, two ordinary, provincial criminals were killed.*"

Journalist then asked him : "*In the final stages of trial, you said that you refused the offer to kill Djindjic? And Kristijan replied: "The best are always chosen.*"

". *But when his mother warned him that he would better clam up, Kristijan refused to make any more comments.*

Readers were told that Golubovic "*once again attracted the media attention when, following his release from the Central Prison, he showed up at the funeral of Legija's father.*" By the way, death and funeral of Legija's father, Milorad Ulemek, were attentively followed by all the print media. They managed to produce a series of teary reports in which flowers brought to the graveyard were also counted! Added to that the owner of a private medical centre in which Ulemek spent his last days, was also interviewed. According to him, "the patient in his last days, firmly maintained that his son was innocent."

Contrary to hatred to which the previous, Djindjic-led authorities, were exposed, many exponents of Milosevic regime were rehabilitated, and some even in the meantime became regular columnists (Zeljko Simic and Uros Suvakovic in "Centar")!

Sporadically Milosevic stooges or close aides re-surfaced in the role of experts or "free thinkers". "Vecernje Novosti" (14th March) thus dedicated half a page to "analytical" musings of Vladislav Jovanovic, Milosevic's Foreign Secretary. By the way that tabloid failed to explain the reasons for considering Jovanovic's opinions on key state problems, notably Kosovo-relevant! He, inter alia, said: "*Once again we don't have a normal state, for it was sacrificed to pander to foreign protectors and -internal separatism. We must staunchly defend our deed on Kosovo and Metohija and do our utmost to return that province to our state-legal fold. We must bear in mind the fact that the last stage of disintegration of the SFRY is destined to happen in Serbia. Hence NATO must change its stand on our borders and sovereignty to allow us to have grounds for acceding Partnership for Peace.*"

Serb press eagerly effected a public resuscitation of Milorad Vucelic. According to the print media his strengthened role in the political scene was quite legitimate, and hence his presence on press pages was-enormous. The gist of Vucelic's mind-set, was best reflected in the headline above his interview to the 1st March issue of "Nacional" : "*Democrats are the root-cause of all evils in Serbia*". One may as well conclude that his view coincided with the orientation or leanings of the large part of the print media in Serbia. Under the guise of combat against Democratic Party, branded as a lair of corruption and crime, a violent media showdown with modest reform endeavors made during Djindjic brief era and revival of values, policies and persons from Milosevic era was enacted.

Ceda Jovanovic, Vladimir Popovic and Nenad Milic have been branded "the main culprits" and several media have been focused on permanent tarnishing of their reputation. There were even open media-launched calls for their lynching. Best illustration of the above, was an interview of Sinisa Vucinic to "Nacional" of the 8th March. "*Beba and Ceda killed Djindjic*" was Vucelic's message on the front-page of "Nacional". Portraying Vucinic as the "leader of the Serb left-wingers", "Nacional" disclosed: "*Vucinic called on Dusan Mihajlovic to admit that the police lobby from DP spearheaded by Beba Popovic and Ceda*"

Jovanovic killed Djindjic. He underscored that Janjusevic, Kolesar, Vesic and their pals were creators of the famous third bullet which killed Prime Minister."

Editorial staff of "Balkan" sporadically decided to act as a lone avenger. For example the 10th March headline "Beba must be tried by the state", announced an alleged poll of the newspapers on home pages. But instead of that poll one could read a letter addressed by the team of lawyers of Vladimir Popovic, to the state prosecutor and other state bodies "to protect Popovic from the lynch calls voiced and propagated by Nebojsa Pavkovic, Aleksandar Tijanic, Borislav Mikelic, Sinisa Vucinic and Milorad Vucelic." In the lead-in there was a statement by Biljana Kovacevic-Vuco, head of team of Popovic's lawyers, but the bulk of the text was devoted to reactions by Nebojsa Pavkovic and Borislav Mikelic. Reaction by Aleksandar Tijanic deemed most important was accordingly singled out in a side-box. Assertions from the front-page "Beba must be tried by the state" was absent from any quotation, so one must assume it was a fruit of synthesis of editorial staff proper.

Contrary to ridicule with which the Serb press treated threat claims by Vladimir Popovic, those who used to make up the top leadership of Milosevic structures, like Milorad Bracanovic took those threats very seriously. "Nacional" (17th March) in its renowned sensationalistic manner, placed Bracanovic's statement on the front-page: "I am waiting for them to kill me". "I am not a coward, I shall not hide, but I have a feeling that many would like to see me dead, therefore I fear that I may be liquidated-Bracanovic told his friends repeatedly..." "Nacional", went on to note that those in the know maintained that : "Bracanovic does not have weapons, for his private arms license was seized. He lives in seclusion, like in the past, when only few knew anything about him and his business." The paper showed a clear affinity for Bracanovic and understanding for the plight of the man "who lives without pomp and in seclusion".

Serb press obviously made concerted efforts to maximally devalue the "Sword" action, to extract the admission that the March 2003 state of emergency was an attempt to introduce dictatorship and totally usurp power, with total disregard for the then dangers faced by the state. In public life many are with great efforts trying to emphasize their plight during period of restriction of civil liberties, and as many do it with a retributive zeal. Therefore one gains the impression that several weeks spent at press briefings in the government of Serbia are far more traumatic for journalists than a decade spent under Milosevic repressive regime, when they were exposed to terrible provisions of the draconian Information Act, better known as Vucic's Act or his censor's scissors during NATO intervention. .

There are no limits to actions aimed at blunting the edge of the "Sword action," and that vilification is done in an obvious interest of those whom that action had targeted. "Balkan" of 29th March launched an ordinary topic as its –scoop. Front-page banner headline "ILLEGAL", and sub-heading "Ceda destroys the Siler street house", aimed to prove by dint of "investigative journalism" that "a famous house was destroyed because of arrogance of Ceda

Jovanovic: "and regardless of the fact that the building license was to be granted soon...all houses in that street were to be legalized, for there were no related property disputes...There were some town-planning problems but, under the law in force, that house stood great chances of being legalized soon."

To that pedantic legalistic stance in the sphere of town-planning, "Balkan" the following day (30th March) linked a pompously launched speculation that "destruction of the house was very swift in order to "invalidate all the evidence." Marko Nicovic, presented as a lawyer and police expert, maintained: "In my mind that action was motivated by the wish to destroy all the traces, all evidence, starting from hair, other DNA samples, to other tapping devices which had been probably built into the building. All the foregoing necessitated a total destruction of the house. That was the safest way to remove all electronic tapping devices."

As we have already mentioned so-called Special Court is also exposed to media subversion. Some dailies predict its swift dismantling, "Balkan" of 25th March, for example, "investigates": "Shall suspension of the Special Court bring about changes in trials of criminals?" Serb press indulges in banal reporting, for example "employees of that court have higher pays from other judicial staff. Hence the only novelty could be the evening out of their pays with those of their colleagues from regular courts of justice." Indicative is also the insistence on the possibility of changing the status of co-operative witnesses; "Balkan's" very headline "Cume and Djura the Mute in the dock" has the tone of announcement of such a change. This casts doubt on some media. That is, makes obvious their connections with some organized gangland circles, and indicates their role as a lever in intra-mafia showdowns.

Two days earlier (23rd March) "Balkan" asserted that "the Serb lawyer elite" responded positively to the initiative for suspension of the Special Court. According to lawyer Borivoje Borovic, interviewed by "Balkan": " In parallel with suspension of the Special Court I expect arrest of many high officials of the Interior Ministry and Special Prosecution, for they kick-started many proceedings contrary to law."

Borovic's colleague, Bosiljka Djukic, enthused over such a possibility. She told "Balkan": "Formation of that department was a result of the state of emergency. As that state of emergency was lifted, there is no longer need for that Special department. The very term Special court creates a mirage of an important and serious institution, of people being treated differently, of higher prison terms being passed, while essentially everything is identical to the work of regular courts." Interviewer failed to notice that judge's Djukic remark about "higher prison terms" was superfluous, for no sentence had yet been passed by that court.

In principle values advocated by editorial policy of a paper, are best recognized in columns which, under the laws of journalism, tend to give precedence to the stand and not information, and to which rules of journalistic neutrality cannot be applied. The current column offer in daily press demonstrates the current political climate, or its media shaping. Here is a list of

current columnists: Zoran Petrovic Pirocanac and Marko Jankovic in "Nacional", Uros Suvakovic, Dragos Kalajic, Aleksandar Vulin, Dusan Prelevic and Zeljko Cvijanovic in "Centar", Bogdan Tirnanic and Dejan Vucicevic in "Kurir", Zeljko Vukovic and Mikan Milovanovic in "Vecernje Novosti"...Their stylistic qualities and reputations are different, but what they have in common is their ample use of hate speech, chauvinistic disqualifications, aggressive stance towards their opponents...

Frequently long columns are polygons in which the most extreme primitivism, long driven out from public speech of ordered societies, is manifested. *"Where are now those dried up female herrings that care so much for justice, Beba, Shiptar and jailing of Serbs? Where is that moron named Shitty? To whom does Sonja now belong? And where is that chatter-box of Borka? Where are you, Pera, you cunt? ..."* wrote Dusan Prelevic ("Centar", 20-21st March), inspired by the Serb suffering in Kosovo.

Prelevic, alike his aforementioned colleagues, writes in a similar tone and mood about the Hague Tribunal, Vojvodina, Europe, DOS...about topics analyzed in this report as the key ones in March 2004, as the topics which best mirrored the general political mood and degree of (non)-readiness of this society to latch on European integration process. Primitivism, nationalism, xenophobia, populist conservatism and other hallmarks of those columns are, unfortunately, a clear sign that the whole society is still suffering from the aforementioned ailments.

NON-GOVERNMENTAL ORGANIZATIONS

In parallel with the March violence in Kosovo and in Serbia, Belgrade media launched a new campaign against NGOs dealing with protection of human and minority rights, clarification of war crimes and their background. The said campaign primarily targeted the Fund for Humanitarian Law, Jurists' Committee for Protection of Human Rights, and the Helsinki Committee for Human Rights in Serbia. Arguments and vocabulary of that campaign was a throwback to the pre-war and wartime hate speech in former Yugoslavia, which targeted mostly non-Serbs and the regime's opponents. The aforementioned NGOs were portrayed by the print media as unpatriotic and bereft of compassion for the Serb victims in Kosovo. Result of those media messages were threats to female activists of NGOs¹, and condemnation by the "vox populi" or in citizens' comments² in live TV panel discussions. The latter

¹ During the Kosovo revolt protesters led by Sima Spasic, head of Association of Displaced Persons from Kosovo, tried to raid premises of the Humanitarian Law Center. Patriotic posters -"Serbia to Serbs", "Serb for Serb", "Kosovo is Serb, it is and will be", "Raise Serbia! KFOR shall not helps us"-were affixed at the entrance to the Helsinki Committee premises.

² In the program "Impression of the Week" broadcast by TV B92 (21st March) a viewer asked guests what they thought about NGOs which primarily blame the Serb

amply indicated the impact of the media policy on the general public. That media-bashing campaign was very radical-the best example being a text penned by Bogdan Tirnanic for the elite and influential weekly "NIN"- and reminiscent of similar campaigns conducted just before the murder of Slavko Curuvija and assassination of Zoran Djindjic.

As population at large anew coalesced around the Kosovo issue, the space for an analysis leading to the crisis resolution was once again closed. In the last three years anti-nationalistic NGOs and other like-minded groups engaged in a decade-long struggle against Serbian nationalism as a dominant cultural and political model, were sidelined or rather -hushed up. The new regime created new organizations and groups, and imposed them to the international community as principal interpreters of developments and processes in Serbia.

University professor, Svetozar Stojanovic, close to the incumbent ruling structures in Belgrade and collaborator of Dobrica Cosic, the main ideologue of the "Greater Serbia project", from the pages of daily "Politika" tried to get the following message across: "there is a need for a research/investigating institution to take on a systematic monitoring, assessment and evaluation of competence and objectivity of public speakers and commentators, and accordingly to regularly inform the general public"³. He went on to note "some domestic descriptions and assessments of our developments are riddled both with narcissistic aggression and provincial servility towards decisive foreign powers and their dictates. In their excessive laments over alleged domination of extremism in our society, authors of those laments manifest such an obvious lack of balance that they simply invite the epithet meta-extremists." Stojanovic then asked the influential circles in the West "How long do you intend to primarily rely on self-projected assessments and predictions of a tiny minority of anationals (sic!) and simultaneously well-off Serbs?" Stojanovic's words were practically confirmed by the Serb Prime Minister Vojislav Kostunica in the program "It is not typical for Serbs to keep mum" broadcast on 28 March 2004 on BK TV: "Some NGOs are to be blamed for a bad international image of Serbia."

The last wave of media-bashing of the aforementioned three NGOs, was initiated by large-circulation daily "Vecernje Novosti" during the March violence in Kosovo. On 21st of March 2004 the newspaper ran a text headlined "Let's stop Serb extremists". That vilification campaign was continued by tabloid "Inter-nacional", and wound up by Bogdan Tirnanic's column in weekly "NIN."

government and the Interior Ministry for recent development, and not KFOR and UNMIK. Vladimir Bozovic, head of Legal Department of Co-coordinating Centre for Kosovo and Metohija confirmed that stand without any reservations, and moreover accused NGOs of acting detrimentally to the state interests.

³ "Politika", 20th January 2004.

"Vecernje Novosti" dealt with reactions of NGOs - notably of the Humanitarian Law Center, the Lawyers' Committee for Protection of Human Rights, the Helsinki Committee for Human Rights in Serbia, Women in Black, and the Centre for Cultural Decontamination - to Kosovo developments. It started with a commentary: "In the last 10 years NGOs concerned about human rights have vocally protested in the media and in the streets even against the most minor incidents or controversial statement relating to national minorities. Hence it is surprising that their voice is not heard in this situation, in the situation when Serbs are killed in Kosmet." Not a single journalist of "Vecernje Novosti" or of any other medium called the Helsinki Committee to ask for its opinion directly. But the newspaper continued in the same bashing vein: "On the Committee's site even the fifth day into the Kosmet pogrom there are no statements." By the way on 19th March on the site was posted information about publication 'Strengthening of democratically efficient governance in multi-ethnic milieus', and info about the namesake seminar and project. President of the Jurists' Committee Biljana Kovacevic Vuco told a journalist that "her organization responded to the Kosmet developments, but that no print medium carried that reaction." She added: "someone is trying to portray us as backers of that violence, while we in fact condemn it." In its statement the Fund for Humanitarian Law underscored that "situation in Kosovo was caused by actions of the Interior Ministry and government of Serbia, and by UNMIK and KFOR in Kosovo." Borka Pavicevic, director of the Centre for Cultural Decontamination was quoted as saying: "We must stop destruction of sacred cultural monuments in Kosmet and Serbia-wide."

Director of the Belgrade Centre for Human Rights Vojin Dimitrijevic was "revolted by a widespread pogrom of Serbs in Kosovo and Metohija". He stressed that "all Serb NGOs have a moral commitment to condemn that pogrom, and demand punishment of perpetrators." All this is reminiscent of the uniform character of public word during NATO campaign.

Tabloid "Inter-Nacional" on 22nd of March ran a front-page text headlined "Advocates of human rights are concerned about torching of mosques, but not about genocide against Serbs in Kosmet" along with photos of Director of the Fund for Humanitarian Law, Natasa Kandic, President of the Lawyers' Committee for Human Rights Biljana Kovacevic Vuco and Chairperson of the Helsinki Committee Sonja Biserko. Lay-out of the text (headlines and sub-headings) was fabricated. Though Sonja Biserko told the paper's journalist that she was in the middle of a working lunch, and that if they called here tomorrow "she would gladly answer his questions", the caption under her front-page photograph read: "I am having lunch, please call tomorrow." Later that day the same journalists called all three presidents and by presenting himself as a journalist from another newspaper, asked them whether "minorities felt safer after the mosque-torching."

Persecution continued in the next issue, of 23rd March, when the paper ran a statement of the Belgrade lawyer Svetozar Vujacic under the headline

"Activists of NGOs face a three -year prison term" and sub-heading "Vuco, Kandic and Biserko spread misinformation and hatred". Vujacic went on to note: "What the three self-styled activists of human rights said about the mosque-torching is punishable as a criminal offence of spreading misinformation with a view to alarming the general public. That offence entails a punishment of a three-year prison term. I expect the public prosecutor to react to the offence." In that context Vujacic quoted Biserko's words that "this mosque-torching is unrelated to Albanians, it is in fact a manifestation of a long-standing animosity." He also reminded the readership that "the three presidents avoided to comment developments in Kosovo."

On the 24th of March "Inter-Nacional" ran a text headlined "Sonja Biserko (under)estimates Kostunica". The author Zoran Petrovic Pirocanac commented that "President of the Helsinki Committee wrote an introduction for the book "Vojislav Kostunica and future of Serbia" by Norman Cigar. He went on to note "the perfectly timed publication of the book ...for it coincides with the completion of "business" relating to independence of Kosovo and an accelerated discussion on secession of Vojvodina." Pirocanac also underscored: "Symbolic presence of Ms. Biserko in the introduction of that book is a plain alarm signal for our authorities."

Orchestrated media campaign against Biljana Kovacevic Vuco, Natasa Kandic and Sonja Biserko was wound up by Tirnanic's column in the influential weekly "NIN" headlined "If you visit women, take your whip" (issue of 25th March). Biljana Kovacevic Vuco was demonized for sending a letter to the Hague Tribunal "in which she maintained that the new authorities would not do anything ...and only continue pursuit of the nationalistic policy traced by certain S. Milosevic". That made columnist Tirnanic draw the following conclusion: "The lady is thus a -snitch. Other epithets which befit her should be uttered in the court." Tirnanic also noted that " Biserko's 'like-minded' colleague Natasa Kandic 'renowned for fabrications (to the benefit of innocent 'Albanian victims') has her fingers in every pie, ...and as such "was given an opportunity on the occasion of the end of Sasa Cvjetan trial-convicted for war crimes and 'ethnic cleansing'⁴ by some TVs to declare herself "a representative of damaged families". "Presenting" Sonja Biserko, the author calls her "a representative of Helsinki and its vicinity, and the once adviser - at least I think so- to Budimir Loncar, presently on the run, one of the breakers of 'big' Yugoslavia...But there still remains something she has to cope with - the so-called Greater Serbia." "To finish that job, Ms. Biserko is ready to do anything", concluded Tirnanic

According to the author the motive for that text against "incriminated ladies" was Kosovo, that is, what they had and had not said in the aforementioned issue of "Inter-Nacional." Tirnanic remarked that "with such women there is no truce", "combat for human rights is their- craft", "and work

⁴ Inverted comas were put by columnist Bogdan Tirnanic.

on destruction of Serbia-a business speculation". He concluded : "But people are not sleeping, people are alert and watchful. And finally am I for the gender equality, for the respect of female beings. I am, but not as regards those hags! With respect to those ladies I am not facing Hamlet's dilemma.... 'Is it better to suffer the slings and arrows...or end it all?' Well, we have put up with them for too long!"

Helsinki Committee would like to indicate that such a media-bashing of and hate speech against non-governmental organizations dealing with human and minority rights is of long-standing character. That campaign escalated during the March revolt in Kosovo and found its outlet on the pages of so-called serious and influential press. In view of the fact that sporadic escalation of such media campaigns in the last three years, notably in early 2003, hinged on political events in the country, there is a danger of perpetuation of this trend with its harmful impact-notably promotion of only one model of thinking- not only on NGOs and its activists, but also on the society in general.

APRIL 2004

INTRODUCTION

General media mobilization, particularly conspicuous in the print media, justified by "attempts to protect the highest national interests", escalated in March and continued in April coverage. The impression was that clerical-nationalism was a key orientation, embedded in editorial policies of most influential dailies and weeklies, popular tabloids and elite newspapers catering to intellectual readership. (From manifestly obscure "Inter-Nacional", large-circulation "Vecernje Novosti" to elitist "Nin"). Manifestations of chauvinism, xenophobia, and radical political stands on press pages were too frequent to be called mere incidents. A careful observer/researcher easily detected a group of "crown" topics treated in an orchestrated way. Such treatment indicated that political climate in Serbia was similar to a hybrid between national awakening from mid-80's and "wartime" homogenization during the 1999 "NATO aggression". Hallmarks of such a political mood were a national-romantic tack to Kosovo issue, fueling of political radicalization in Republika Srpska, demonization of the Hague Tribunal and vilification of Montenegrin "separatism". Broad front of obstruction of trials of those indicted for assassination of Zoran Djindjic and of so-called Special Court was visible, in parallel with open efforts to "rehabilitate" criminals, vilify the "Sword" action, and open favouring of those in the dock. Also conspicuous was the media contribution to clericalization of society. Church was treated as the most relevant subject of political life. Hence it stopped hiding its hefty political ambitions and its wish to dominate social life. With the pretext of concern for the survival of nation, theories of blood and homeland gained the upper hand anew. Myth of people as victims and of Serb martyrhood as ill fate, and consequently the need for a popular harmony and unity within the motherly SOC fold, was given much prominence. As the SOC was vested in the image of the supreme Kosovo martyr, its authority was not questionable.

When the society is engulfed in national homogenization, it is of crucial importance to neutralize all "factors of disunity", to sideline all "groups" and individuals who strike dissenting tones. Hence the media calls for the lynch of incompatible personalities and organizations, those resisting to join the general chorus and struggle for a common cause. At play was anew an age-old totalitarian-ideological model or pattern.

CLERICALIZATION

Easter celebrated on 11th April world-wide, was a good opportunity for the SOC's increased political prosalitzizing and for an extensive coverage of the Church's activities by all the media. All that contributed to creation of an

"unsecular" mood by dint of vocabulary used, set of values promoted and problematic analogies hyped. Instead of befitting theological explanations of Easter's universal significance and importance, Serb press indulged in bizarre interpretations of the current affairs of "special interest for the state and nation." Only few newspapers devoted themselves to spreading ecumenic and other humanistic messages. Increasingly preacher-like and impassioned tone of journalists was also noticeable.

In its Easter issue "Nin" (8 April 2004), ran a text headlined "Good Friday" penned by Slobodan Mileusnic, director of the Museum of the Serb Orthodox Church: "There is justified fear that "a terrible week" and many "terrible Good Fridays" shall be commonplace in Kosovo and Metohija even after this Easter. Will Kosovo and Metohija bleed again, will Serb and non-Albanian houses, churches and schools be torched again...We have not been true to our word, to our oath. We have betrayed our ancestors, and our offspring. It is terrible. We shall leave behind a total devastation, blackened churches and monasteries, ruins. In the places in which our ancestors and forefathers lived weeds are growing." Forefathers, ancestors, oaths... A fleeting glance at lexical terms of this text indicates a very obsolete interpretation of importance of Easter in the present-day Serbia and imposition of an epic matrix instead of a rational perception and contemplation of reality.

Mileusnic in his text offers a key for understanding a principle, which even from a standpoint of an amateur could be hardly called a Christian and just one, for it promotes contemplation only of sacrifices of his "own nation." "I spoke about suffering of Serbs, about destruction of their cultural-artistic and material goods. Advocates and minders of others shall speak about them, air their grievances."

In the same issue of "Nin", editor-in-chief, Slobodan Reljic, in his editorial titled "Easter in Serbia", inspired by Mel Gibson's film "The Passion", and by the Serb plight in Kosovo and underprivileged position of Serbs in the world, noted: "To discuss the theory of conflict between God and Devil, to preach that "Jesus by his own life and deeds inspires people to live in harmony with God's way", is a lesser temptation than to watch tragedy of family Stalevic from village Babici near Pec, whose several members committed suicide or died of sorrow after their escape to Kragujevac. "

Tragic example of a refugee family obviously failed to motivate editor-in-chief of "Nin" to underscore that the state is bereft of any strategy relating to care of socially vulnerable categories of citizens. Instead he drew a conclusion that the international community policy instead of bringing justice to Serbs, made them undergo a genuine Calvary. "Though the former US Ambassador Montgomery admitted that the US policy of stick- and- carrot and blackmail was becoming increasingly inefficient, that does not mean that the effect of a blind force on dulled Serbs would soon be stopped. On the contrary, European Parliament passed a resolution ruling that "Serbs in Kosovo should ask for assistance of those who killed them and not of the state to which under the UN Resolution 1244 Kosovo belonged" (Nebojsa Covic). That Easter time misunderstanding with the world was accompanied by a man-hunt in the neighbouring Republika Srpska which ended with a brutal SFOR

assault on a sleeping priest...Thus our life is increasingly similar to the one of a small beetle which tries the escape from a ring of fire around it, and God did not give it wings. Crucifixion becomes a total one when the little freedom, beyond the "empire of necessity" is banned. We consider it a hypocrisy, and they consider it-help. Artist Gibson shall never shoot a film about such crucifixion. But it is useless to expect anything from Them. We, "small brothers" of the world community of nations, are left to our own devices. Those who believe that only He has power to understand everything, shall invoke God's Son, who, according to the New Testament, before the eyes of the world, suffered throes at Golgota. "

As shown the easter mood of editor -in-chief of the prestigious weekly, was the one of laments over international mistreatment of Serbs in Kosovo, Republika Srpska and Serbia proper. His allusion to "deprivation of little freedom" is obvious: voters in Serbia, under a permanent foreign pressure cannot vote for their candidate, in the case in point, for the "internationally proscribed" Radical Party contender, Tomislav Nikolic.

In the Easter a poet and academician, Matija Beckovic, penned issue of "Nin "column" Personal Stance. Therein he floated his very peculiar ideas about the resolution of Kosovo issue. In fact he advocated the SOC-proposed solution (in line with an across-the-board support rendered to the official Church): "Kosovo is a made over, Serbized evangelical text...Kosovo is our true motherland...Hence only the solution proposed by the Serb Orthodox Church, the one entailing division similar to the one applied in the Holy Land, is applicable."

Chief masterminds and promoters of clericalization of society and the threat it poses to the non-establishment principle, flew in the face of their opponents's justified concerns by demanding an even more pronounced affirmation of the role of Church and faith. Thus Matija Beckovic ended his text on the following note: "We hope that the day in which we shall be able to say Happy Easter, not only to the whole Serb people and not only to the SOC, is nearing. Happy Easter to all readers of "NIN!"

Jovan Janjic began his article-headline "Pre-Easter screening-Jesus in Belgrade"- about the opening night of Gibson's film in Belgrade - with these words: "The news that the actor Jim Caviezel during the shooting of "The Passion" was struck by a lightning was more than the news about an elementary disaster. For the same thing happened twice in a row to the film's Assistant Director Ian Michelini. "

One is compelled to note that the quoted lead-in would have been more suitable for a tabloid dealing with paranormal phenomena, notably "Zona Sumraka (The Twilight Zone)", than for a serious and reputable political weekly. By the way "NIN" concluded that "in Gibson's film, there is no Resurrection, everything, God forbid, ends with Good Friday". "NIN" quoted the opinion of Bishop of Sabac and Valjevo, Lavrentije: "Suffering is so pronounced that it is not watchable by a sensitive, noble man. I often had to close my eyes. It is so pronounced as if someone, God forgive him, enjoyed in Christ's Passion. And that is the picture of the West: they like to bomb people, they enjoy in the sight of burning houses. Our Slavs cannot do that, they cannot watch with indifference this film." Author of

the article then quoted another keynote by Lavrentije: *"Roman-Catholics lay emphasis on Good Friday, on Jesus suffering, while Orthodox Church lay emphasis on Easter, on the triumph of life over death."*

The fact that a major religious festivity was turned by the media into a political event par excellence, into a massive cry for national homogenization is best testified by the insistence on the Serb, Jesus-like, sacrifice, as reflected in the headline *"New Crucifixion in Kosmet"* (*"Vecernje Novosti"*, 13 April 2004.) Hence Easter is celebrated in the whole world, while "for us" the key question is: will there be "resurrection of Kosmet?"

Magnitude of the sacredness of Serb sacrifice in Kosovo was shown by an alleged paranormal occurrence, extensively covered by most Belgrade media: namely the icon of Our Lady in a newly-built church of Saint Martyrs of Flora and Lavra started "shedding tears". "Serious" daily "Politika" (13 April 2004) treated it as a front-page scoop with a photograph in which a priest shows something on the icon, but because of a blurry image, readers were left with no option, but to trust journalists maintaining that "the trace of tears is visible on her face."

In the same issue "serious" "Politika", carried on its front-page the statement of Prime Minister Kostunica about the future Constitution of Serbia. Interestingly enough the headline read "Constitution by Vidovdan." Editors of "Politika" obviously thought that citizens of Serbia in the 21st century were very familiar with the Church calendar. The truth is that Vidovdan is an important date in Serb history, but despite that fact headline "Constitution by 28 June" would have been a more precise information, befitting contemporary/modern newspapers and readers.

On the same occasion "Balkan" (13 April 2004) carried the following statement of priest Denic *"those tears are a blessing and sign to her people endowed by the Virgin Mary after the March pogrom."* "Balkan" then explained: *"In the tradition of the Orthodox Church tears on icons frequently appeared at times of great suffering of Church, as a solace to faithful people, and an invitation to repentance and fervent prayer."* Priest Randjel told "Kurir" (13 April 2004): *"I cannot tell you when she exactly started weeping. Maybe after the Hilandar incident, or after 17th March."*

Desecration of "the relics in Kosmet", and the fire incident in Hilandar motivated Serb press to indulge in a true nationalistic fervour and pathos. In its text *"Built into their relics"* "Vecernje novosti" (14 April 2004) reported on a "big, charity concert 'Gift for Hilandar'". *"Urbane Save Centre thanks to skills of set decorators was turned into a medieval ambience. The magic was at its most complete: big reproduction of Hilandar in the backdrop, a chapel, crosses, grass covering, smell of incense and red eggs distributed to visitors."*

"Vecernje novosti" informed its readers that the sets were designed by Milovan Vitezovic, but failed to mention that he was the author of a famous slogan "People have awoken." In the list of participants we detected names of other front-men and masterminds of the Milosevic era propaganda machinery, who used that religious engagement to boost their public image. *"At the stage*

there were many famous artists: the Folk Group Lola, Ballet of National Theatre, group Legend, Bora Dugic, Jelena Zigon, Nebojsa Dugalic, Petar Bozovic, Danilo Lazovic...Their message was : "We are built into our churches, and able to resist the hardest blows of time ..."

One could say that the obsession with the Orthodox religion sporadically acquires grotesque traits, notably when press tries to elevate mundane events to the level of symbolic message about holiness of the Orthodox faith. At the top of page five "Balkan" (13 April 2004) carried the text headlined "Chinaman embraces Orthodox religion" and the news from Pozarevac area: *"holly songs and litanies of fasting faithfuls continue...Mass christening of citizens was organized, and the very Bishop Ignjatije christened 50 new faithfuls, including a Chinaman, converted into the Orthodox religion."*

In a follow-up to that interesting news, "Balkan" on 15 April reported in the shape of a lengthy article with photograph *"How Jiang Schaoju became Milan"*. We learnt from an inspired journalist how Jiang, that is Milan Schaoju, discovered the Orthodox faith thanks to a beautiful Pozarevic girl who became his wife: *"We were wed on the day of Saint John the Merciful, 25th of November 2001, and when our daughter Angelina was born 11 months ago, I, an atheist, decided to embrace the Orthodox faith. Now I feel like the happiest man in the world, the Orthodox faith has made me a different man."*

Overt concern of "Vecernje Novosti", for the Serb sacred institutions in Kosovo were manifested by regular and pathetic features on courageous return of monks and nuns to desecrated monasteries. *"Torched relic revived"* (20 April 2004) spoke about the return of 8 nuns to monastery Devic, *"Wounds on all sides"* (23 April 2004) was devoted to the return of monks to Monastery of St. Archangels near Prizren, which had been already covered by text *"Return to ruins"* on 18 April 2004.

Any quotation is indicative of the general tone of SOC-themed texts. *"In the ruins of Chapel of Saint Nicholas, monk German crosses himself. He rises his eyes towards the sky. He starts singing. He is singing a merry Easter song. Other monks join in. Different voices are united. They echo over the valley, towards Prizren. One of construction workers whispers - I wish this song could be heard by all our people."* ("Vecernje Novosti", 18 April 2004) Various authors, identical style: *"Voices clear like a peal of bells, voices saying their prayers. Soot from walls is falling off, and through broken windows rays of light are penetrating. Voices of nuns are clear, they bounce back off the walls, and reverberating around the whole chapel."*

Religious pathos of the same intensity is characteristic of "Politika"'s coverage. For example, a bombastic headline *"Encounter with the Virgin Mary"*, in issue of 27th April, resulted from the experience of a journalist who *"followed Apostle Paul's itinerary in Herzegovina"*. In a Petrarcha-style ecstasy the author thus shared his impressions with readers: *"Thanks to the blessing of head of nunnery of Apostles Peter and Paul in Trebinje, our interlocutor is a nun Magdalena, a being of incredible beauty and dignity...When you talk to this young woman you are transfixed by her soft voice and mild words. Her simple face is reminiscent of 7 beauties from the famous icon of Vavedenje from the treasure-trove of Hilandar, the Byzantine-*

style icon drawn in 1320... Because of the purity and decency of her soul, visible from her open and slightly puzzled gaze, and soft words, for a moment you are tricked into believing that before you is the very Virgin Mary..."

Large part of press openly advocates spreading of Church's influence to all spheres of social life, including –sports. In a lengthy text "Sports glorify God" ("Vecernje Novosti", 18 April 2004) monk Ilarion Djurica explicated how "ties between prayers, fasting and sports are very- close.". Djurica noted: "Because of the foregoing religious education should be introduced in the syllabus of all the Sports Faculties. Moreover the audience, competitors and organizers of sports manifestations should be provided with the basic religious education by instituting the introduction to theology as an extra-curricular subject-matter. I personally think that our top athletes, notably Olympic medal contenders need spiritual care. Hence the team of experts accompanying sports teams to various competitions should also include a priest as a spiritual minder. Such priests exist in the army and in hospitals. Therefore his prayers should encourage competitors before their important combats.."

One gets the impression that criticism of political engagement of the Serb Orthodox Church is considered a heresy by the Serb print media, though it would be normal to subject the SOC, in view of its hefty political appetites, to the critical judgement of public opinion, as it is done with all other political protagonists. It seems that at work is a tacit and generally binding agreement on infallibility of the Church, which must be therefore backed in all its aspirations. In that sense indicative and paradigmatic is a list of questions (and at the same time firm statements) which journalist of "Blic" (10 April 2004) posed to Milan Radulovic, Minister for Religions: "In this country religious education is older than the state one, but Theological Faculty, despite its high international repute and importance, does not occupy an adequate place within the framework of the Belgrade University?"; "Can we expect more religious programs on TV and radio stations?"; "Shall the people without religious and national roots in Serbia without Kosovo have the strength to resist open proselytism in Kosovo?"; "When the birth, wedding and death certificates issued by priests shall have the effect of public document?"...

As the aforementioned examples amply illustrate, the issues of SOC deeply permeate topics like Kosovo or Serbs in Bosnia, that is the way they are treated by Serb press. By extension that very treatment indicates serious media efforts to once again radicalize situation in Serbia and in the whole region.

BOSNIAN AND MONTENEGRIN ISSUES

Greater Serbia hegemonistic aspirations towards Bosnia are still alive, notably on press pages. There is much emphasis on the "concerns" over "threats" to autonomy of Republika Srpska as an entity, radical option in the Bosnian Serb body politic is openly supported, efforts are made via biased commentaries to strengthen animosity towards representatives of international community in Bosnia ("Inter-Nacional" for example calls Paddy Ashdown, the

"Ray of Bosnia"), and to re-awaken distrust in, and even hatred of other ethnic communities in that country. In other words the tack to "Serb issue" in Bosnia bears the hallmarks of early 90's policy.

Stance on "Montenegrin issue" is similarly biased, with "Vecernje Novosti", traditionally enjoying larger readership in Bosnia and Montenegro than other Belgrade newspapers, spearheading the campaign of "spreading the truth" about the Serb Montenegro, and provocation of anti-Montenegrin mood and animosity towards Montenegrin national identity.

Commentary about Republika Srpska being at the crossroads, in "Vecernje Novosti" (17 April 2004) carried a dramatic, and indicative headline "Survive/Remain or Disappear". Its author Slobodan Pesevic pessimistically predicted that Dragan Cavic shall be "the last President of Republika Srpska", or that "Republika Srpska shall cease to exist." Pesevic laments over Ashdown-dictated suspension of budgetary dotations of Serb Democratic Party and over "a difficult and complex challenge, which RS faces", notably the commission tasked with establishing the truth about Srebrenica. "Vecernje Novosti"'s commentator was overly concerned: "The report shall be drawn up by domestic experts, but foreign judges shall have the last word."

Media were dedicated to raising of nationalistic fever after the incident at Pale, when, during a SFOR hunt for Karadzic and his associates, an Orthodox priest Jeremija Starovlah and his son Aleksandar were wounded. The case was swiftly morphed into a metaphora about martyrhood of the entire Serb people left at the mercy of foreign soldiers.

"Kurir" (5 April 2004) carried the following commentary of an unidentified "high church dignitary": "attack on the Orthodox priest at Pale, is an intentional attack on the SOC, aimed at humiliating the Church and the whole Serb people", and announced that the SOC would demand resignation of Paddy Ashdown.

Male members of Starovlah family were injured on 1st April and the whole month it remained the hot topic in Serb press. Aside from regular reports on their health, newspapers ran a whole gamut of Starovlah-inspired extremely nationalistic political commentaries. No attention was paid to the SFOR information that both father and son had only injuries caused by explosion; Belgrade press insisted on versions portraying them as victims of the most brutal beating up by SFOR soldiers.

Best illustration of the above is a headline in "Vecernje novosti" of 28 March (four weeks after the incident, wounding of Starovlah was still a hot topic) "Lynch and not a bomb explosion". This text is interpretation of the incident by the Bishop of Montenegro and Coastal Area, Amfilohije and it is absolutely shocking because of its open instigation of ethnic hatred.

Amfilohije thus spoke: "It is not true that they were injured in a bomb explosion. They were beaten up for an hour, their heads were smashed against the wall. Priest's wife, who was tied, heard their moans and screams. When her son grew silent she thought he was killed. Interestingly enough there are indications, but I cannot check

their accuracy, that the most brutal SFOR soldiers were Muslims, Croats and Slovenians. I can guarantee that an European would never have so much hatred for an innocent man. They heard them speak Serbian, Bosniak and Croat. " Amfilohije concluded that "SFOR knew that Starovlah did not hide anyone, so the action was a matter of someone's retribution towards the priest. "

Similarly extremist stance was voiced by Dusan Prelevic in his column in "Centar" (3 April 2004): "Since that incident all individuals with certain dignity, barring those bastards renounced by their own parents,...are to consider themselves sons of Jeremija. Jeremija's son is our brother. Wake up you poor people! Are we people or lepers?...Instead to a casting session take your child to a church, if there is any left. Give them names like Radovan and Jeremija, instead of Jean-Pierre, Roksanda, George or Cassandra. And as regards Radovan and Ratko we shall not hand them over! And that's it. And you keep trying to catch them. But I warn you that you are bound to fail in that venture of yours!"

This Prelevic commentary is typical of the latest nationalism-minded press coverage. The SOC- Republika Srpska - Kosovo - resistance to the Hague Tribunal...are key topics in the Serb print media, and treatment thereof in a stridently nationalistic tone is a product of a national consensus.

In the article "Radovan does not wear the priest's mantle" ("Vecernje Novosti", 6 April 2004), Bishop of Herzegovina, Grigorije, first criticized "a brutal attack at Pale", and then engaged indulged in a broad political analysis, that is, in a sharp condemnation of presence of the international community in Bosnia and Herzegovina and of the Hague Tribunal. "International community and Carla del Ponte, and not SOC hide Karadzic. As much evidence I have for this statement, so much evidence they have for their assertion. I am not an irresponsible man, and I don't want to say anything that I cannot maintain with all the certainty. I don't know who is hiding him, I don't know whether anyone is hiding him, but I am sure that the SOC is not doing it, and that he did not ask the Church to do that, for he is aware that such a plea would cause much trouble to the Church and consequently to the entire people. "

In an interview, given three days later to "Politika", (9 April 2004.), Bishop Grigorije stated: "As regards moves of the international community, if they want they can arrest Radovan Karadzic, but they cannot arrest the entire nation because of him. If they want us to arrest him, then it is an entirely different matter. We don't have problems with Radovan Karadzic. "

Commentator of "Vecernje Novosti" (18 April 2002), Zeljko Vukovic ridiculed the fact that Paddy Ashdown called on the SOC to use its authority to convince Bosnian Serbs to bring to justice Radovan Karadzic and other fugitives from justice: "When Ashdown's letter is translated into the language of reality, key message to the Serb Patriarch reads: the Hague laws and justice are above God's! Or to put it in a Serb way, services to Carla del Ponte and her employers should be above God... By the way, why it has not occurred to anyone to ask the Pope or at least a Zagreb cardinal, in the name of the same international law, plus in the interest of the Croat people, to call on General Gotovina to throw himself into Carla's embrace? It is inconceivable. As much as it is inconceivable that justice-seekers in the SFOR fatigues,

in an alleged search for Gotovina, in the middle of the night break with explosives a door of a Catholic church in downtown of Mostar or Grude..."

Cheap manipulation with an inherent antipathy or even hatred of the "world" towards Serbs, due to which they were not treated as equals of their neighbours, was for a number of years a principal hallmark of Milosevic's xenophobic propaganda. The above quotation proves that such a journalistic practice is still at work.

It is noteworthy that some Belgrade journalists manifest a higher degree of political militancy and radicalism than the very leaders of Republika Srpska, who are proven nationalists. That impression was confirmed by an interview with President of Republika Srpska Dragan Cavic. In her lead-in Dubravka Vujanovic, the interviewer, ("Vecernje Novosti", 28 April 2004) noted: "RS authorities took too lightly the work on elaboration of report on Srebrenica. The High Representative, however used that non-serious approach of theirs as a pretext to punish the Serb entity for the umpteenth time..."

Cavic gave the impression of a politician trying to lower political fever caused by recent RS-related moves of Paddy Ashdown, but journalist of "Vecernje Novosti" is not satisfied with such answers. Thus she posed a set of insinuating questions to Cavic: "It seems that the aforementioned report incidentally or not, shall be used by Ashdown to strike another blow to Republika Srpska. Do you have an inkling that similar moves will continue until RS loses all its entity hallmarks?" "Despite claims to the contrary, RS has been turned into a big hunting-ground in which innocent people are killed indiscriminately, and no-one is held accountable?!"

A previous day the same journalist interviewed Dragan Kalinic, President of RS Parliament, a soon-to-be dispossessed politicians (Ashdown shall put him on the list of persons banned from taking an active part in political life and discharging public functions.) The interview's headline was indicative: "It has never been so bad". However it was difficult to pin down who was more politically radical, Kalinic or a journalist. The lead-in read: "In RS at play is massive purge of state officials, institutions and entity hallmarks. High Representative Paddy Ashdown obviously decided to defy the electoral will and Constitution of BH and even the Dayton Agreement. Srebrenica Report served this time around as an ideal argument for another purge of Serb cadres.

Kalinic said: "Currently most pressure to bear is brought to bear on the two institutions in RS-Serb Democratic Party and the affiliated parties, and the SOC.

Serb press "undermines" Bosnia and Hercegovina not only by showing its sympathy for Karadzic and support for the radical option in Republika Srpska, but also by instigating hatred of other two peoples living in that country, and concerted efforts to remove the burden of blame for the recent Bosnian tragedy from the shoulders of Serb leadership. "Vecernje Novosti" ran a feature on the newly discovered shorthand notes "proving plans of Franjo Tudjman to create Greater Croatia at the expense of Muslims and Serbs". The intention of this feature was not to present a more objective picture of recent

historic events. This was best indicated by the headline of the second installment: "*Alija, wash your feet!*". It seems that the headline was chosen by one of the firebrands of war-mongering set of journalists.

Author of column "Diary" in "Balkan" Dusko M. Petrovic, who with the aforementioned column of Dusan Prelevic in "Centar"-closed down in mid-April- spearheaded the campaign for "revival of history" noted: ("Balkan", 18 April 2004): "*At the newsstand I buy Dnevni avaz and learn how authorities in Sarajevo plan to ask Russians (St. Petersburg) to sell or give them a famous Charter of Kulin Ban (trade agreement with Dubrovnik dating back to 1189.), promoted as the oldest written document in "Old Bosnian language". Of course we know that Bosniak, old Bosniak, young Bosniak, languages do not exist...and that they are just a figment of imagination of an idle man, bent on hiding the fact that Serbs convertd in Islam are ashamed of the change of faith effected by their ancestors, ..thus they are trying hard to invent a new nation and a new language....and to provide such an invention with solid historic-scientific foundations...!*"

Serb press gave even more prominence to the Montenegrin linguistic issue. Re-naming of the official language in schools in Montenegro (instead of Serb the subject-matter should be soon called mother tongue.) That decision caused a veritable outcry in the shape of articles targeting Montenegrin separatism, and those dealing with counting Serbs and Montenegrins in the ethnic population of Montenegro.

"Blic" (7 April 2004.) under the headline "Linguistic scandal in Montenegro" (that headline amply indicated the judgement value of editorial staff) commented: "*It seems that advocates of that idea are overlooking the fact that in Montenegro according to the census results, 60% of population, or 359,485 citizens, speak Serb, while "Montenegrin language" is spoken by 21% of population or 128,182 citizens. That means that a large number of citizens who declared themselves Montenegrins (according to the census 40% of them), along with declared Serbs (30%), also made it clear that they spoke Serb language.*"

In column "Views" "Politika" (6 April 2004) Zoran Ivanovic, from the French city of Bordeaux, a doctor of medical sciences, engaged in a veritable linguistic analysis: "*Despite the fact that many languages are spoken in their countries, Belgians, citizens of Luxemburg, and Swiss do not call their languages in schools- mother tongue, let alone the Belgian, Luxemburg, Swiss languages..*"

"*Spitting in the face of Montenegro*", is the front-page headline in "Vecernje Novosti" (5 April 2004) announcing an interview with Bishop Amfilohije about the linguistic issue in Montenegro (SOC clerics are becoming increasingly popular interlocutors/interviewees!). Amfilohije noted : "*People don't have bread, and to deprive them of language, is tantamount to depriving them of soul... introduction of mother instead of Serb langume in Montenegrin schools is a sheer nonsense.*"

Amfilohije thus advised Montenegrin people to protect their Serb language: "*Now the people are targeted. That is the maximum humiliation. People will either have to confront that arrogance and speak up-or disappear.*"

Hence the church dignitary openly called on people to rebel against Montenegrin authorities. One cannot help but notice that he failed to do that during Milosevic dictatorship! That is a clear example of a the SOC's selective stance when it comes to its political engagement.

"Vecernje Novosti" had with a great passion, on a daily basis, cheered on students of Department of Serb Language of the Philosophical Faculty in Niksic to continue their hunger strike, for as the headline indicated "*Hunger defends Serb language... it is their only weapon in the defence of their language*". (14 April 2004)

The following day (15 April 2004) "Vecernje Novosti" ran an inspired feature on students-heroes: "*On the walls of classroom hang the photo of Vuk Karadzic, and on faces of students there are visible traces of fatigue, for their struggle for preservation of their language, entered the twentieth day. As usual quoted was President of Students' Protest Bojan Strunjas: " To destroy Serb language they would need at least 5 centuries. If they are so optimistic that they could do it overnight, let them continue their shameful campaign. Let them continue with their political swindles, but they should heed our words that we shall always obstruct that intention of theirs. Our hearts and truth shall win over their lies.*"

His fellow-student Natase Boskovic added: "*Our colleague Nermina Hasanovic stresses that she does not mind speaking Serb langugae... We don't deny to anyone the right to speak as he or she wishes, but the official language is Serb... The name "mother tongue" is just a Trojan horse for testing the popular pulse, that is, only a short-cut for introduction of non-extant Montenegrin language.*"

"Novosti" obviously opened their pages to a letter of support to striking students. Under the headline "*Centuries-long tradition has precedence over a parliamentary decision*" (a hair-splitting analyst is prone to recognize in this headline a serious sign of serious trampling upon the authority of official legislative authorities, which are prevailed by so-called, traditional law) there is a lengthy letter by Professor of Niksic secondary-school, Veselin Matovic: "*No institution may name or re-name languages which have been in use for hundred years. French and English, and Serb too, may be used by anyone in any manner, but cannot be re-named!*"

KOSOVO

Our media research indicated that in the tack to a controversial topic of Kosovo, language of myth prevailed over language of real politics, and that a pathetic emphasis on the role of Serbs as principal victims prevailed over any rational consideration of a complex Kosovo issue. The impression was that the principal guideline of editorial policies of the most influential media was to persistently deny a multi-ethnic concept in Kosovo, and to employ the 17th March experience as key argument in the thesis of impossible cohabitaiton between Serbs and Albanians. The trend of an a priori hostile attitude towards

military and civilian representatives of the international community in Kosovo persisted.

In those terms paradigmatic was an interview with Sladjan Ilicem, president of municipality of Strpce, announced by a headline *"We are sick and tired of promises"* (*"Vecernje Novosti"*, 27 April 2004). Sub-heading read: *"After the last Albanian terror against Serbs we in Strpce cannot accept any kind of multi-ethnic community, much-insisted upon by UNMIK, for we don't want to take part in our own destruction. We want Serbia to come out with a clear Kosovo platform, with clear objectives. If we lose our cradle we lose everything."*

Negative stereotypes of Albanians are frequent, as is criticism of the international public "for failing to understand what kind of dangers it is promoting in Kosmet." The term Kosmet was more used than Kosovo and Metohija. *"Glas javnosti"* (7 April 2004), for example ran a text headlined *"Al Qaeda in Kosovo"* with a view of floating a thesis that *"terrorism in southern province is part of international terror campaign"*. In the installment of 8th April headlined *"Al Qaeda and 17th March"* the possibility of Albanian terrorist actions in Belgrade and in other bigger cities in Serbia was pondered.

Its author Vesna Popovic disclosed that *"in 1995 Osama Bin Laden visited Albania, as a guest of the then President Salli Berisha. Then logistic and financial support bases of Al Qaeda were set up in Kosovo and Metohija. Bashkim Gazideda, former head of Albanian secret police, Hashim Tachi and Ramush Haradinaj also took part in the meeting. On that occasion Bashkim Gazideda was elected one of Al Qaeda leaders for the Balkans."* (*Glas javnosti*, 7 April 2004.)

Confused creation of the spectre of Albanian terrorism is fuelled by a "thesis" that *"Shiptari terrorists"*, allegedly connected with Al Qaeda, the US and international No.1 enemy, are trained in Kosovo by the British SAS agents and US rangers. That information was disclosed to *"Inter-Nacional"* (7 April 2004) by Tomislav Kresovic, a political analyst: *"While the Supreme Defence Council is pressured into firing Head of Military Security, Colonel Momir Stojanovic, the SAS agents and American rangers are training in the area of mountain Bajgora 200 Shiptari terrorists divided into two groups and preparing them for new assaults in Kosovo and Metohija, Raska and-Iraq."*

Islam is an important component of the negative image of Kosovar Albanians in Serb press. That component is sporadically used to boost paranoia beyond the Kosovo borders. *"Basic program of Al Qaida is Wahabism, and there are Wahabites in all bigger localities in Sandzak –Novi Pazar University bears the Wahabi hallmark. In Novi Pazar, Sjenica, etc. There are branches of a militant organization Active Muslim Youth, which is also operational in Bosnia..."*

Wahabi danger is not exclusively treated by *"Glas javnost"*. However *"Kurir"*, which is owned by *"Glas javnosti"* owner, speaks about Wehabism, and Wehabis, the latter, according to a headline *"constituting a major threat to Serbia"* (*"Wehabis threaten Serbia"*, *Kurir*, 8 April 2004.). *"Kurir"* in that text quotes the following warning words uttered by the Interior Secretary, Dragan

Jocic: *"Wehabis preach Jihad and we have information that they are preparing terrorist attacks on Serbia."*

"Nin" (15 April 2004.) interviewed a terrorism expert and professor of the Political Sciences Faculty in Belgrade, Dragan Simeunovic: *"Albanian terrorism is into its second century, but in the last hundred years its main foe was Yugoslavia, and then Serbia. It is a ethnically, that is, nationally motivated terrorism, charged with excessive hatred of Serbs. Hence it is not a standard ethnic terrorism, for Albanian terrorists don't hate all Slavic people or other non-Serbs. It is well-known that they have closely co-operated with Croats, and even made part of Croat military units, those very units which committed a series of crimes against Serb population in Croatia."*

From academic heights, historian Predrag Markovic, by manipulating historic analogies, also spreads negative ethnic stereotypes about Albanians on pages of *"Vecernje Novosti"*: *"Attempts of Ottoman, Serb, and several Yugoslav states to build a stable and integrated society in Kosovo invariably failed. The incumbent colonial authorities are most similar to the Turkish ones in their unabashed pandering to Albanians, and indifference towards the Serb heritage. It is useless to remind them that the Albanian insurgence against the Turkish state and administration kick-started the collapse of Ottoman rule in the Balkans, and also triggered off the First Balkans War. So it is not the first time that the Albanian national movement bites the hand which feeds it."*

The Milosevic era thesis, advocated by both his propaganda machinery and political opposition, a thesis according to which "the heart of the Serb national problem" was an ill-designed presentation of Serbs before the international public and impossibility of marketing the "Truth about Serbs", is being revived anew. Thus it is said that the marketing of truth about the "evil Albanians" would boost the general comprehension that Serbs were in the right, or had-the rightful claims.

"Politika" (13 April 2004) ran a text by Olivera Drinic-Gvozdenovic, under the byline "O. Drinic-Gvozdenovic, sociologist in JAT-Airways", *"How can the world believe Serb tears?!"*. She noted, inter alia: *"In TV laments over the topic of the Kosovo media war-was it lost or won?-among interlocutors, mostly politicians, who tended to scratch their noses and ears, there wasn't a single PR expert, especially a crisis one. Only such an expert could have explained why the world was still indifferent to Serb tears and would be able to create the media victory for some akin cases, which, similarly to previous anti-Serb campaigns, are impending... We cannot tolerate any longer victory of the media amateurs and non-humans, caused by lack of skills of our state PRs. We can no longer tolerate those who, according to long-standing private testimonies of foreign reporters, pinch children to make them cry, while foreign cameras zoom on such images to immortalize lies..."*

But it seems that the problem does not only lie in bad PRs, for, we, as the print media imply, are still exposed to negative effects of an international conspiracy. In a bid to disclose hidden reasons for the big powers interest in Kosovo, the topic much discussed during NATO intervention, *"Balkan"* (18 April 2004.) ran a report on the odd-name round-table, *"Secrets of Kosmet resources"*.

"According to estimates of foreign and domestic experts, in Kosovo there is enough high-quality coal to meet the electric power needs of all the Balkans countries in the next two centuries." Headline is also bombastic: "Over \$ 500 billion worth of coal is buried under Kosovo soil."

Dragan Jovanovic in "Nin" tried to prove that interests of foreign conspirators went beyond the Kosovo borders. He notes: "I knew that CIA regularly reads all my articles. You probably remember that in July 2003 I wrote about the Danube Troy beneath Viminacijum. And now "Vecernje novosti" report that the US satellite "Iconis" recorded last July archeological findings at Viminacijum. They have satellites, but they don't have brains. One has to draw them everything with a chalk, on the blackboard. And you'll see they shall take from us both Kosovo and the Danube Troy. US archeologists are already at work in Pozarevac." In the same text there is also Jovanovic's outcry: "But if we don't now march into Kosovo, then good-bye Kosovo, good-bye our roots, good-bye our cradle! Good-bye the Virgin Mary Ljeviska! And destroy us, make us disappear, God, please, do us that favour! It would be easier to suffer such a fate at your hands." (Nin, 1 April 2004)

Insistence on martyrhood of people, who are left at mercy of most cruel criminals, sporadically acquires truly comical dimensions. It seems that editors have given a free rein to their macabre fantasy. For example, "Inter-Nacional" of 13th April, carried the front-page red-white letter banner headline "THEY HUNG, THEY KILLED, THEY BUTCHERED". However the sub-heading, next to the photograph of Albanian Prime Minister Fatos Nano and a hung pig was: "pigs, dogs and hens."

What is the connection between Fatos Nano and a hung pig? Well, in a page 3 article Nano is accused of personally smuggling weapons to Kosovo terrorists, while page 6 text deals with the following "scoop": "added to a systematic destruction of Serb relics and houses, many domestic animals were maimed or killed. Pigs were killed with a special hatred..."

One cynical association springs unwittingly to mind: that pig must have been already used as a symbol of Serb sacrifices in Kosovo by "Vecernje novosti" (9 April 2004), when it ran the news story with a photograph "Gallows for a pig": "While the other day Hokerry in Brussels tried to convince Solana and Admiral Johnson that the recovery of Serb houses in Kosovo and Metohija has practically started, a set of TANJUG-aired photographs from Obilic unfortunately denied him... namely a photograph showed a hung pig in the courtyard of Paole Miric in Cerska street."

THE HAGUE TRIBUNAL

Overly affectionate tones in articles related to the Hague indictees, both those already in detention unit and those still at large, were toned down after the adoption of the Act on the Rights of the Hague Tribunal Indictees and Their Families. That was also due to an inflamed public debate focusing on the fact that due to the enormous wealth of those families, often amassed via illegal

means, and much superior to average earnings of Serb citizens, there were no grounds at all for further generous funding of those in question. By the way, even during his rule, Milosevic and his clique were more criticized in Serbia for their financial frauds and improprieties, than for their undemocratic and belligerent policy.

Any way "rows about money" on home turf or internal disagreements about legislation have not contributed to betterment of the Hague Tribunal image, nor brought about more co-operative stances among the Serb power-holders. On the contrary, obstruction of co-operation with the ICTY and of the whole international community's efforts continued unabated. The media still insist on the necessity for that co-operation, but in parallel explain that at issue is not justice, but simple giving in, in the face of unrelenting pressure of big powers. The overall image of the Hague Tribunal is one of a stone around the neck of helpless Serbia. Alas the media still do not give serious hints that a different tack to the ICTY may be adopted in the Serb public discourse.

But that state of dissonance provoked by the aforementioned Act was short-lived owing to statements made by the most reputed connoisseurs of the ICTY and international politics. In other words taken to task were those who dared to raise a hue and cry because of something considered to be the state's obligation towards its citizens.

Thus Ljiljana Smajlovic wrote in "Nin" (8 April 2004) that Adam Erely, spokesman of State Department, said in a flat-toned voice that "he does not want to comment controversies arising from the adoption of the Act on the Rights of the Hague Tribunal Indictees, nor "the Serb domestic legislation.". The author then went on to note: "At the same time on home turf hysterical tones permeated the relevant debate. The Act was adopted by a convincing majority (141 "for" votes, and only 35 "against", along with 20 restrained votes), but only a day later the public outcry which erupted gave the impression that the mastermind of the Act was Toma Nikolic himself. Contrary to State Department spokesman, the Foreign Secretary of Serbia and Montenegro opted to view the domestic act from the US angle, thus asserting that Washington would not have frozen the financial aid to Belgrade, if the controversial act had not been voted hands down. In Belgrade someone is always donning a US army uniform and interpreting the official US policy, as if State Department did not bankroll its own expert spokesmen... Goran Svilanovic is not the only Serb politician who cynically used the aforementioned Act for the pursuit of his party policy, though his case merits to be singled out because he conducts the opposition policy from an important ministerial chair, and by threatening us with the US instruments of compulsion."

Ljiljana Smajlovic then wondered "why the authorities did not try to offer to the public plentiful arguments by which the said promulgation was legitimately defensible." Then she reiterated the official explanation, namely, that "the state is duty-bound to take care of its citizens and to render to them legal assistance, independently of the grounds on which they were arrested..." "In the same way the Hague Tribunal has been already funding "the killers", that is ensuring the expensive

legal assistance to the indictees. Serbia shall bear those expenses which the Hague Tribunal is not willing to bear. That may seem a luxury, but as the Hague Tribunal has less funds at its disposal than earlier, and the list of indictees is fast-expanding, so the Tribunal decided to start saving. In view of that saving campaign, Veselin Slijivancanin must now incur the costs of part of his defence. His lawyer Novak Lukic stated that the Tribunal made that decision after learning that Slijivancanin owned a flat in Belgrade. Slijivancanin indeed has real estate- an 80 m2 flat in which his wife and three children live. Defence cannot be financed on the basis of that flat, unless those in the Tribunal expect Slijivancanin's wife to sell that flat and move into a smaller one!?"

Slijivancanin's wife, mentioned by a renowned analyst of "NIN", at a later date was provided with an opportunity to voice her stands on a controversial law. Namely "Balkan" (10 April 2004) ran a lengthy interview with her. Thus at play was the logic that the law had to be defended by examples of "honest" indictees, untainted by accusations of the state money plunder. If assistance to Slobodan Milosevic was contested, because of his appetite for hard cash, then journalists had to pacify us with stories about "honourable soldiers" who only did their job, without building villas, discos and Bambilands for their children.

From the aforementioned interview with Persida Slijivancanin, for whom the author had an open affection, we learn details about a difficult situation of family Slijivancanin and some piquant political aspects: "When Veselin was arrested, Sreten Lukic and Ceda Jovanovic sat in a BMW parked in front off our house... I learnt that they wanted to liquidate him by a sniper a month before his arrest. The gunman was told to shoot him on sight. I don't know what made them give up that plan. Cash is probably involved, for lot of money is given to people who hand-over alive indictees. "

Sasa, daughter of Veselin Slijivancanin, whose opinion was expressed in the side-box, was also very explicit: "In a TV program Goran Svilanovic and Dragan Sutanovac protested 1,000 dinars allocated for phone bills. I would like to tell them the following: come to see me, I shall give you the money if you negotiate the return of my father. I should ask them who is paying 13 Ceda's bodyguards? Why someone does not give to me a 150 square metres flat in downtown area? There are these NGO hags who always hang around TV studios slandering our people, and living on the misfortune of others."

It comes as no surprise that the war hero image of Slijivancanin is still dominant in Serb press, when one notes that newspapers still use the formulation "liberation of Vukovar". For example, "Vecernje novosti" (29 April 2004) in its report on the trial of killers of war prisoners in Ovcara, characterized by efforts to underline details favouring the indictees (headline "They only heard about crime", sub-heading: "Yesterday all witnesses maintained that they had heard much later about killings in a large farmstead Ovcara"), noted : "Prodded by the remark of judge Vesko Krstajic, that witness described the meeting held on 19th November, a day after liberation of Vukovar, by the then government of Autonomous Province of Krajina in premises of "Velepromet" company..."

Disputes about the said law, also boosted coverage of the fate of the most popular Hague arrestee, Slobodan Milosevic. Various statements of his legal

representatives and "international initiatives" to his benefit, still received extensive coverage. For example, "Vecernje novosti" (29 April 2004.) in a text headlined "Support of artists" , communicated to the public that "artists from Montreal, New York, Moscow and Paris" sent to the world the message of support for Slobodan Milosevic, before resumption of his trial before the Hague Tribunal. "Courts should never be used for justifying killings of civilians, tearing apart of a sovereign nation, and imprisonment and demonization of a national leader... If justice is not justice, if charges are turning into a persecution, if the international law is played around in order to impose "new international law", than we indeed live in the world of Orwell's 1984." Artists also warned that a neighbouring rogue decided that the whole world was his own-backyard. "

Romantic role of the hero-fugitive of Radovan Karadzic was boosted and hyped by many media, notably "Inter-Nacional". In its issue of 5 April that tabloid ran a text "Serb Ghurkas against AWACS" on the operating modes of Karadzic's security. A mysterious source of "Inter-Nacional" thus explained: "The most important thing is to neutralize AWACS, that is, sophisticated agents and superior technique which they use on ground and in the air. It is a dangerous and very complicated system. The most important thing is to misguide them, and that is done by a small group of experts-volunteers. So far they have been successful, for confused SFOR soldiers get misinformation and consequently kill -innocent priests."

"Inter-Nacional" dispels yet another "prejudice about Radovana Karadzic's bodyguards", by maintaining that the majority of them "are not big superheroes who devour tons of ram meat, but semi-vegetarians, who like the WW1 Serb soldiers subsist on diet of cheese and corn flower, and move lightly like Ghurkas".

Several days later "Inter-Nacional" carried a testimony of an author who recently met with Karadzic. Unidentified "friend": thus described his impressions of Karadzic: "His hair has grown grayer since our last meeting, but he is very fit. We prayed and thanked Gor for our meeting. We had a long conversation, but Radovan asked me not to dwell on common friends. He mentioned only one poet who was Alija's chief propaganda mastermind in Sarajevo durng the war. We concluded that traitors are most despised by their masters. Before I said good-bye Karadzic told me he was sorry that our paths had to separate, but that we should be nonetheless happy about this encounter before God's throne."

The generals foursome wanted by the Hague, and notably Nebojsa Pavkovic and Vladimir Lazarevic are still accorded a Hollywood star treatment by Serb press. They are omnipresent and vocally and more or less openly backed by a large number of the print media. Let us demonstrate this by a bevy or April press headlines announcing statements or interviews by Pavkovic and Lazarevic: "I shall not surrender to the Hague Tribunal" (N. Pavkovic, "Kurir", 6 April 2004), "There shall be no surrender" (V. Lazarevic, "Kurir", 5 April 2004), "We should be tried by our courts" (V. Lazarevic, "Vecernje novosti", 5 April 2004), "Pavkovic shall not surrender and tells the ICTY-let Vuk be tried in the Hague" ("Kurir", 19 April 2004), "The Hague hand-overs staged by Ceda, Beba and Milic" (N.

Pavkovic, "Balkan", 17 April 2004), *"I don't think about surrender"* (N. Pavkovic, "Nin", 15. April 2004).

Hand-over of the four generals to the Hague Tribunal was construed as a very serious political dilemma. The pertinent media campaign aimed at spreading the conviction that in case of generals' hand-over Serbia would lose all elements of its state sovereignty and that the security of the country would be destabilized. And in search for the resolution of that dilemma, journalists tend to make inquiries mostly with those understandably most interested in avoiding the trial before the international court, but who persistently and demagogically present their "personal problem" as "to be or not to be" question for the whole nation."

In his interview to "Nin" (15 April 2004) Pavkovic maintained that indictment against him was masterminded by some former DOS officials: *"I suspect that Cedomir Jovanovic, Vladimir Popovic, and Nenad Milic had their fingers in that pie. Who was in the Hague during the Sword action? Someone here is playing with much higher interests, trying to build a good political image abroad by dint of the Hague Tribunal."* Interview ended with Pavkovic's prophecy that on the issue of co-operation with the Hague Tribunal would hinge the political life or duration of any government, the current and the future one. The implication was that any government which co-operation with the Hague included his -Pavkovic's-hand-over would be a short-lived one. Such an arrogance characterized all public statements of Pavkovic, but the majority of journalists didn't seem to be interested in taking a critical stance on him. They could simply do it by asking him what makes him so unwaveringly think that he is stronger than the current or any future government elected by the popular will.

TRIALS OF INDICTEES IN THE PREMIER DJINDJIC ASSASSINATION CASE

The April media analysis clearly indicated an intensified media campaign aiming at undermining the trial of indictees in the Djindjic assassination case. In line with their profile, some did it in a most blunt and obvious manner (for example, "Inter-Nacional", which heralded on its 28th April front-page the scoop, namely that Zvezdan Jovanovic was indicted on the basis of planted evidence, that is, a cigarette butt given to the police by a Special Unit agent - ("we don't know on whose orders"), and some, like "Nin" in a more discreet way, by professing more credibility towards or insistence on the theory of the "third bullet."

Sub-heading of the text *"The third bullet under oath"* "Nin" (22 April 2004) *"Members of security team of Zoran Djindjic confirmed under oath, in special court that on 12th March three bullets were fired at Prime Minister. Has the indictment for assassination of Prime Minister started foundering at the very start of evidence presentation?"*

Author Nikola Vrzic, in his text, was angered more by a large public attention attached to appearance of 6 members of dismantled Unit of Special Forces in a courtroom, than to a possible foundering of the indictment resulting from testimonies by Djindjic's bodyguard Milan Veruovic and driver Aleksandar Bijelic.

"Trouble which the indictment faced after testimonies of Veruovic and Bjelic, and all the resulting unpleasant questions, were however overshadowed by appearance in the courtroom of 6 members of dismantled Spacial Forces unit on Tuesday. Sporting a crew-cut, frowning, looking like professional body-builders with black T-shirts with insignia of SFU and images of bad wolves stretching over their rippling muscles, they sat in a lower gallery, and in silence heard the first part of Veruovic's testimony. Which business brought them there was not clear, but their visit became the hot news. It served to shift the focus of the story from the third bullet to assessments of "a direct threat to democratic public of Serbia" (Zarko Korac) and of "a logical consequence of a counter-productive meddling of authorities into the ongoing trial" (Ceda Jovanovic's Centre for Modern Politics)"

Vrzic bravely "passed his judgement" on the indictment: *"Bijelic's and Veruovic's testimonies differ from what the investigating judge recorded during conversation with them last spring. They thus accounted for those differences: "We were asked to explain how the Prime Minister had to stand since (and not: if) he was shot from Admirala Geprata street no. 14. To put it briefly, the impression is the same like the one expressed in "NIN": first a theory was laid down, and then into it were built facts, at least those which could fit. Other facts were simply disregarded... It will be interesting to hear reactions of those who now claim to be the staunchest defenders of the truth about Djindjic. For them the appearance of 6 tatoood man with shaved heads was more important than testimonies which have seriously foundered the accuracy of assertions in the indictment. "*

It was implied through regular "scoops" on ties between Djindjic's aides, notably Cedomir Jovanovic with the Zemun gang, and his visits to Silerova street that those most involved in assassination are individuals from Djindjic's entourage. (*"Ceda and Legija guests in the house in Silerova street e"*, "Vecernje novosti", 7 April 2004; *"Djindjic's murderers in the top leadership"*, "Balkan", 13 April 2004; *"Plot was hatched by those whom he trusted most "*, "Balkan", 27 April 2004).

"Experts" like Marko Nicovic (*"Djindjic's entourage surely connived, for all informations were blocked"*) and Bozidar Spasic (*"Aides still hold what they had taken"*) were quoted. Taken into serious consideration were claims made by inveterate criminals Vladimir Jaksic and Dragan Ilic Limar, tried for assassination of the police general Bosko Buha.

Weekly "Evropa" (22 April 2004) reported: *"Open letters from jail of Vladimir Jaksic and Dragan Ilica Limar-arrested five months after the misdeed- could cast a new light on Djindjic's assassination. Those letters indicate that the then Serb authorities and police, in co-operation with Milorad Lukovic Ulemek Legija and Dusan Spasojevic, have already been engaged in political investigation of the said assassination. Jaksic and Ilic furthermore maintained that after their arrest they were*

tortured and forced to sign statements tantamount to accusations of General Aca Tomic, the then Head of Military intelligence and Rade Bulatovic, the then adviser to Vojislav Kostunice, and current head of the Security-Informative Agency, for preparing Djindjic's assassination."

Oddly enough only "Kurir" and "Glas javnosti" were interested in sensationalistic information leaking from the closed sessions of trial, and relating to Aca Tomic and Radeta Bulatovic connections with the Zemun gang. Witness-collaborator Zoran Vukojevic Vuk maintained that he personally, under order of Dusan Spasojevic, took money to Aca Tomic, as well as that Tomic and Rade Bulatovic made over 20 visits to the house in Silerova street to meet with Dusan Spasojevic. Most media however hyped the second leak from the closed sessions, namely that Marko Milosevic, son of Slobodan Milosevic, offered 5 million DM for Djindjic's assassination.

"Blic" (15 April 2004), for example, in the text headlined "*Marko offered 5 million DM for Djindjic's assassination*", noted "*Vukojevic repeated his testimony in which the roles of all members of the Zemun clan and their connections with some politicians, police officials and members of the military intelligence services were described in detail.*" Their names were omitted in this text, but not in the related article ran by "Kurir" on the same day.

The next day "Kurir", however, ran the text headlined, "*Stage-managing*", in which it asserted that Vukovjevic's testimony was given under pressure of the prosecution and stage-managed by Cedimir Jovanovic and the Centre for Modern Politics.

Since the defence of Milorad Ulemek Legija (arrested on 2nd May) was based on confused tales about his joint shady deals with Cedomiro Jovanovic, Vladimir Popovic, Goranom Vesic, one suspects that the media were tasked with laying the groundwork for a spectacle of Legija's surrender, and thus a total turning point in the case.

Serb press also launched a theory that Spasojevic and Lukovic (Kum, the Godfather) were not killed during the Meljak action, as maintained in the official version, and presented evidence that the showdown in Meljak was stage-managed, and that the police just placed there the bodies of previously killed leaders of the Zemun gang. For example, "Kurir" (13 April 2004) ran an interview with Nenad Vukasovic, defence counsel of Zvezdan Jovanovic: "*I shall ask Jovic, the incumbent Interior Secretary, to disclose the full names of those who had ordered murders of Shiptar and the Godfather, and of those who took part in that liquidation. It is probably clear to all and sundry that such a police order was issued with the view of removing the key witnesses. Liquidation of Shiptar and the Godfather was necessary in order to obfuscate the connections between some top officials with the most hardened criminals, and not the truth about Djindjic's assassination.*"

It is interesting to note that the lawyer of Zvezdan Jovanovic, the prime suspect in the Djindjic case, a former member of the Special Forces, calls Spasojevic and Lukovic, accomplices of his defendant, - Shiptar and the Godfather. The timing of Legija's "appearance" indicates that the hallmarks of

the defence strategy are endeavours to separate Special Forces and its officers, as state employers and honourable patriots, from the "ordinary mafiamen" from the Zemun gang.

A communal topic-illegal destruction of a notorious building in Silerova was hyped by the Serb press. Much media attention was also attached to charges filed against the state for the aforementioned demolition by widows of Dusan Spasojevic and Mileta Lukovic. Statements of defence counsels of indictees also received extensive coverage because they contained the most fantastic details aimed at foundering the key arguments of indictment. "Balkan" (1 April 2004), bannered a front-page headline termed as "a scandalous scoop", "*Papers greenlighting the demolition were doctored*". As "Balkan" suggested the law was violated because of political pressures by Cedimir Jovanovic.

The same topic is thus treated by "Kurir" (20 April 2004) "*Our interlocutors (widows Tanja Spasojevic and Maja Lukovic) maintain that they have immediately informed the policemen that the house in Silerova street was about to be legalized, but they paid no heed to those claims... Tanja Spasojevic added: "I don't have a single family photograph, no recent photograph... they have taken cameras, cassettes, photographs, everything. They took away everything. All of them were taking things from three, large houses, and I could not see who took what. It was a sheer plunder."*

"Touching" confessions of widows are yet another manifestation of concerted media efforts to confuse the roles of victims and executions in the story of Djindjic's assassination and to reinstate "legitimacy" to organized gangland, which owes its long-standing glorification to a large extent to Serb press reporting.

MAY 2004

INTRODUCTION

Early May saw the event which was to attract the media attention in Serbia for many months to come—namely on 2nd May Milorad Lukovic Ulemek Legija, the prime suspect in the Djindjic assassination case was arrested, or rather, he surrendered to Serb police. As the April media analysis indicated, the public was in a way primed for that event.

Thus a sensational public appearance of the most wanted Serb criminal—and an ex-public servant with notorious war record in Serbian paramilitary forces fighting in Bosnia and Herzegovina, Croatia and Kosovo—was mostly interpreted as arrival of an omniscient witness not expected to defend himself, but to disclose "the others," i.e. masterminds of the plot to kill the Premier.

Front pages and inner pages of dailies and weeklies were choked with previously unknown, professionally made Ulemek's photographs, speculations about details of his surrender, and expectations relating to his possibly incriminating statements. Many were convinced that he would now accuse the figures close to Djindjic or members of his cabinet.

It seemed that Ulemek himself participated in the presidential race, coinciding with his arrest. He "fought" to grab the media attention, as best indicated by the capturing and sensationalistic stories under headlines such as "Legija in detention" and "Legija before the court." In any case, for a while he was portrayed as a man on whose testimony the outcome of presidential elections hinged.

In such a general mood, those who most gloated were the Serb Radicals, who long centered their populist demagoguery on a persistent marketing of their alleged honesty and accusations that "our political opponents, notably Democratic Party were steeped in connections with Mafiosi, drug traffickers, criminals..."

Thus it was easy for journalists to transform a former legionnaire into a leading man of an enormous and confusing saga amid a collective social confusion. That makeover venture was greatly helped by the fact that state officials responded to Ulemek's surrender in the way, which left room for various controversies. Interior Secretary Dragan Jovic went so far as to state that "Ulemek decided to give himself up because now he had trust in the incumbent authorities."

Jovic's party colleague, Dejan Mihajlov tried to capitalize in a more radical way on the said confusion to the benefit of presidential candidate of the Democratic Party of Serbia and the entire ruling coalition, Dragan Marsicanin. As the head of Marsicanin's election campaign, Mihajlov called a press conference to read an open letter requesting the most exposed officials of the Democratic Party, presidential candidate Tadic and former Prime Minister

Zivkovic to disclose names of Djindjic's assassins (17 May). He threatened, "If they don't do it, than we shall."

But Mihajlov's ambitions came to nothing. Moreover, local political analysts blamed his awkward "boldness" for surprisingly bad Marsicanin's rating and an even more catastrophic electoral result.

However the star of the presidential race became Bogoljub Karic, powerful tycoon who used to be close to Milosevic. He falsely, though successfully managed to portray himself as a self-styled "novice in the field of politics."

The print media failed to remind the electorate that Karic had been a minister in the government of Mirko Marjanovic, though that was surely not the most interesting detail of his political past.

But it is noteworthy that Karic's rapid political ascent was also due to his non-transparent power in the media market. He is the owner of BK TV and also exerts great influence on a large number of the print media, which are not—at least officially—owned by him (daily "Balkan" being the most conspicuous example).

The foregoing brings to mind the fact that in a dysfunctional state, in disarray in which the bulk of money is in the hands of those who had amassed it through deals with criminalized political elite from the pre-5 October period, the cash-strapped media are not able to attain a high professional level and to avoid political and financial pressures on their editorial policies and subsequently on their coverage of important events.

Practically all the 15 presidential candidates, including those branded "serious representatives of the pro-democracy block" by and large stuck to the populist patterns, common denominators and phrase-full messages, in moderate or radical nationalistic tone. On the other hand, during the presidential race the Serb press did not have the stamina or will power to touch on more serious issues or to launch a debate on key problems of the society.

THE "ARREST" OF MILORAD LUKOVIC LEGIJA

An apologetic trend in the coverage of Legija was discernible even in early information or rather speculation related to the mode of his surrender. Thus the Serb press invested him with an aura of hero. "Kurir" had a banner headline splashed on the front-page "*Please arrest me!*"

In the related article "Kurir" "uncovered" that "*four policemen in plainclothes ran away when Legija walked out of the house and asked them to arrest him... What's got into you, I am not arrested, come on, arrest me-shouted Legija while the policemen were running away.*"

Legija was portrayed almost as a movie star, whose terrifying power had a lot of roguish appeal and charm. When the first team of gendarmes ran away, Legija, according to "Kurir's" anonymous sources, had to phone to Head of Gendarmerie... after which "*five Defender jeeps came to pick him up.*"

The same unidentified sources informed "Kurir" that before entering one of the jeeps, Ulemek managed to say that *"the truth about Djindjic's assassination is very simple and I believe that I shall be able to prove it quickly."*

The same issue of "Kurir" in a bombastic manner marketed assertions of Ulemek's lawyer, Slobodan Milivojevic, that his client was hiding all the time in his own house, on "orders" of two high police officers.

In maintaining that the incumbent police authorities were in the dark about Ulemek's whereabouts, lawyer Milivojevic also manifested his unfailing respect for the whole. *"Colonel Lukovic decided to surrender out of faith in the incumbent authorities, that is, in their respect of the law. He thinks that they shall be able to prove in a lawful way the truth about Djindjic's assassination and murder of Ivan Stambolic."* Milivojevic did not fail to underline that *"there are some concrete documents pointing at collusion between former authorities and gangland."*

On 5th May "Balkan" carried some interesting particulars relating to *"five historic minutes in front of the family house of Milorad Lukovic in Ilije Stojadinovica Street no. 87."* "Balkan"s anonymous source was from the Belgrade Gendarmerie corps. The headline gave a human angle to the feature, reminiscent of the stories about celebrities. *"Aleksandra made coffee for gendarmes, Legija asked to swap T-shirt with Guri."*

"Balkan" wrote: *"Legija's wife Aleksandra offered coffee to four policemen. According to our source, the atmosphere was so normal, that four policemen sat in a jeep to drink their coffee at peace... After his surrender, Legija, allegedly met with Guri, his Kosovo wartime pal, in the premises of Criminal Police in Kneza Milosa 101 Street. During that meeting Legija asked Guri to swap their T-shirts. Radosavljevic in fact then wore the Special Forces T-shirt, as Gendarmerie took on not only functions but also the equipment and uniform of the dismantled forces."*

List of lawyers in the Djindjic trials who were always in the media spotlight was expanded by the aforementioned Legija's defense counsel, Milivojevic, and his second counsel Momcilo Bulatovic who in their public appearances and statements also acted as deft promoters of Legija's political interests.

"Vecernje Novosti" (4th May) carried two texts: the interview with Momcilo Bulatovic included extensive quotations by Slobodan Milivojevic, and a lengthy interview with Vukasovic, lawyer of defendant Zvezdan Jovanovic, charged with carrying out the assassination, the crime which he had admitted during the police investigation.

Headline read: *"Why Korac claims that Legija would lie?"* while the sub-heading contained Vukasovic's statement: *"Legija's surrender frightened politicians who had forgotten the strength of ties between officialdom and organized gangland... Korac's claim that Legija would lie is an attempt to hide the truth. Developments before 12th March must be clarified too, for that day was only their consequence."*

"Politika" (4th May) ran an inspired Legija's biography, without any hints as to his possible involvement in some grave crimes committed during

wars in former Yugoslavia, but with a manifest respect for his military and patriotic qualities!

"He gained vast experience in battlefields of central Africa, and in former French colonies... that experience helped him gain fame... He returned to Yugoslavia, in which the war raged, in 1992. He then joined the Serb Volunteer Guard, whose commander was Zeljko Raznatovic Arkan. Colonel Legija, thanks to his Foreign Legion experience, turned the Tigers into a disciplined unit."

His qualities as a fighter and leader caught the State Security Service's eye... Under the leadership of the newly-appointed commander, Legija, the Special Forces were accorded a new, enhanced status... Their last task was to combat so called Liberation Army of Kosovo in Kosovo, in 1998. and 1999. Their presence, easily recognizable because of their uniforms and vehicles, sowed panic everywhere... During the retreat of the army and police from Kosovo they were the last unit to leave that province."

There is an anecdote that Albanians, having taken them for Americans because of their uniforms and vehicles, welcomed them by applause and flags in all localities through which they were passing."

Highly mystified French Foreign Legion, as the backdrop of Legija's murky past before his paramilitary career in fatherland, additionally fuels imagination of gutter press in Serbia and prods tabloids to create a fascinating image of Legija. This is helped by the fact that Serbia is a milieu with a long tradition in hyping "military" virtues.

Thus the myth was created of excellent military qualities of Legija during his service in a controversial unit under the French flag. "Vecernje Novosti" (11th May) thus tried to get that very message across by its headline: *"He excelled in handling weapons."* The text went under the by-line of Aljosa Milenkovic, a journalist who in an uncontrolled manner promoted military contents on BK TV.

By re-visiting Legija's legionnaire experience Milenkovic found himself in the headquarters of the Foreign Legion in Aubagne near Marseilles, in which, according to his words, rallied former soldiers and their families *"to pay tribute with the highest military honors to heroes of Cameroon"*.

Milenkovic wrote an inspiring feature about the unit to which Legija belonged: *"On the monument to the perished soldiers of the unit, in the central plateau of the garrison Quartier Vennau in Aubagne, there are words honor and loyalty which constitute a moral code to which all legionnaires adhere. That is precisely the reason why they avoid talking to journalists. They are a very closed bunch; they rarely talk about their experiences even with their relatives. They told me something about Milorad Lukovic only few days after my arrival."*

So readers of "Vecernje Novosti" learnt something about Legija from "a Serb, J.B., from Bosnia", who allegedly spent 18 years in the Foreign Legion.

"J.B. said that Legija was a cut above the other soldiers. He was cold-blooded, reserved, an excellent soldier with a true military bearing. He loved running, swimming, mountain-climbing, and exercising in the gym. He loved weapons too. He was the best marksman... During his stay in the unit he never made scandals or rocked

the boat in any way, thus he was soon promoted to the rank of colonel. His track record includes special units training in the war techniques in Chad, Rwanda, and Djibouti."

The author also reminded us that "the most famous Serb who ever served in the Foreign Legion was King Petar I Karadjordjevic, who took part in the French-Prussian war in 1870. Thus Legija was in "the business" of royal standing!

Serb press also gave "a warm human angle" to the Legija case, by interviewing his next of kin. "Vecernje Novosti" (6th May) ran a whole-page interview with his mother Natalija, who, as the subheading indicated, talked about "a surrender of a fugitive who never escaped anywhere."

Author of interview Silvana Stankovic was full of understanding for concerns of the mother to well portray her son. Mrs. Ulemek thus shared with readers information relating to her son's gastronomic-religious tastes: "He really loves fish. We fast often. He fasts too. He is religious, and that is why he would never do anything bad. And because of his children too..."

The prime suspect, according to his mother, is well respected and loved by citizens. "When I went to see a dentist at the University Hospital he told me not worry, that the intervention would not hurt, for my son helped him a lot. Then in the church I met a man from Pec who told me that he and his family were praying and lighting candles every night for my son, for he saved them from a house on fire. Many men from South Serbia could say the truth about my son and his unit. Soldiers in his unit were very close, they were all brothers..."

Legija was extremely well trained. He would sit for days on a tree and wait for someone. He would never miss his target. But I don't believe he killed anyone. Why would he kill Stambolic? Because of Milosevic? Well, he was not close to Presidents. Well, yes, he was close with Djindjic, but not all the stories currently circulated about that friendship are true."

The same day (6th May) Legija's mother was interviewed by "Blic." In that text she was portrayed as "a kind woman" though, as she declined to let reporters into her flat, the interview was conducted via interphone! The most "precious" or interesting part of her statement was presented by the banner-headline: "Ceda visited Legija's house."

"Why would my Milorad be interested in killing Djindjic, when Milorad was the one who brought Djindjic to power... That Veruovic (she is referring to Djindjic's bodyguard, wounded during assassination attempt)... How can he utter such insinuations, when both he and his brother landed their employment thanks to engagement of my son. 'Refugees from Pec and Prishtina could best tell you what kind of man my son is!' Natalija Ulemek told us with a trembling voice over the interphone."

Dedicated defense of Legija by his brother-in-arms, notorious Kristijan Golubovic also received extensive coverage. We learnt from him that Legija's nickname was Cema. Headline of "Vecernje Novosti" (7th May) read: "Cema would never kill a Serb."

Testimonies of Golubovic and Legija's mother about Legija's role in Djindjic's ascent to power seem to be well synchronized. "If there had not been for

Cema, 5th October would have never happened. That is a fact. Had he not switched sides, there would not have been any revolution. It is a public secret that he and Djindjic agreed on the Red Berets support to people and their non-intervention. And he was true to his word, as always."

Golubovic's story fits into the pattern of "rehabilitation" of the Red Beret Special Unit, which was discernible in the Serb print media on the eve of Legija's surrender. Ill-famed and dismantled Red Berets were now portrayed as a highly professional grouping serving well the state and national interests, contrary to the Zemun gang, composed of ordinary criminals.

"I can't believe that Legija could kill a Serb, contrary to Dusan Spasojevic who was a hardened, trigger-happy criminal," maintained Golubovic in "Vecernje Novosti".

According to Golubovic (interestingly enough a person with a thick criminal file is now considered by the Serb press as a -political analyst!) Legija's misunderstanding with politicians whom "he brought to power" was caused by the Hague Tribunal.

"On several occasions I heard Cema criticize the DOS leading officials. He backed them until he was given the list of persons to be handed over to the Hague Tribunal. On that list was also his name. He grew angry with Djindjic, Jovanovic, Mihajlovic and Svilanovic, for not delivering on their promise."

Such a strong media promotion of Legija did not only aim at foundering the indictments in the Djindjic case. On the political plane insistence on ties between the DOS authorities and organized gangland in the middle of Tomislav Nikolic's campaign, benefited mostly the Radical Party option, for they were those who long upheld that version of developments and the one of their clean record in that regard.

The absurd situation in which the most famous indictee in Serbia continued to be the subject of a very positive publicity was continued throughout May. The most ridiculous part of that campaign was an astrological analysis of his personality, ran by "Kurir," few days after Legija's surrender (5 May). Astrological experts consulted by the tabloid claimed that the police would have never found Legija, had he not decided to surrender, because "his natal horoscope indicates an excellent propensity for hiding."

"Kurir" wrote: "Jasminka Holclajtner assesses that Lukovic was not astrologically predisposed for assassination of the Serb Prime Minister. -On the basis of his astrological aspects one could never conclude that Lukovic was involved in that assassination. On the other hand horoscope of Zvezdan Jovanovic has many negative aspects. Some harmonious aspects in Lukovic's natal chart indicate that he was predisposed for good relations with the Prime Minister. Those aspects could be linked to his role in the 5 October revolution."

Since Legija's first appearance in the court was scheduled for 10th May, the created public mood was the one of great expectations. Namely it was widely believed that he would say something, which could cause a major upheaval in the political scene of Serbia. But he instead asked the court to give

him additional time to prepare his defense. And was granted that time. Thus the print media had to cover only a kiss sent by Legija to his wife, and his and Zvezdan Jovanovic's winking at each other.

Tension over a possible shocking truth to be uttered by Legija at some stage remained high during May, since the first hearing was re-scheduled for 10th June, the last day of pre-election campaign (presidential elections were scheduled for 13th June). It was also widely believed that the outcome of those elections directly hinged on Legija's words.

THE HAGUE TRIBUNAL

Overshadowed by Legija's surrender was the letter of the ICTY President Theodore Meron to the UN Security Council (4th May). In that regard the public was deprived of a full insight into information of great importance for the whole society. Added to that no attempts were made to present a serious, rational and unbiased analysis of Meron's arguments relating to non-cooperative stance of the official Belgrade towards the Hague Tribunal.

What ensued were automatic condemnations of Meron's action. In its text "*Summary accusations*" on 6th May "Politika" concluded that Meron's letter "*imposes many dilemmas*" and criticized the Tribunal's President for drawing a too hasty conclusion about non-cooperative stance of Kostunica's government, in view of its recent installation.

"Politika" obviously thought that citizens should not be alarmed by Meron's differences with the Belgrade authorities, so the newspaper invited Dusan Janjic, director of the Forum for Ethnic Relations, to explicate the latest development:

"This report shall not provoke a more radical stance by Security Council, barring another call for co-operation". Janjic also explained that the letter would have been submitted regardless of the manner of conduct of Kostunica and his cabinet, for "*the Hague Tribunal has its plan of action and they want to have a clean record before the UN and US, because of funds earmarked for that institution.*"

The start of presidential race did not contribute to development of a more comprehensive and serious debate on co-operation with the Hague Tribunal. The print media failed to insist on contenders' clearer positions on the issue on which hinged Serbia's success on the road to European integration.

Karadzic, Mladic, Pavkovic and other "media stars" from the anti-Hague lobby during May were less present on press pages, because of an exceptional focus on Legija's trial. However the image of the ICTY as the main culprit for all Serbia's troubles was preserved.

Any pronounced deviation from the unwritten rules of the established Hague Tribunal media-bashing was treated as a genuine heresy. The foregoing is best attested to by a question posed by "Vecernje Novosti" (11 May) in its regular column "The Pulse":

"If you by chance stumbled upon Mladic or Karadzic, would you think that it was your duty to help their hand-over to the Hague Tribunal?"

According to "Vecernje Novosti" the newspaper was motivated to ask that question after the following admission of Svetlana Lukic, a B92 journalist in the show "Impression of the Week" on TV B92: "If I met Ratko Mladic I would immediately report him to the police." Interestingly enough the same question was posed to General Nebojsa Pavkovic, the Hague indictee refusing to surrender, actor Velimir Bata Zivojinovic, a prominent member of the Socialist Party of Serbia, and a stand-up comic "Inspector Blaza". All of them replied: "NO!"

Headlines presenting their replies were the following: "*Traitors and snitches*," "*I won't have anything to do with the police*," "*I would not report them*"... Reply of Nebojsa Pavkovic, was predictable: "*Shame on Serbia*". Pavkovic added: "*The liberties some people take are indeed shocking, for example to publicly admit that they would immediately report General Mladic to the police. Shame on Serbia!*"

Such public declaration of civil responsibility by journalist Svetlana Lukic prompted journalist Ljiljana Smajlovic to write an editorial tinged with irony in "NIN" (13 May). Her message was by and large that her colleague as a conscientious citizen has a strong professional instinct:

"A well-know Belgrade journalist recently stated that she would not have interviewed Colonel Legija even if he had butted in her studio to surrender. Were she to meet by accident Ratko Mladic, she would not ask him anything either, but would immediately call the police to arrest the Hague fugitive... With due respect for Ms. Lukic, we in "NIN" have a different opinion. There is a division of labor in the society, but profession-reporter does not exist only for the sake of alarming the forces of civil order."

It seems that journalists in Serbia exercise their investigative tack only by finding new personalities ready to vilify or slander the Hague Tribunal. Frequently such "bearers of truth" are families of the Hague indictees. Thus "Vecernje Novosti" (28th May) introduced to the public Mirko Krajisnik, brother of the Hague indictee, Momcilo Krajisnik, who "*unveiled the truth about the Krajisnik trial in the Hague.*"

Mirko Krajisnik inter alia "disclosed" to readers of "Vecernje Novosti": "*Momcilo Krajisnik is facing an uphill struggle in the tribunal in his bid to prove both his own innocence and the collective innocence of Serb people in Bosnia.*"

Krajisnik lamented that his brother "*would remain in detention for the rest of his life*" and explained: "*After expiry of 22 months which Momcilo spent in the Scheveningen detention unit, which is the maximum detention term, the Hague Tribunal kept extending it before finally ruling that detention may last as long as the tribunal and prosecution deem it necessary.*"

Story of brothers Krajisnik, like Legija's story, were written with affection, and from the human angle. This is how Mirko, according to the tabloid, spoke about his telephone conversations with Momcilo:

"Over time they turned into banal conversations, reduced to 'Hello', 'How are you?' 'I am OK and you', for we both knew that our conversations were tapped. Sometimes I try to tell him something in a long-winded way, something that I think could help him, but I am not sure that he always understands me."

"Vecernje Novosti" in a touching manner explained that: "all those conversations are possible if the elder brother calls his younger brother from a public phone-booth in Scheveningen and can last as long as Momcilo has the coins for them."

KOSOVO

Resignation of Harri Holkeri from the position of head of UNMIK (on 22nd May) was gloated over, because in the weeks before that resignation Serb press had demanded with much passion and insistence "de-powering" of the Finnish diplomat on grounds of "his failure to understand Serb problems."

In commenting the news that Holkeri withdrew two months before the end of his mandate, *"formally on grounds of poor health"*, "Politika" (26 May) noted:

"His reputation was hurt by the March revolt, pogrom of over 4,000 Serbs, 27 destroyed Orthodox monasteries and churches, the 14th century jewels, and murder of 8 Serb citizens from Kosmet. He did nothing to prevent the impending disaster, that is the aggression of the Albanian mob against the defenseless Serb people."

Serb press and Serb politicians in Kosovo were disgruntled with Holkeri's justification of his resignation, and insisted that he should have resigned because of his inability to prevent the March developments.

Some newspapers launched very construed theories on "real" reasons behind Holkeri's resignation. Those "scoops" were thus announced by 27 May issue of "Balkan": headline *"Tachi and Haradinai go to the Hague, Holkeri ran away"* and subheading *"UNMIK Head driven away by the Hague Tribunal indictments against the KLA leaders."*

"Departure of Harry Holkeri from the post of Head of UNMIK in Kosovo was accelerated by the four new Hague Tribunal indictments forwarded four days ago to the Kosovo authorities... two indictments are against the KLA leaders Hashim Tachi and Ramush Haradinai, while the other two concern other two Albanians... According to 'Balkan' indictments forwarded while Holkeri was recovering in a Helsinki hospital, have strengthened the Finnish diplomat's resolve, already under pressure of Albanian threats, not to return to Kosovo, in view of possible reactions of Kosovo Albanians to the indictments against the two Kosovo leaders..."

Editorial by "NIN"'s editor-in-chief is tinged with malice and cynicism (27 May):

"The man called Harri Holkeri shall soon leave Prishtina and probably start writing his memoirs in his native Finland. Then he will try to explain in TV programs and documentary films the gist of the "Kosovo problem" and possible resolutions thereof. He will be able to talk about everything he failed to do. He shall be probably satisfied with his bank statement after the Kosovo business... However it was an appealing business for an end-career diplomat..."

In "NIN" (20 May) re-appeared Nebojsa Jevric, "half-warrior, half-reporter" from the time of wars in Croatia and Bosnia, whose terrifying "insider" reports were then ran by weekly "Duga." This time around he wrote, in his typical manner, about his journey to Kosovo, and visits to Gracanica, Prishtina and Prizren.

"Monks told us that Germans did not even try to defend them, to defend the monastery built by Tsar Dusan. They were boarded on an armored vehicle and ferried to a Serb village. Now when Arnauts (Albanians) have felt their weakness, when they charge again KFOR will take to its heels and stop running only when those forces reach Thessalonica." This weekly with a long tradition and serious pretensions let Jevric use the derogative term for Albanians-Arnauts.

Jevric devoted large part of his text to hyping of an "age-old" truth that Prizren was the "the capital" of the empire of tsar Dusan. Thus the text was a paradigm of a dominant political-media approach of Serbia to the issue of Kosovo, which, as it was reiterated in earlier media research reports (March, April), belonged more to the sphere of myth and collective fantasies than to the sphere of real politics in a contemporary context.

"Kosovska Mitrovica, in the middle-ages called Dmistrovica, after its protector Saint Dimitrije, is a city full of contrasts..." is a lead-in the feature on medieval monasteries and on "Kosmet contrasts", ran by "Politika" (25 May), under the headline *"An Albanian in a Serb bus"*.

What is also characteristic of this text is the insistence on the impossible-the hallmark of all the Kosovo-related coverage- peaceful coexistence between Serbs and Albanians in Kosovo.

"No-one believes any longer in that cohabitation... Beyond the Serb part of territory life is very-cheap. Only cars with KS license plates can pass safely through Albanian-populated localities. If one dares drive a car with different license plate through such places, only the effect of surprise may save its passenger."

In May the print media made some attempts to tackle a "modern" topic, that is, a terrorist threat to Serbia. Thus tabloid "Balkan" (9 May) maintained, on the basis of its "reliable sources" and "serious" indicators that:

"Albanian terrorists in the spring shall engage in a massive showdown with security forces with a view of spreading war conflicts to central Serbia. Source of 'Balkan' from the Security-Informative Agency confirmed announcements of police officers that situation in South of Serbia was not safe."

"Balkan" asked Milovan Drecun, the inevitable military analyst to analyze that situation: *"There is no dilemma that Albanian militants are setting the stage for armed actions in South of Serbia in order to provoke a crisis in that area. South of Serbia is under threat of a possible expansion of Albanian terrorism. Head of that terrorism is in Albania, but its fist is in Serbia."*

Drecun also voiced his bleak predictions for the whole region: *"10,000 Albanian and Muslim soldiers were trained in Al-Qaeda –organized boot-camp spread over a large territory, including areas of Kosmet, Albania and Western Macedonia. In those camps are recruited terrorists popularly called 'white devils'".* He added:

"In view of fast approaching Olympic Games in Greece there are major possibilities for Albanian terrorist actions. By staging them they would divert the attention of public opinion and provoke a major crisis in the Balkans."

JUNE 2004

INTRODUCTION

Press in Serbia throughout June remained true to its May trend of hyping its "star" Milorad Ulemek Legija, the prime suspect in the case of assassination of Prime Minister Zoran Djindjic. As the day of Ulemek's testimony before the court neared (10th June), tension rose.

The print media continually construed a situation in which the public was weaned from its interest in the court proceedings aiming at proving the guilt of a "famous" operative of the Milosevic-instructed paramilitary units. Instead of that the public were led to expect that Legija's testimony would taint and even destroy the overall reputation of former DOS officials and people from Djindjic's inner circle.

Thus Legija in the finale of presidential race attracted more media attention than any presidential candidate; as it has been already established in the previous, May report, Legija was seen as the man on whose words hinged the final outcome of elections, since his testimony coincided with a day before the "election silence." (*"Legija's testimony shall hurt someone very much"* and *"Legija ready to speak up if court is willing to listen,"* "Balkan," 10th June)

The only public figure who in the early June days succeeded in undermining Legija's standing in the Serb print media was a show business star from Croatia - Severina. Namely the Severina case literally proved that pornography strongly influences Serbia's social climate.

Obscene photographs with a popular singer were splashed on front pages of all dailies and that case was the most commented one by all the print media in Serbia. Politicians and other public figures were asked about their impressions of the porno film with Severina in the lead role.

It bears saying that unlike the Serb press, not a single paper in Croatia dared dig up so much muck about the singer's private life. Press there probably feared legal consequences of such "investigative journalism." But their counterpart, the Serb press, in absence of a strong professional/ethical code and the media-related legal provisions, can treat any way it likes any topic, not only the trivial one like the Severina sex scandal, but also key political issues.

Some media had other favorites. Most conspicuous were efforts by "Vecernje Novosti" to attach much importance to the fate of General Aca Tomic. The tabloid's carried as many as 7 sequels (from 31 May to 6 June), of the interview with Kostunica's former adviser and key military intelligence officer, arrested after Djindjic's assassination. Thus readers were able to learn, in the midst of the election race, what Aca Tomic told servile and well-predisposed journalists of "Vecernje Novosti" about his *"arrest, the Perisic case, phone-tapping, his impending criminal charges."*

Election of the President, one of the most relevant events in the country, was followed by the print media in a very mechanical way. In other words, the media tended to automatically record the planned activities of presidential candidates and sporadically throw in a trivial, allegedly "human angle," or rather a show business story. Thus "Secret love of Kennedy and Jelisaveta" (Kurir, 2 June) was for days one of the "strongest election themes" since Jelisaveta from the headline was the presidential candidate, Princess Jelisaveta Karadjordjevic.

Contents of the election-related articles were dictated by very candidates unconcerned about credibility of their messages, since the passive media, devoid of analytical aspirations, did not even try to compel them to manifest any responsibility for their statements, radical stances or extreme, unrealistic promises.

But the foregoing did not preclude most flagrant abuses, frequently in the shape of misinformation in the interest of one candidate and to the detriment of others. Thus several political tabloids stooped to anti-constitutional conduct by engaging in hate speech and provocation of national hatred and intolerance.

The most drastic example thereof was a front-page article ran several days before the elections by "Inter-nacional" (24 June) with a photograph of Boris Tadic with three fingers raised, and the Croat flag in the background, "Good luck Tadic!" The "ljekavica" alphabet was intentionally used to bring to mind the decision of the Council of Democratic Alliance of Croats to back Boris Tadic.

That openly nationalistic tabloid was obviously irritated by the said decision of a small and relatively weak Vojvodina political grouping. However, it seems that "Inter-nacional" had forgotten that all relevant minority parties and organizations had already publicly confirmed their backing of Boris Tadic!

Behind such portrayal of Boris Tadic as someone making pacts with proven enemies of Serbia was an obvious intent to lessen his political chances. That coverage also aimed at generating prejudices and antipathies towards Croats. Added to that citizens of Croat descent were branded anew as people whose electoral will and intentions towards this state were to be regarded as highly suspicious.

Since early June "Kurir" kept launching bizarre and malicious slander against Tadic. The tabloid's front-page of 1 June carried a doctored Tadic's photograph with visible traces of smallpox scabs on his face, along with the caption that electoral headquarters of the Democratic Party were engulfed in panic, since "Dragan Sutanovac, head of electoral team, was infected with smallpox, and Boris was given a thorough check-up."

But the policy of putting a spokes into the so-called democratic candidate's wheels during the race, radically changed after his victory. Namely the post-election coverage was full of praises for Boris Tadic, "a man potentially slated to become a reconciliatory and unifier of the nation."

"Politika" made a tremendous effort to establish his "Serb pedigree": "The family history of Boris Tadic was greatly affected by tragic ideological conflicts during and after WW2. The incumbent President once said that his grandfather, Pavle, an officer awarded with Obilic's medal for his heroic performance in the Skadar battle, had three sons. Ljubomir, the youngest one, is Boris' father" ("Politika, 30 June).

In the same issue "Politika" ran a lengthy feature about parents of the new president, to whom attention was also attached by other newspapers during and after elections. "Parents of the President of Serbia were not caught up in the triumphant victor's euphoria" and subheading "Tadic's mother hoped for a rainy day." The second subheading contained an interesting assertion by the President's father, academician Ljubomir Tadic:

"It bothers me to hear the media call my son, a pro-Western politician, and that label bothers him too."

The aforementioned "Internacional" article on ties between Croats and Boris Tadic was not a sole chauvinistic smear action. It is a well-known fact that the Serb press often disregards their legal obligation "not to engage in spreading and inciting of national, religious, and other hatred."

It is easy to detect a tendency towards fanning of inter-ethnic tension and provoking distrust among minority peoples. "Kurir" of 30th June carries thus formulated news story on its front-page: "Crime in Temerin: Hungarians stuck a baseball bat into Zoran Petrovic's anus". It is not advisable to persistently hush up ethnically motivated incidents, but if the headline wanted to emphasize ethnicity of perpetrators of the criminal act, it would be more adequate to call them, for example, hooligans of Hungarian nationality.

In the story about misfortunate Zoran Petrovic "Kurir" omitted his statement that he was not "a victim of nationalism", but instead hyped the national overtone with the following detail: "Since early 2004 the police have reported 12 incidents in Vojvodina, mostly in Subotica. Victims of all incidents were Serbs." The whole story was, of course, placed within a broader context of revived Greater Hungary nationalism. One of subheadings read "Resurrection of Hungary," since "Kurir" discovered that "on the wall facing the spot in which Petrovic was found, the following Hungarian graffiti is written: "I believe in God, I believe in one homeland. I believe in one God's justice, I believe in resurrection of Hungary. Amen."

"Kurir" went on to explain that those were the verses of "once banned" "National song" by Sandor Petofi. One of side-boxes headlined, "Martinovic-style incident" carried the assessment of Novi Sad branch of Democratic Party of Serbia that: "the monstrous nature of that crime was reminiscent of the 1980's incident in Kosovo in which Djordje Martinovic was gravely injured."

It is however difficult to find in Serb press information related to Hungarians, victims of nationalistic hatred. Hence the large part of public opinion was thrown into a state of shock upon learning of serious internationalization of the Hungarian minority problem in Vojvodina, and the subsequent sharp-worded international community's messages to Belgrade.

THE TRIAL OF THE ACCUSED
OF THE PREMIER DJINDJIC ASSASSINATION

Intensity of the media hysteria caused by trial of the most notorious indictee in recent history of Serbia, was best demonstrated by a plethora of Legija-related article and his photos splashed every day on front-page of most large-circulation dailies/tabloids, notably "Kurir." In the first 20 days of June, Legija only in the four issues did not usurp the front-page of "Kurir."

"*Legija finally talks*" is a sub-heading in "Kurir" of 15th June, under that "message of relief" is a close-up shot of Legija and a single-word, block-letter caption: "I accuse". Editor's intention to bring to mind the famous words from Zola's Dreyfus Affair seems indeed bizarre.

It was easy to predict whom Legija's accusations would concern: "Beba, Ceda, Vesic, Janjusevic, Cume and Krmivoje" ("Kurir", 15 June). The prime suspect in the Djindjic assassination case accused the aforementioned all of whom, barring Ljubisa Buhe Cume, the protected witness, were close aides or friends of the killed Prime Minister. In fact he charged them with "*involving him in the state business of heroin sale.*"

Legija's assertions were treated as the first-class scoop by Serb tabloids. The layout and marketing of some Legija's statements suggested to public opinion that the man indeed disclosed some shocking, long-awaited truths.

"*On DOS order Siptar abducted Stambolic*" ("Kurir"), "*DOS and Spasojevic killed Stambolic*" ("Balkan"), "*Milosevic was framed for Stambolic's murder*" ("Internacional") "*Stambolic was killed by some people from DOS and Siptar*" ("Blic")... All the above headlines were splashed on front-pages of leading dailies on the same day, without any reservations as to the testimony of the prime suspect, which was judged as full of transparent constructions by serious experts.

One could say that Legija in the courtroom and via gutter press did not only defend himself but also "all of us": Milosevic and all those handed over to the Hague Tribunal, "Red Berets", and general national interests. That particularly holds true of his statement that he liked the idea of drug smuggling for the benefit of state, as retribution to the West, which has bombarded us.

Legija's media image was built in a very perfidious mode. The aforementioned is made transparent by the fact that behind such Legija's posturing there were strong interests of a broad, political-criminal-war-profiteering grouping, so-called "anti-Hague lobby," with a strong impact on the media. In those terms most indicative is the following example from "Vecernje Novosti" of 29 June:

"*I testify for the Serb people*" - was the headline announcing a lengthy interview with Bishop Filaret of Milesevo, in which that high-ranking SOC cleric, renowned for his connections and friendships with most militant nationalists, spoke about his intention to become a defense witness in the Milosevic trial.

The bishop spoke affectionately about Milosevic, Radovan Karadzic, Ratko Mladic, Momcilo Krajisnik, Vojislav Seselj, Nebojsa Pavkovic, Milorad Ulemek Legija... "*When they wanted to destroy my fish-spawning facility and other farming land in Mileseva, and such order was issued, General Pavkovic sent me a fax: Bishop, we have the order to tear down some facilities of yours. We are sending the army, please provide for their bed and board. I would like to thank that Pavkovic, for he was ready to spend 400 per diems to clear the outlying meadows. So what was my reply? Well I told him that we did not have enough food for us, let alone for his soldiers. Then I managed to get in touch with Legija; I was compelled to do that. He told me not to worry. And then the following night Patriarch Pavle called me to tell me not to worry, for the said plans were discarded. Later I heard about a meeting in Belgrade at which Legija managed to dissuade Ceda, Djindjic, and others from that venture. I am thankful to Legija for helping me.*"

In view of promotion of such a spirit of national love and unity it is difficult to accept the possibility that "a Serb killed another Serb." Hence as the most logical solution the media launched "scoops" about foreign executioners and foreign conspiracy. "Kurir," for example, ran a front-page article "*Djindjic killed by a Dominican*" (25 June), and announced "an imminent truth about the arrest of Ceca" (the show-biz star, widow of mafia boss and leader of paramilitary units, Zeljko Raznatovic Arkan. She was arrested during the action "Sward").

"*Prime Minister Zoran Djindjic was killed by a Dominican, a professional hit-man, who after the killing crossed the Croat border and vanished! Behind the assassination are foreign intelligence services and dark centers of power which were against Djindjic's policy!*"

"Kurir" noted that the said version was put forward by a certain Stevan Zec, author of a novel "An ice bullet." Since a novel is by definition a work of fiction, "Kurir" strengthened that artistic (?) construction, which aspired to be understood as authentic, by engaging in a further construction, namely, the hyping of incredible similarities between the novel's contents and certain, recent statements of Goran Svilanovic, former head of Serb-Montenegrin diplomacy.

"*Was Svilanovic the first reader of Zec's book, or the said book is something more than a pure fiction? Whatever the truth "Kurir" decided to carry the most interesting excerpts from this latest version of Prime Minister's assassination.*

"The latest version of the Prime Minister's assassination," as a marketing slogan, indicated a sorry fate of the recent, tragic event with transparently grave consequences for the future of the Serb society. Due to systematic obstruction and impotence or unwillingness of authorities to accelerate discovery and then disclosure of all the assassination-related details, that tragic event in an unhealthy public mood, deafened by misinformation and manipulation, morphed into something akin to a very cheap serial.

When Legija "finally" began his defense before the court and his statements were bombastically made public, it became clear that public at large

had been already familiar with Legija's theories, thanks to their previous coverage in the shape of "stories from reliable sources" on the front-pages of political tabloids. For example, "Internacional" on 7th of June wrote: "*Spasojevic asked Batic to release Bagzi*", while the Justice Minister in the government of Zoran Djindjic was "denounced" as one of the key establishment figures with strong ties with organized gangland, more concretely with "the Zemun gang". Nine days later, "Internacional" like other papers, carried part of Legija's testimony relating to those alleged connections: "*Spasojevic greased Batic to pull him out of jail*" (16 June).

"Internacional" excelled by running a long feature on Legija. Headline of that journalistic venture was indicative enough: "*Milorad Ulemek Legija, from a naughty boy to the most famous Serb arrestee*." The first installment included an interview with a notorious criminal Kristijan Golubovic: "*Our friendship began when we were kids. We used to take long strolls to Lido, to fish, to steal chocolates from drugstores, and did all the other kid's stuff... Cema was a true diplomat, a boy who always tried to pacify the warring sides in kids' fights, to make peace*."

The side-box contained a quotation by an unnamed Legija's schoolmate: "*We were like all the other children from normal families... Perhaps we were a bit naughtier, but not overtly so. The school psychologist Misa liked us because of those pranks, and between shifts she even staged for us some classes of nice behavior*." ("Internacional", 4 June)

Legija or Cema was portrayed so poetically in the feature that he was imposed as a true idol to young readers, though he personally did not have any idols except for nice boys from the neighborhood, "the Harlem boys," "*but he began loathing them when he heard that they were on drugs*." Kristijan Golubovic also told us a story about Cema's first love, to whom he kept giving bananas, "*for she loved them very much*." Golubovic added that: "*Cema was a faithful type, one-girl man*." ("Internacional", 5 June)

The manner in which Legija, Kristijan and others from their lot are depicted, is in line with a long-standing tradition of Serb popular press: glorification of bad boys from Belgrade streets. However, even newspapers at least nominally distanced from the populist discourse, manifest their fascination with Legija, probably because of his political "potential."

"NIN" 24 June wrote: "*Legija's talent for psychology is manifest in his delicate choice of word used to describe Cedomir Jovanovic and his status and role in developments, in which, he, Legija, was only a "silent observer"... Legija avoids arrogance by telling everything he knows only in his replies to judge's questions... By dryly reiterating the said things, and trying to be spontaneous, Legija skillfully issues new statements tantamount to implications that Djindjic's inner circles was crime-riddled... Legija does not directly accuse Djindjic proper, but his description of criminal activities and direct mention of individuals from the Prime Minister's inner circle, - places the assassinated Prime Minister within the same criminal milieu.... Judging by his carefully dispensed small doses of political statements on the eve of presidential*

elections, it is highly likely that cassettes and other evidence would emerge only in fall, on the eve of parliamentary elections...

It is noteworthy that the indictment covers only the executioners and that Legija is trying from his angle to point to those who gave orders. Currently he is using the only weapons at his disposal, the stories. And his stories, though not authenticated, have already shaken up the public. Perhaps Legija had read Malaparte's "Technique of coup d'etat" which explains that no action starts without a previously set goal."

"NIN"'s expertise thus indicated that Legija was a maverick, with a capacity for story-telling, like Scheherezade, but also a man full of secrets to be deftly uncovered in small dozes in order to make him impact development of political circumstances in Serbia. The quoted text ran under the by-line of Slobodan Ikonc. In the issue of 17th June his colleague Nikola Vrzic tried to get across the same message.

"Legija's testimony shall continue when his health improves. His story to date was publicly derided, and nervously denied ("that scum"). But his story as such should not be discarded in advance, despite its visible untruths and omissions. We should wait for the evidence he will put forward to substantiate it. Or perhaps he thinks that only his word could save him from a long prison sentence? It is difficult to believe in a naivety of a man who survived Jovica Stanisic, Rade Markovic, Slobodan Milosevic and Zoran Djindjic, and arrived in jail only when he wanted to do that."

It is quite obvious that there are political interests to founder the indictment, as it is obvious that the media-bashing of the most massive action, aiming at flushing and rooting out organized crime in Serbia, the Sword action, was orchestrated by certain political groupings. ("Svedok," for example, on 8 June, launched "a scoop" that Zvezdan Jovanovic, the second indicttee in the Djindjic assassination case, "*during the act of assassination of Zoran Djindjic was in the first-aid ward of Red Berets in Kula*".

To understand better that intent one should read a marathon interview given by General Aco Tomic, former adviser of Vojislav Kostunica and former first military operative, to "Vecernje Novosti".

"Their true "target" was Kostunica, to implicate him was the principal intent of those who drew up the indictment. But since they failed in their intent, the political backdrop of the case has become-a black hole. Thus a key question: who united all conspirators and why, is still open. All in all, all political dimensions of conspiracy resulting in assassination of Djindjic are yet to be uncovered."

When a journalist asked him about the origins of that "black hole", General Tomic replied: "*You should ask that those who conducted investigation and imposed the state of emergency. But independently from that issue, I find it hard to believe that Legija wanted to become head of state, to proclaim himself a dictator, or to bring to power some of "his politicians". Those parts of indictment are ludicrous*." ("Vecernje Novosti", 2 June)

Aco Tomic's words fitted perfectly into the trend promoted by the Serb press previous month, the one of "defense of the Schiller Street," that is, of calling for punishment of those who had torn down that famous mafia castle in the aforementioned Zemun street. The print media were against that

"destruction" on grounds of communal regulations and procedures, in defense of the rights of widows of Dusan Spasojevic and Mile Lukovic Kum, and on grounds of allegedly destroyed evidence hidden in house. The thesis was that those who destroyed that house, notably Cedomir Jovanovic, did it in order to obfuscate their involvement in assassination and their ties with the gangland.

Here's personal stance of Aca Tomic on that issue: "*Traces of any criminal offence are sacrosanct and as such must be preserved. That fact is well-known by the security forces and police. If in that house in the Schiller Street terrorism was indeed engendered, if it was the seat of so-called Zemun gang headed by Legija and Siptar, then it should not have been destroyed. That is why I have already warned some people in the Special Court of the following: when the defense proceedings begin, you are likely to be faced with many surprises and problems, for many things are not clear in the indictment proper.*"

THE HAGUE TRIBUNAL

It is conspicuous that the "list of indictees" recited by Legija (the case of drugs found in the Commercial Bank) was composed of the same people bearing the brunt of the media attacks orchestrated by the anti-Hague lobby. As it was noted in earlier media reports, "favorite figures" of political tabloids, (for example, General Nebojsa Pavkovic) have been accusing individuals from Djindjic's inner circle, notably Vladimir Beba Popovic and Cedomir Jovanovic, for "conniving" with the ICTY's Chief Prosecutor, Carla del Ponte.

A fresh example of the foregoing were Beba's and Sljivancanin's photos splashed over "Internacional"'s front-page on 9th June, along with the caption: "*Coffee-room bragging of Beba Popovic: I sent Sljivancanin to the Hague and Milanovic to Zabela.*" (Milanovic is the former director of Radio-Television Serbia, a notorious Milosevic's stooge.)

All those who employ their common sense while doing media research must therefore conclude that the "black hole" in the political backdrop of the assassination case, is likely to be found in the shape of those Serb power circles who stage-managed the bloody wars in former Yugoslavia, and whose current political priority is obstruction of co-operation with the Hague Tribunal.

Such opinion is sometimes brutally and directly confirmed by dint of statements made by now emboldened representatives of Milosevic regime. Thus an official of the Socialist Party of Serbia, Dusan Bajatovic, in a political program of TV "Pink" openly said that "one has already been killed because of his too co-operative stance with the ICTY."

However there are no media responses to such scandalous and shocking statements made by criminal and political circles, as well as by indictees' lawyers.

The case of four generals, the Hague Tribunal indictees, and the Serb authorities unwillingness to hand them over, have been exploited very much in

recent months, and mostly to the benefit of the indictees. But as of late that case was overshadowed by Legija's appearance in the dock.

The Hague and the "issue of generals" were obviously assessed as not-too-important themes by the media editors on the eve of elections. Thus presidential contenders were never asked questions relating to that theme. It seems that the Prime Minister Kostunica set the pattern of future treatment of the "Hague cases" by stating that in recent months more intensive co-operation with the Hague was not possible, but "it should be stepped up in the post-election period."

It is obvious that within the framework of the current constellation of political forces in Serbia there is no political prime mover ready to pro-actively advocate co-operation with the Hague Tribunal. In a broader context that means that the political elite in its entirety is not ready to engage in the process of facing, that is of, publicly disclosing the traumatic truth about recent war-and crime-riddled past. On the contrary, nationalism, through orchestrated media campaigns, is being reactivated as a key ingredient of the general public mood.

Hence it is not difficult to predict the outcome of any referendum on the hand-over of the military foursome (Nebojsa Pavkovic, Vladimir Lazarevic, Sreten Lukic and Vlastimir Djordjevic) to the Hague Tribunal. Referendum is a "solution" proposed via the print media by indictees proper and their allies. In the text headlined "*I shall go to the Hague if people want me to*" ("Kurir", 14 June) General Lazarevic stated: "*Drecun (Milovan Drecun, a military-political commentator from the Milosevic era propaganda machinery and the current presidential contender) informed me of numerous referendum-calling initiatives of citizens... and that many citizens in that way would be ready to say for them the defense of the country was not a war crime... If they massively declare that the defense of the country from the aggressor is a crime, then I shall accept to go to the Hague and there I shall try to defend the truth about Serbia and Kosovo developments.*"

The interviewer then went on to say "*similar message is sent by Nebojsa Pavkovic: if the authorities try to arrest me after elections, I shall not surrender. – I shall obviously defend myself. But I don't believe in such a possibility, for as far as I know, the incumbent authorities are likely to be allowed by the ICTY and the international community to hold our trial in the country, in Serbia. I have not been contacted by anyone, but my reply remains the same: I shall not surrender.*"

Pavkovic also expressed his opinion that the "*idea of referendum is excellent.*" and then engaged in an interesting analysis of electoral results and political circumstances: "*Parties with a pronounced national interest have emerged victorious. Defense of generals is in the national interest.*"

Several days later (on 17th June) "Balkan" ran the general's statement to the effect that "*before the Hague Tribunal I would continue the battle for truth in the name of all those perished and wounded during the war in Kosovo and Metohija*". However, the journalist failed to ask him a logical question – In view of your holy mission, why don't you peacefully go to The Hague? What is most

shocking is the degree of cowardice and hypocrisy behind the generals' media-sponsored arrogance. In parallel shocking is also unwillingness of journalists to criticize such unprincipled and selfish conduct of generals and their total disregard for the true national interests.

On the contrary one may only notice an extreme journalistic servility towards all four generals, especially towards Pavkovic, who receives enormous media exposure. Here's an incredible example of the foregoing : two days in a row on 22nd and 23rd of June "Kurir" ran two lengthy texts about Pavkovic and his intents towards the Hague Tribunal. Contents of articles are nearly identical. The first headline was taken over from the Tanjug news agency article, "*Pavkovic: I shall not go to the Hague Hag!*" (22 June), while the second "*Pavkovic: The Hague Tribunal shall see only my dead body Hag!*", went under the by-line of Dj.O.

And while the Serb press taps into The Hague Tribunal theme by covering fates of Karadzic, Mladic, Sljivancanin, Pavkovic, Lazarevic etc., the coverage of important trials in The Hague proper is scant, irregular and sketchy. Some newspapers even failed to run the news on the sentencing of Milan Babic, former leader of Serbs in Croatia, while "Politika" (30 June), nominally the most influential daily in the country, was content to run the "Beta" agency news on that development and moreover to market it as a minor news item, on foreign pages, in the left corner.

KOSOVO

As regarded Kosovo, press in Serbia throughout the month of June "willingly" handled all sorts of "intelligence" information hinting at new unrest, that is waves of violence against Serbs. The key thesis was that situation in Kosmet (politicians and the media insist on that term for Kosovo) could not be stabilized.

"Albanian terrorists in Kosmet plan to launch new attacks on Serbs this month, but this time around they plan more cruel assaults targeting also UNMIK police", was the text ran by "Kurir" (2nd June), under an enormous, disturbing headline "*The repeat of 17 March ?*". The tabloid's source was clearly anonymous and unofficial, but "well-informed" and "close to KFOR". That source stated: "*We all live in a perpetual state of fear, for this time around their threats are much more serious. This time around they shall not "only" torch our houses and beat up our people, but they shall engage in massive killings of Serbs.*"

Belgrade press sharply criticized Albanian media colleagues in Kosovo for creating an atmosphere of general insecurity: "*According to many sources, Albanian media in Kosovo and Metohija in recent days are instigating violence and calling on the general uprising in the southern province.*" ("Vecernje Novosti" of 15th June, article headlined "*New conflicts in the offing ?*".

"Vecernje Novosti" criticism of the Albanian media for attacking Harri Holkeri sounds very cynical in the Serb media months long campaign against Holkeri.

The side-box in "Vecernje Novosti" carried official information, or rather speculation about the manner of drowning of Albanian boys in the Ibar River, whose bodies were found two days later. Most striking is a plethora of ethnic prejudices both in the aforementioned text and its side-box: "*Albanian circles close to the Serb side, after the discovery of a drowned boy's body and international autopsy carried out in Orahovac, leaked that the boys were left intentionally in the water to drown by their cousins, because of blood tribute concerning some secret liquidations during the war, at the time ascribed to Serbs. Allegedly all locals from village Cabar know the truth but dare not tell it to investigators.* (Thus amateurishly worded sentence does not help us deduce how many boys had drowned, but nonetheless strongly implies that Albanians are infanticides, primitive people carrying out blood tribute, and the truth-fearing cowards.)

Character of Albanians was analyzed by a prominent commentator and analyst Ljubodrag Stojadinovic, for "Politika" of 11th June in the text headlined "*Lesson learnt from the rout.*" He, inter alia, stated: "*Albanians most fanatically believe only in violence. For them there is no punishment and award in political and civilized sense. As poor victims they acquired mighty friends, and consequently understood their role as a perfect screen for violence.*"

Use of ethnic, religious and other prejudices, as previously mentioned, is commonplace in Serb press, notably as regards the topic of Kosovo and Albanians. Headline "*Catholic priest stole relics from monastery Devic*" was a headline splashed over half front-page of "Kurir" (9 June).

Raska-Prizren eparchy leaked the scandal involving the French military chaplain, Christian Vennard, and "Kurir" assessed that the cleric's religion and not his theft of relics was the most interesting detail for its readers. ("Blic" for example, used a more moderate headline: "*Military priest robs Devic monastery*"). "Kurir" wrote: "*Had KFOR members really wanted to save relics from burning monasteries "from Muslims", as maintained by Vennard, military escorting of an Orthodox priest, and not of a Roman-Catholic chaplain, would have been more logical...*"

According to Serb press, aside from Vatican, represented in Kosovo by the chaplain-thief, "traditional" Serb enemy, Germany, is there also engaged in all kinds of improprieties. "Internacional" of 9th June wrote: "*German count urges ethnic cleansing.*"

"According to Nacional's source close to the top Albanian leadership, Count Nikolaus Lambsdorf, Head of UNMIK's privatization project, a high EU official, is a person who in secret and public meetings with representatives of parapolitical Albanian forces urges ethnic-cleansing of Serbs in Kosovo and Metohija. That information was confirmed by some Serb leaders in Kosovo and Metohija."

According to our sources Count Lambsdorf, who sold the bulk of Serb property very cheaply to Albanians, openly manifest his sympathies for Albanians, and desire to

see all Serbs driven out of the southern Serb province. Contrary to a multi-ethnic Kosovo advocacy by the international community, Lambsdorf does not hide very much his ill intentions and the wish to see an independent Kosovo.

Tabloid's source concluded: "Absence of EU officials responses to such conduct is a tragic development. They all silently watch his conniving with the Shiptar terrorists. During the Steiner administration he was able to do whatever he wanted. Since Holkeri failed to rein him in, one must question veracity of international community's advocacy of multi-ethnic Kosovo. "

To wrap up the scenario of conspiracy, "Internacional" made public the following detail: "Lamsdorf originates from a historically anti-Serb German aristocratic family... and now finally he has the chance to put his hatred into practice! If Goran Svilanovic, as the Foreign Secretary, was right about anything, then he was right about asserting that Germans would hurt Serbs the most. According to our source Lambsdorf wants to turn Kosovo into a new Croatia, and to hear a song "Danke, count."

Like "on a wild goose chase" journalists in Serbia are frequently searching for a Kosovo solution in a very bizarre way and with very bizarre allies. Both "Nedeljni Telegraf" and "Vecernje Novosti" on 13th June carried interviews with a certain admiral James Kerry, "Grand Commander of the Templar Order" on "possible assistance to Serbia and problem of Kosovo." Admiral Kerry was also asked the following question: "Which plans your Order has with a view to helping establish peace in Kosmet, obviously not the peace of perished Christians?"

Since the interviewer insisted on Kerry's statement regarding " the concrete help of Knight Templars and modes thereof" in "Serbia's quest to regain Kosmet," Admiral Kerry finally deigned him an answer, which moreover uncovered his real status of a lesser player and his "deep" understanding of our specific situation.

"Your Templars told me that Mujahideens and Bosniaks together with Albanians, cut Serb heads, burnt them in crematoriums-but all those crimes and Serb sacrifices were not a strong enough motive for your state to try to liberate Kosovo! If you wished to do that, we Templars could lobby for you in Washington, for the new Kosovo battle shall be waged in the Oval Office of the White House."

And "Politika" (22 June) explained, through the text penned by a certain "director of the International Relations Center in Illinois", that the US, that is the Republican Administration composed of "realists" would soon agree to division of Kosovo, for as the headline indicated: "Potemkin village was uncovered... UNMIK made a "multi-ethnic" Petemkin village amid lawlessness, violence, killings, ethnic cleansing, destruction of churches, blossoming crime, prostitution, drug-smuggling and totally dysfunctional protectorate."

According to this analysis reasons for Serb optimism with regard to Kosovo are of historic nature: "Republic of Ireland never recognized division of its territory and sovereignty of the British crown over the six counties of Ulster as a lasting and legitimate resolution of the Irish issue. France lost Alsace and Lorraine in 1870, then kept them nearly for 50 years "in its heart, but never verbally" - to re-gain them in 1919...

...Outcome is always the matter of spirit of small nations, but also depends on the will of the mighty. And that will is susceptible to changes. One should not discard the possibility of Washington accepting the rights of Serbs to Kosmet - after the war on terror inevitably escalates into a global campaign against Jihad - as something right and legitimate, and in accordance with the US interests and in harmony with the principles of law and justice once honored by America."

JULY 2004

INTRODUCTION

Impotence or lack of readiness to more resolutely tackle the issue of co-operation with the Hague Tribunal not only hurts Serbia's international standing, but also compounds things internally. All the foregoing is paradoxically reflected in escalation of media bashing of the Tribunal, and notably of the Prosecution and Carla del Ponte.

Less discernible is a critical stance on the authorities whose passivity or wrong actions with respect to the Hague Tribunal largely contributed to a worsening situation in the country. Print media very rarely give exposure to opinions that co-operation with the ICTY is not only necessary because of financial assistance and threat of new sanctions, but because the facing process and individualization of guilt would have a healing effect and would boost Serbia's accession to the family of democratic countries.

It is however illusory to expect such a level of consciousness from Serb journalists because they obviously cannot liberate themselves from cheap sensationalism and quasi-patriotic populist discourse riddled with the nationalistic ideology, which had led to lowering of the trade's professional standards since the Milosevic era.

One could say that the Serb journalism has not learnt its lesson. On the contrary it continues to stick to some patterns and models, which had already proven their lethal effect on the total social climate and fragile democratic processes. The foregoing is most visible in the way the Serb press treats an increasingly sensitive Vojvodina problem. At play are again quasi-historic theories about territories, efforts are made anew to reactivate intolerance of and prejudices towards other ethnic groups, and Serb-related incidents are hyped, while those concerning Hungarians or members of other minorities are disregarded.

Anti-Hungarian mood is fuelled, the spectre of the Great Hungarian revisionism is hyped, while in parallel threats to the Hungarian minority in Vojvodina by a growing Serb nationalism in the province encouraged by a major electoral success of the Serb Radical Party, are ignored or denied.

An important media event in July was inauguration of the new President of Serbia, Boris Tadic. The very inaugural ceremony was depicted with a lot of national and "state-forming" pathos. Reporters were manifestly in awe of the ceremonial pomp, which was an obvious indication of the prevailing social climate in Serbia. Front-page headlines on 12th July were thus intoned: "*I believe in Serbia*", "*Serbia, country of hope*", "*I shall do my utmost to help Serbia*."

Many pages were devoted to that event. There were some ideological overtones in the inauguration coverage of some media, but by and large, judging by press'commentaries, Serbia that day seemed a more orderly and

stable country. On its front-page "Politika" ran an interesting article headlined "*Dobrica Cosic again in the taxi*", which informed the daily's readers that academician called "father of the nation" came to inauguration by taxi, which he had used also to come to his own presidential inauguration ceremony some ten years ago.

THE HAGUE TRIBUNAL

"*Carla knew about Hadzic's escape?*", was a headline in "Vecernje novosti" (20 July). Instead of criticism of the authorities which had practically allowed the public ridicule of commitments towards the Hague Tribunal, press articles insinuated that the Tribunal, that is "Carla," as she is colloquially called, were engaged in spying. In fact the message was that The Hague spies do what they fancy in our country.

In the same vein "Internacional" on the following day carried a text headlined "*The Hague snoop doogs at work*", and illustrated it with a photograph of Carla del Ponte and dog's jaws. The motive behind such allusion was "*explanation by Florance Hartmann and del Ponte regarding photos of Hadzic's escape*."

Collaborators of the Prosecution who had taken photos of that act, were branded by newspapers "Carla's search dogs", "snitches" and similar.

"Vecernje novosti" on 21st of July continued the pertinent coverage with a view of discrediting or at least casting doubt on evidence in possession of Carla del Ponte. "*According to the Chief Prosecutor evidence of escape are photographs taken by 'her people', 'hidden near Hadzic's house in Novi Sad'. Those photographs were not publicly shown, for she hoped that her assertion about Mladic's stay in Serbia would be taken seriously.*"

In the same issue of "Vecernje novosti", according to a well-known blueprint, the defence of Slobodan Milosevic, is treated as defence of Serb people. Front-page headline: "*I shall defend Serbia*", is a summary of statement made by the French general Pierre-Marie Galloa, a prospective defence witness. To confirm the headline's message, subheading read: "*The first witness of Milosevic's defence in the Hague wants to defend Serb people*."

In his interview with the French general, Paris correspondent of "Vecernje novosti" portrayed Galloa as a great friend of Serb people (that clishe was very much exploited during the Milosevic era, such friends were then very obscure figures like Giovanni di Stefano and Daniel Schiffer): "*In 1991 I became aware that behind the operation of breaking-up of Yugoslavia there were higher interests, unrelated to real concerns of Yugoslav peoples. People bent on that break-up were in fact most interested in diminishing the power of Serbia.*"

In that interview was at work a much-used scheme according to which it is easier to deal with alleged international anti-Yugoslav conspiracies and treat them as the causes of the tragedy of former Yugoslavia, then to tackle most concrete evidence of responsibility of the Serb political and military leadership

for the concrete war crimes. *"In the past decade General Galloa showed his friendship towards Serbs. He sharply condemned NATO campaign against Yugoslavia, and was against the US interference into European affairs and in the Balkans."*

When asked how he would defend Milosevic, he predictably replied: *"I don't know him well. I want to defend interests of Yugoslavia, which was intentionally broken up."*

In the similar tone, Serb press "defends" the military foursome indicted by the ICTY: Nebojsa Pavkovic, Vladimir Lazarevic, Vlastimir Djordjevic i Sreten Lukic. *"they are guilty because they defended the country from the conspiracy which peaked with NATO's bombardment. "Blic" (1 July) ran an interview with General Lazarevic, headlined, "They should shoot me down at Terazije".*

Subheading contained the key message of that interview: *"Whenever they ask me if I shall surrender, I remember those 600 perished soldiers which were under my command"* Lazarevic categorically refused the possibility of his surrender, even if he *"were to be killed by a firing squad at Terazije": "If the four generals are the only problem of this state, then perhaps the solution would be to publicly shoot us down at Terazije."*

All in all every Serb "wanted" by the ICTY's prosecution may count upon support of the Serb print media. "Svedok" (20 July) thus learnt in Novi Sad from "Djordje", Goran Hadzic's neighbour, that the most recent fugitive from international justice *"is an educated and fine-mannered man. Goran did what he did in the interest of Serb people. I used to see him at battlefields, when he came to Novi Sad I was surprised. We from Novi Sad corps were in Srpska Krajina and that he did not do anything bad there. He defended only what was ours. ..."*

In the same issue "Svedok" ran on central pages interview with *"a war veteran, Slobodan Kovacevic, retired Lieutenant General, former co-fighter of Nebojsa Pavkovic and Vladimir Lazarevic during the NATO aggression"*. Headline read: *"I wish I were dead, for I find this issue of surrender of Serb generals very shameful!"*

Contents of interview are very predictable: Pavkovic and Lazarevic are glorified as great patriots, as heroes, as great commanders, honourable men: *"I have not seen Pavkovic for a long time. I met Lazarevic two months ago. Then I told him -If you have to go, go with your hands tied, like Milosevic. Let Serbs see that shame. Let them see how Serb policemen take you away. Don't surrender voluntary as a traitor, because you and Nebojsa are not traitors! I want to see how that policeman who ties your hand shall face his child, his brother, his neighbour. He'd better think about that."*

Kovacevic thus protected his war mates, called on policemen to disobey their orders and in a certain sense incited the lynching of policemen who would take part in generals' arrest. Added to that he floated his criticism of overhaul of the army. And touched on the issue of old tanks, in an extremely conservative way.

"What kind of reform are they talking about? According to them our allegedly outdated tanks should be scrapped! They forget that with those tanks in 1999 we successfully confronted the whole world. Monsters must have approved destruction of our tanks. While I was head of armoured vehicles unit I insisted upon the upkeep of

every single tank. It was and it is important to have a large number of tanks. One day if we become a strong state we can replace our old tanks with the new ones. Tanks are made of 10 cm thick iron, and they can be equipped. We can change their engines and equip them with contemporary surveillance equipment in co-operation with Ukrainians and Russians. That would be a good and inexpensive investment, and not the turning of 200 tanks into scrap metal."

Weekly "Svedok" is used as a pad for launching retrograde political options, and priorities of its editorial policy are vilification of The Hague Tribunal and denial of Serb crimes. Issue of 13th July ran the article "Srebrenica, nine days later" the bulk of which was a lengthy interview with Milivoje Ivanisevic, "senator of Republika Srpska and head of the Centre for Investigation of Crimes against Serb People", subheaded: *"Mladic is honourable officer; the RS Army did not commit any genocide against Muslims."*

Ivanisevic and his network of collaborators were portrayed as people who enabled Milosevic to have *"protected" and other witnesses whom he so superbly questioned."*

He inter alia maintained that *:"Commemoration in Potocare was a demonstration of the doctored story about suffering of Muslims, of their civilians, ethnic-cleansing, genocide and allegedly massive crime, or as local NGOs like to say, "the crime of planetary dimensions" of "mega-crime"...Muslims invented 11th July to cover up their crimes of 12th July 1992, committed three years before Serbs drove them out of Srebrenica. Serbs were compelled to use firearms to return to Srebrenica, for they had been driven out from Srebrenica by firearms. "*

Questions posed to Ivanisevic are tinged with a shocking cynicism. Notably: *"Why Muslims chose Potocare as a venue of a memorial centre?" Ivanisevic's reply was: "the Muslim side and The Hague Tribunal cannot prove what they have been reiterating...they cannot prove that 7,000 or 8,000 people were killed, that they were civilians, that they were massacred...now they need the Serb admission for what they cannot find on the ground, for what does not exist, for what is not true. "*

In a genuine media war against the Hague Tribunal, that UN institution and Chief Prosecutor Carla del Ponte are marked down as a main "threat" to survival of Republika Srpska, while representatives of the "fourth estate" in Serbia fail to notice that the bulk of establishment of Republika Srpska is composed of people, to put it mildly, with a problematic war past, who, as is rightly suspected, are embroiled in the protective network around Radovan Karadzic.

Decision by the High Representative of the international community in Bosnia and Herzegovina, Paddy Ashdown, to replace President of RS parliament, Dragan Kalinic and 60 officials because of non-cooperation, was treated by "Balkan" (1 July) by the front-page article headlined *"Carla's blitz crieg on Republika Srpska"*.

"Vecernje novosti" excelled in raising national temperature over Ashdown's decision, as attested to by the following headlines: *"Attack on Republika Srpska", "Collapse of democracy", "Karadzic is protected by God and angels", "Ashdown to choose instead Serbs", "Sefket instead of Dragan"...*

Dismissed Dragan Kalinic via "Vecernje novosti" sent the following message: "It seems that many are impotent before the fact Radovan Karadzic is protected by God and angels."

"God and angels" are also mentioned in a front-page text in the 1st July issue of "Internacional". That daily collected "reactions to Carla's statement that Karadzic would be soon arrested" in the similarly headlined text, - "God and angels protect Radovan". It is obvious that Kalinic's "smart words" were considered as very effective by the print media. "Internacional" then selected "interesting": personalities to comment recent Del Ponte's statement: Kosta Cavoski, member of the Committee for the Truth about Radovan Karadzic, and Luka Karadzic, brother of Radovan Karadzic. Luka Karadzic said: "I have heard so many stupid things from Carla del Ponte and her RS stooges that I don't want to comment the last one..."

It is obvious that the Serb press is not doing anything to explain to the public that co-operation with the Hague Tribunal is a high-priority international commitment which must be complied with. Instead of alarming the public about possible grave consequences of that non-cooperation, the majority of newspapers encourage the anti-Hague mood, and favour the conduct of fugitives from international justice. Those rare politicians who dare appeal to citizens to understand the need for a co-operative stance towards the Hague Tribunal are automatically harshly taken to task.

For example "Balkan" (5 July), on its front-page ran a photograph of Nebojsa Pavkovic and his message "Only my dead body may board the plane for The Hague", as an introduction to the following "research": "Has the Foreign Secretary made a mistake by urging the hand-over of generals to the Hague?" Readers are induced into believing that Vuk Draskovic is failing in his professional duties of Foreign Secretary. Headline contained the assessment of Zoran Andjelkovic from the Socialist Party of Serbia - "Vuk is waging a private war, and not pursuing foreign policy!" and "Draskovic is not behaving as an elephant in a china shop, but as an elephant squeezed into a bottle."

"Balkan"'s second interlocutor was Djordje Mamula from Democratic Party of Serbia, who had a more benign attitude towards Draskovic: "We should bear in mind the fact that Draskovic heads a very important ministry riddled with problems. He just needs time to adjust!"

On the same page of "Balkan" a political analyst Djordje Vukadinovic gives an interesting explanation of poor communication between Belgrade and The Hague. "Key mistake in co-operation with the Hague was made as early as in 2001, with Milosevic's hand-over before promulgation of a pertinent legal act. Hence it is now difficult to persuade the West that the future hand-overs may be problematic. The problem is now compounded by new demands of The Hague Tribunal and international community and their disregard of steps taken by Serbia in the meantime (currently in the Scheveningen detention there are two former Presidents of Serbia, former Vice Prime Minister, and Head of Chief of Staff of the Yugoslav Army.) Hence we can rightly question their true intent as regards Serbia: do they want to stabilize and

consolidate it, or to raise tension in the country and continue to threaten it with sanctions and international isolation. "

There is a plethora of tragicomic media ambitions to portray Slobodan Milosevic as a "problem of big powers" and not of Serbia, in whose name he committed so many crimes. "Borba" (31 July) ran a front-page headline: "The Hague Tribunal in the service of the US presidential elections: Milosevic in Bush's team." Under the headline, which implied an allegedly crucial role of Milosevic in the current international political scene, there is an incredible speculation: "It is possible that Slobodan Milosevic will be released before resumption of his trial."

"Borba" continues in the same tone: "It is not probable that the trial would be resumed, as announced, in September. The current US Administration assessed that the evidence presentation by Slobodan Milosevic would lessen the chances of Democratic Party contender John Kerry. That moment will happen in the middle of campaign. It is certain that the defence would aim to discredit Clinton and his closest collaborators, currently members of Kerry's electoral headquarters, notably Richard Holbrooke and Madeleine Albright."

VOJVODINA

At play is a strong fuelling of anti-Hungarian mood, and hyping of the spectre of the pro-autonomy momentum, identified with the Hungarian separatism. "Ekspres" (31 July) on its front-page announced an interview with historian Jovan Pejin, renowned for his chauvinistic stances. Headline was "They are dreaming of the greater Hungary" and subheading was as explicit: "Vojvodina under attack by Hungarian revisionists."

The basic Pejin's thesis, elaborated in "Ekspres", was that "pro-autonomy advocates in Vojvodina were in the service of Soros's Hungarian revisionism, whose goal was to re-create Greater Hungary." Pejin, inter alia, explained: "Pro-autonomy movement in Vojvodina is not historically grounded. It was a German idea, imported via Croatia in the post-WWI period. Its objective was establishment of confederal autonomies in the states, heirs to the Habsburg monarchy. That idea became popular because of intentions of Komintern to break up the Kingdom of Serbs, Croats and Serbs, that is Yugoslavia and to create "new Vojvodina" and "Vojvodinans".

Pejin, obviously criticized the Act on Changes of Toponyms, adopted by the Vojvodina Parliament a year earlier. "Those autonomy-minded politicians play a special role in the Great Hungarian propaganda. The Act on Changes of Toponymism was also an instrument in that propaganda. The Act allegedly aimed to reinstate traditional names, which, by the way, are not traditional at all. In fact during the Hungarian colonization Slavic names were altered in line with possibilities of Hungarian language. There's much evidence of the foregoing. By adopting that Act pro-autonomy politicians wanted to confirm a Greater Hungarian thesis that there were no Serbs in Vojvodina. That is all due to their ignorance of the fact that Backa, Banat and Srem were the first Serb countries peopled by Serbs in North during big migrations."

"Ekspres" thus acts in the spirit "good, old times" when it was the most important voice in the chorus of the war-mongering and conspiracy-spreading media. Once again the main culprits are Comintern, Germany, Vatican, ...The thesis that Serbs are oldest people on this planet is once again launched. According to Pejcin the chief advocates of "the Greater Hungary revisionism" are Joseph Kasa and Andrash Agaston.

Kasa, the most influential politician of Vojvodina Hungarians and Vice Prime Minister in Djindjic's government was sharply criticized in the 22nd July issue of "Nina", in the weekly's bid to deny Hungarians' complaints of being the principal victims of the nationalism-inspired violence in Vojvodina.

In its article headlined "Observation of nationalism" "NIN" noted that "If Subotica had a district attorney, and that post is vacant since October 2000, and if that attorney were a legal pedant, today Joseph Kasa would face a three-year sentence, as laid down by article 218, paragraph 2, of the Penal Code of the Republic of Serbia, for spreading of misinformation."

According to "Nin" Kasa's sin is of the following nature: "Former Vice Prime Minister of Serbia on 27th March called the Subotica office of the Interior Ministry to report an "incident on national grounds" in which four Serb youngsters beat up a Hungarian youngster...The police investigation established that in the fight were involved youngsters of different nationalities (Muslims, Romany, Serbs, Hungarians). The fight began over an ear-ring...but the fact that in the fight were involved- children, the oldest having only 15 years, casts an entirely different light on the whole case..."

Intention to minimize the danger of Serb nationalism in Vojvodina was proportionate to the wish to underline ill intentions of Hungarian political leaders. In the same text Kasa is criticized for talking about hate speech demonstrated by the aforementioned Jovan Pejcin, "leader of the civil organization Serb National Movement, "Svetozar Miletic" in a TV show. "Nin" seems to be of the opinion that such phenomena don't merit serious attention.

"The Alliance of Vojvodina Hungarians is registering all incidents thought to be targeting the Hungarian minority in Subotica. The list is titled "Description of cases of atrocities against Vojvodina Hungarians" and is easily accessible to all journalists...On the list is the event of 17 September that is a Serb language program of RTV Novi Sad. It was assessed as "hate-mongering". In that program Jovan Pejcin, head of civilian organization, the Serb national movement "Svetozar Miletic", called Vojvodina Hungarians, Slovaks and Romanians, settlers occupying Serb lands, but nonetheless accepted by Serbs. According to historian Pejcin most Hungarians are of Slavic origins, as best attested to by "their beautiful Slavic faces". (As we noted by the lengthy interview with "historian Pejcin" ran by "Ekspres", a year after the scandal he had provoked on the state-run TV, he is still given much exposure by the print and electronic media.)

The stance of the journalist of the weekly "Nin" is best reflected in the last paragraph of his text: "We should not overlook the fact that graffiti with indecent and nationalistic tones appear in Subotica a day or two before the arrival of international delegation." Such a conclusion is a clear allusion to the fact that

Hungarians proper draw those intolerant graffiti in order to internationalize "Vojvodina issue". The Serb print media has expounded that thesis in the previous months too, as noted in our earlier media reports.

However it is noteworthy that the print media were not ready to minimize the incident in Temerin, whose victim was a Serb, Zoran Petrovic, while attackers were of Hungarian descent. The media even tended to disregard the victim's denial of nationalistic character of the incident. That case happened in June, but the related media coverage continued in July. "Kurir" (1 July) ran a text headlined "SPIKE", while its subheading contained interpretation of the incident given by a seller at the Temerin market. .

"If a Hungarian had been brutally beaten up, all Hungarians would have rallied around him immediately." The same unidentified seller went on to note: "I am sure that the unlucky boy was massacred on nationalistic grounds. Hungarians would not have brutally beaten up their fellow-national, even if they had been very drunk, dragged out of their heads or with thick criminal records."

"Kurir" described the post-incident mood in Temerin through opinions of the two Serb denizens of the locality: "A youngster called Ivan told us that Zoran was wrong to go to the Hungarian restaurant...it all began there. I don't hate other peoples, let alone Hungarians, but I never fraternized with them too much. We all know that we should stick to our own company and pals, that we should not mingle with others."

"Public nationalists" were openly vexed for being prevented to lament excessively over the misfortune of Zoran Petrovic, and even call it the beginning of the Hungarian crusade against Serbs in Vojvodina. Academician Nikola Milosevic, a long-standing advocate of Serb nationalism, in "Svedok" (6 July) published a text headlined "Crime in Temerin". Milosevic accused the Vojvodina top leadership "composed of Democratic Party and party of Nenad Canak", of trying to hush up the Temerin case, and all those who tried to gloss it over.

"The afore-mentioned hushing up has another, long-term goal, best indicated by the TV B 92 coverage of the incident. First they aired the news that crime against Petrovic did not have a political, or nationalistic backdrop. And then Petrovic himself said the same thing. And he is the one who knows best what was behind that attack. But in the same report a doctor attached to the case stated that his patient was suffering from amnesia, that is, "Petrovic cannot recall what has happened to him at Temerin market." How come he then knows why the five Hungarians beat him up so brutally. What are in fact his memories, when he cannot remember anything? "

The side-box of the text in which Nikola Milosevic tried to prove that Petrovic was the victim of Hungarian nationalism, read:"Soros and other benefactors from the West would not untie their purses if our internationalization-minded advocates used the same yardstick for judging Serb and Hungarian criminals?"

Much-mentioned Jovan Pejcin availed himself of the opportunity to maintain that violence against Petrovic was a blatant example of the Greater Hungarian nationalism. In markedly obscure fortnightly "Ogledalo" (7 July),

characterized by open nationalistic-Bolshevik leanings, he published the text "Who is beating up Vojvodina Serbs?" in which he accused NGOs of "calling the facts presentation- hate speech" while "failing to call the torturing of a Serb in Temerin – a blatant example of hate speech."

THE TRIAL OF THE ACCUSED OF THE PREMIER DJINDJIC ASSASSINATION

Coverage of the trial of the Djindjic case indictees is bereft of serious analysis. Most newspapers seem to expect spectacular turnarounds by the defence, and notably by Legija himself. Those print media who had bombastically marketed any speculation intended to founder the indictment, and even connived with defence counsils, with tacit consent of the ruling authorities have now begun inostensibly marketing the facts backing the indictment. Thus "Kurir", which used to deny the official version of death of the two leaders of the Zemun gang, in its 27th July issue shyly ran in the corner of internal pages "the admission" bay the Interior Secretary, Dragan Jovic that "there are no elements for a conclusion that Spasojevic and Lukovic were killed."

On the top of that internal page, "Kurir" however ran a text headlined "Legija's defence": "In the course of the trial of Milorad Ulemek Legija, the prime suspect in assassination of the Prime Minister Djindjic, no serious argument linking directly Legija to the assassination was heard! This nearly unilateral assessment by observers of the "trial of the century" is mostly based on the fact that Legija was not asked unpleasant or direct, assassination-related questions. Subheading of that text read: "We did not hear any serious piece of evidence linking Legija to Djindji's assassination."

In an earlier issue of "Nin" (15 July), Vrzic asserted: "Even if Legija lied, that does not prove that he had killed the Prime Minister." Vrzic then went on to explain that Nenad Sare, witness-collaborator, "is important, for he is the only one, unlike the other three witnesses-collaborators, who links Legija to the assassination. So far we are not aware of material evidence linking him directly to organization of assassination."

In the closing paragraph Vrzic reminded the readers that the trial would be resumed on 6th of September and concluded: "Then the prosecution would present its evidence of Legija's guilt. The defendant shall also present evidence. Legija has in fact already announced that he would face the witnesses-collaborators and has already accused them of lying. He shall confront also Nenad Sare, who is yet to repeat under the oath what he has said in the pre-trial proceedings. Legija has already said before the court: "What made Sare say so may lies? That confrontation shall uncover many other things, regardless of what has been said recently. "

"Svedok" (27 July), in its analysis of the course of the trial, noted: "Legija uttered many serious accusations relating to former state officials, and barring a communiqué that Legija's accusations shall be checked, the public has not yet learnt the

true extent and results of investigation. The only response we have had so far, were immediate strong denials of those mentioned by Legija. "

The cutting-edge is still geared towards representatives of the DOS authorities. "While in early stages of the trial many public figures and notably representatives of former authorities, kept turning up almost regularly in the courtroom, as the main hearing unfolded, their number either in the courtroom or in front of the court, visibly dwindled. That "phenomenon" was followed by a malicious comment that "they feared that "the organizer of criminal association" could mention them during his defence."

"Balkan" (2 July) on its front-page carried a headline "new details on destinations of money laundered by Zoran Janjusevic": "On that account were deposited 350,000 Euros on the assassination day". The related text on page 3 was headlined: "Kolesar gest his Euros on the day of Djindjic's assassination." The renewed coverage of the money-laundering scandal by Djindjic's aides, Zoran Janjusevic and Nemanja Kolesar, aims at relativizing the assassination case, and to shift the focus from the indictees to other, minor case.

Part of press was also engaged in an explanatory campaign relating to the 17th June arrest of Dejan Milenkovic Bagzi in Greece. In fact the whole case was mystified even before his arrest, with a view of suggesting that Bagzi made a deal before his surrender. Earlier disinformation was launched that Bagzi was negotiating, that he was making a deal, that he has surrendered. On the very day of his arrest, "Balkan" (17 July) launched an "exclusive scoop": "Bagzi, in fear, hid incriminating evidence on several locations."

Milenkovic's defence counsel Biljana Kajganic persisted in claiming that Bagzi was not arrested, but that he surrendered out of his free will. Many newspapers gave much exposure to her misinformation, though the Greek police had confirmed Bagzi's arrest. Although the very Interior Secretary, from the ranks of Serb Democratic Party muttered that the official version of death of Dusan Spasojevic Shiptar and Mile Lukovic Kum was uncontestable-thus flying in the face of his party's continuing suspicions about the indictment and official results of investigation- weekly "NIN" (22 July) in the Bagzi-related article penned by Nikola Vrzic, continued to speculate about alleged interests of certain circles to remove some of indictees before their appearance in the court.

"Dejan Milenkovic Bagzi all in all may consider himself a lucky man. He is alive despite all speculations, and as such he was transported to jail," is the first sentence of Vrzic's text. At the same time Vrzic implied that perhaps Zvezdan Jovanovic, the assassin, was forced to sign his admission of guilt. Before the court Jovanovic denied his confession given during the pre-trial proceedings. "Nin"'s journalist then reported on a long list of suspicious details in that confession, and formal oversights made in the pre-trial proceedings. "However the most important fact is Zvezdan Jovanovic's assertion that he was given "a text worded well in advance and claimed to be his statement, to read and sign. Without reading it he just signed it."

"Nin", however, did not indicate that withdrawal of admission was in fact part of new strategy of defence and contrary to Jovanovic's explanation that he initially simply signed a difficult admission, even without it reading.

Although lawyers of indicted receive much press exposure, and the manner of the trial coverage visibly suits interests of their clients, they nonetheless try to create impression that they are exposed to pressures and threats. "Balkan" (2 July) in its article *"After roughing up Legija's lawyer Bulatovic 'is sent to' Podgorica"* reported that *Legija's defence counsel Momcilo Bulatovic and editor-in-chief of "Svedok" were receiving threatening letters. The judge Dragoljub Albijanic, in charge of the Stambolic case and in the Draskovic case (attempted assassination) however failed to provide adequate protection to the lawyer.*

Author of "Balkan"'s text maintained: *"Bulatovic, who was physically assaulted last summer in downtown Belgrade, is not the only lawyer receiving threats since the beginning of trials to criminals. In early 2004 intimidation campaign was also staged against Miroslav Todorovic, defence counsel of Dusan Krsmanovic. He received phone threats, and unidentified vandals broke windows of his office, located behind the Palace of Justice... Slobodan Milivojevic, one of Legija's lawyers, has been also receiving threats. He sees them as a form of pressure, and admits that they have increased after Legija's surrender."*

"Balkan" clearly demonstrated solidarity with the "threatened" lawyer and protested against the judge's "negligence" in the subheading of the quoted text, *"Who sends threatening letters to Momcilo Bulatovic, Legija's lawyer and why no-one responds to such threats?"*

AUGUST 2004

INTRODUCTION

The extent to which the truth about the Serb crimes in recent Yugoslav wars is still a taboo topic and the extent to which the public sphere is riddled with nationalistic populism, is best attested to by the media bashing of a popular folk singer Lepa Brena (Fahreta Jahic) and her husband, former tennis ace, Slobodan Zivojinovic. For example, a large-circulation tabloid "Kurir" (21 August) sent the following front-page message to its vast readership: *"Zivojinovic couple put a shame on Serbs."*

That shame is reflected in the fact that the popular couple, during their visit to Tuzla, laid flowers on the monument to victims of war. The inscription on the monument reads: *"On this spot on 25 May 1995 the Serb fascist terrorists by shelling cut down in their prime 72 people."* Slogan "the Serb fascist terrorists" and the origins of Lepa Brena-she is a Muslim from Bosnia- prompted the media to forcefully attack that gesture. In the text *"Scandal in Tuzla"*, the singer's real name for the first time appeared in the newspapers. It bears saying that during the war, speculations about her conversion to the Orthodox faith were rife.

"Kurir" thus commented that incident: *"And while the move of Fahreta Jahic, alias Jelena Zivojinovic (?!), alias Lepe Brena, was somewhat expected, the true motives of Boba Zivojinovic, the incumbent President of the Tennis Association of Serbia and Montenegro, are not known."* So the chauvinistic cliché was again at play: no wonder that Fahreta, of Muslim descent, acted in an anti-Serb way, but how come that the Serb Slobodan accepted to get involved in that act of treason?!

The taboo topic is a likely withdrawal of the charges against NATO, though it is quite certain that the state, or the Union of Serbia and Montenegro, would have to drop those charges filed by the Milosevic apparatus, if it wants to make at least one step forward towards Euro-Atlantic integration. Print media are in fact tasked with obfuscating the truth about NATO intervention, and of hyping it as an "ungrounded aggression."

Media are also tasked with promoting the cult of a heroic defence of the country, whose heroes were, understandably enough, Slobodan Milosevic and his generals, notably fugitives from international justice, Nebojsa Pavkovic and Vladimir Lazarevic. They are all defended either in a populist or in a highly analytical style.

Ljiljana Smajlovic in her editorial ran by weekly "Nin" (26 August) assessed as "catastrophic" Draskovic-launched public campaign for Yugoslavia's withdrawal of its charges against NATO. She criticized the stance of Draskovic's party and of the Foreign Secretary himself that "we are 'anyway' doomed to lose that lawsuit."

"NATO has bombarded Yugoslavia without the UN approval, that is engaged in an unlawful and illegitimate campaign. Bombs were high-precision ones, but terribly unjust: they shattered the hearts of many citizens, in the same way the Ibar highway accident shattered the hearts of families of the accident's victims. All those hurt hearts shall always seek justice, no matter how inaccessible it may seem. It is no business of the political elite to dissuade citizens from a lawsuit via stories that "justice should not be sought from the mighty ones." A liberal attitude in facts binds the victims of Belgrade bombardment to seek justice, in the similar way the victims of Sarajevo and Baghdad may seek it... thus, the story that in this world the stronger are always victorious, and that we can only bow to them and expect an ounce of mercy from them, does not hold water. "

Without trying to question the liberty of a reputed political commentator to assess how politically pragmatic is a move of any official, and whether it may hurt the country's chances before the International Court of Justice (and Lj. Smajlovic maintains that it may), we must note that the most striking feature of this commentary is its relativization of crimes and facile comparison between the tragedy of victims in Sarajevo, Baghdad and Belgrade.

Before "Nin's" journalist the charges-dropping campaign was criticized by a retired General Milan Simic in the column "General's words" (1 August). His statement was headlined "Only victims of aggression have the right to forgive". (By the way, as a regular columnist in "Balkan" a retired general most frequently criticizes the army reform.) "The key question is who and in whose name and on what grounds has the right to renounce, withdraw, justify and forgive? The reply to that question should be given by those lobbying for the dropping of those charges, for their own sake, for the sake of their descendants and for the sake of the entire Serb people."

Due to a break in the trial of indictees in the Djindjic case, Legija was given less exposure by the Serb print media than in the previous months, when he had been turned into a veritable "media star". However, unofficial, "exclusive" information relating to the trial, found their place on pages of many newspapers, thanks to close ties with defence counsels of indictees, or with other segments of the mafia-secret police-political apparatus, which persists in sowing confusion in Serbia.

Though it is quite obvious that the ties between defence counsels of criminals involved in Djindjic's assassination and tabloids are not at all "exclusive", "Balkan" (6 August) uses the epithet "exclusive" to qualify its interview with Biljana Kajganic, defence counsel of Dejan Milenkovic Bagzija. The most important information unveiled on that occasion by Biljana Kajganic, in fact a very predictable information, was placed in the banner-headline: "Bagzi says: I am hardly waiting for my arrival in Serbia and my first appearance before the court."

Like in Legija's case, the mood now created around Bagzi, was one of the great expectations. By their coverage the media tried to imply that he would unveil many new facts. Kajganic said the following: "I met Bagzi in a Thessaloniki

jail. He told me that out of fear for his life he decided to surrender. (Kajganicev, a defence counsel, spreads the version of his surrender!). He is happy and content because he managed to save his own life and lives of his family members, by ending his 17 month-long tragedy. He spent 17 months in hiding! He told me that he was impatient to return to Serbia and face the whole domestic court procedure. He is glad that he would see his children after a year and a half. I suppose that he shall not defend himself by opting for silence, but we shall discuss those details when he comes to Belgrade."

Kajganic also complained to "Balkan" about the maltreatment to which she and Bagzi's wife were exposed in the Consulate of Serbia and Montenegro in Thessaloniki. "Bagzi's lawyer and his wife were searched by a porter-driver of the Consulate" was the headline of a side-box. According to Kajganic the porter-driver "without any right" asked them to open their hand-bags, instead of "being at our service, as would have be expected from any diplomatic representative of our country."

On the following day, "Balkan" (7 August), without disclosing its source, asserted: "Witnesses-collaborators in panic await Bagzi. Arrival of Bagzi and his testimony before the court could shake up any witness-collaborator... they could even lose their status if he manages to rebutt their assertions. Bagzi is treated as the most important man in resolution of many criminal conundrums." After giving a broader explication of Bagzi's trump cards against witnesses-collaborators, and indictment proper, "Balkan" concluded: "We heard Legija only partially, Bagzi's moves are awaited, so the court-room of special court shall shortly become a "battlefield" of truth. "

"Kurir" (26 August) on the whole front-page splashed its "scoop" - "Bagzi is involved in the murder of Gavra!" Dejan Milenkovic Bagzi was proclaimed a "crown witness" after "providing killers, Dragan Nikolic Teca and a certain Deki, with a car -Renault 4 -and an alibi". Of course "Kurir", reminded its readers of a very old story: "Murder of the State Security Services agent Momir Gavrilovic Gavra was organized on direct orders of Head of Surcin mafia, Ljubisa Buha Cume. Cume, according to police, was aware of Gavrilovic's contacts with the Kostunica cabinet and consequently feared that Gavra could hand over to Kostunica the evidence of connections between mafia and the former regime... For a well-done job, Cume "awarded" Deki and Teca with 60,000 DM, and Bagzi with 10,000 DM."

Milos Vasic in weekly "Vreme" disclosed how "Kurir" came into possession of such and similar "information". Namely "Vreme"s journalist made public the transcript of a telephone conversation between the defence counsel Biljana Kajganic and her client Dejan Milenkovic Bagzi intercepted by police while Bagzi was still hiding in Greece. By the way, Boro Banjac was then dismissed from the post of Head of Anti-Organized Crime Department, after officially informing Prime Minister Kostunica and the Interior Secretary Dragan Jovic of the contents of that conversation, during which Biljana Kajganic told Bagzi that she had negotiated the status of witness-collaborator for him if he

admitted in the court the same thing imparted to "Kurir", namely that Buha organized and Dragan Nikolic Teca committed the murder of Gavrilovic.

Daily "Balkan" in a similar way got hold of that "unofficial" information: "A film on the meeting between government officials and criminals from Silerova street to be released soon." "Balkan" then went on to note: "Along with witnesses' testimonies, according to our source, documents and video-cassettes should strengthen Legija's defence. Of 12 video-cassettes mentioned before the 2nd May Legija's surrender, now there is much talk about 5 cassettes on which the former Red Berets commander heavily relies. Those cassettes are allegedly visual evidence of meetings and fraternization between the top state leadership and leading criminals, as well as business deals made by officials from Nemanjina 11 and criminals from Silerova street 38."

The Serb Orthodox Church again strongly demonstrated its political power. Thanks to a very strong media backing the SOC obstructed adoption of hymn of the State Union of Serbia and Montenegro. Patriarch Pavle addressed the competent state bodies, that is, the top state officials by an open letter in which he urged them to withdraw the proposed hymn from the parliamentary procedure, since, in his mind, "it is not a hymn, but a centaur poking fun at both Montenegro and Serbia and dignity of both peoples."

The proposed hymn was a combination of songs "Boze pravde" and "Oj, svijetla majska zoro" and the political consensus on that proposal had been already reached. The SOC once again ignored a democratic, non-establishment principle, and got involved in the most direct political agitation, that is interfered into the state affairs, with a strong backing of the media, and non-exposed to any criticism for such conduct.

Headline ran by "Balkan" (11 August) is typical of the general media coverage of the Patriarch's initiative "Ustashi verses, and hymn is a - centaur". Adjective "Ustashi" stemmed from the patriarch's rhetorical question: "Have Serbia and Montenegro deserved to have neo-Nazi, pagan verses of misfortunate Sekula Drljevic in their early 21st century hymn?"

In the same text Rados Ljusic, historian and official of Democratic Party of Serbia backed the Patriarch's thesis: "Part of the text of the hymn "Oj, svijetla majska zoro" written by Drljevic was sung on 12 July 1941, when Montenegro was occupied by Fascists." "Nin" in its 12th August issue with an absolute respect backed the Patriarch's initiative. Hence a very serious, even, dramatic headline of its related article "Patriarch's warning".

"NIN" concluded that: "Patriarch's letter caused quite a stir among the general public and experts dealing with the issue of state symbols: historians, heraldic experts, musicologists... namely Episcopo of Budimlje, Joanikije (it was not very sensible to ask a SOC cleric what he thought about the Patriarch's opinion!), Zelidrag Nikcevic, head of MPs club of the Serb Popular Party of Montenegro in the Serb and Montenegrin Parliament, and renowned Serb composer, Svetislav Bozic, who frequently manifested his hard-line nationalistic stances.

According to "NIN" Bozic said: "The Patriarch's letter was a long-awaited spiritual outcry of enlightened mind-set of the people."

THE HAGUE TRIBUNAL

Under a poetic headline, "As if we parted company yesterday", "Vecernje Novosti" of 7 August ran a lengthy interview with the Vice President of the Serb Radical Party, Tomislav Nikolic, following his meeting with Vojislav Seselj and Slobodan Milosevic in the Hague. We thus learnt from Nikolic that : "Seselj's political assessments remain the same", that "all Serbs who take part in the Kosovo elections would be considered traitors", that "Milosevic is healthy and sure of his victory." Journalist of "Vecernje novosti" obviously asked Nikolic what Nikolic himself hoped to be asked, and all those things which could touch "the sentiments" of fans of Seselj and Milosevic. For example: "How Vojislav Seselj looks, is he of good health?", "How is Milosevic?"... Banal intimization between "Vecernje novosti" and Nikolicem and his "best man Seselj", was best reflected by a side-box, headlined, "PORK CHOPS".

Under that "butcher-style" headline we learnt from Nikolic that : "Voja and I talked a lot. We ate twice. For lunch Voja brought pork chops. But we also ate the prison lunch consisting of potatoes, fish and salad. It was a typical prison day."

A day before the readers of "Vecernje novosti" were assured of Milosevic's and Seselj's good health and strong characters, those of "Politika" (6 August) had been provided with an explanation about the "agony of the Hague trial" (a clear reference to the Milosevic trial). Its author Zorana Suvakovic, who regularly covered the work of the Hague Tribunal by her headline "Tension is rising, courtroom is emptying" practically annihilated the UN-founded ICTY. She moreover resolutely assessed that "the tribunal would not be able to attain its too ambitious objective."

One of arguments of "Politika"'s journalist was: "A sudden death of judge May, due to a chronic disease, and chronic ailment of Slobodan Milosevic (very high blood pressure), most drastically indicated from the very outset of the trial what might come to pass, namely that the volume and imagined reaches of that trial exceed capabilities of any man on the planet earth." "Politika" explained how the international justice came to face an insoluble case and reminded its readers how on the "failed trial of the century" "enormous sums of money of the international community were spent": "The error, due to megalomaniac ambitions, was made at the very outset, when three indictments, wars in four states and 10 year-long crisis were crammed into one case and the blame was put on the shoulder of only one man. Very quickly it became clear that the Gordian Balkans knots (historic, national, social and politic) could not fit in a single court-room, regardless of its high-tech and legal human resources advantages."

According to "Politika" The Hague Tribunal should end its agony in the following manner: "international public attention should be focused on a newcomer to the Scheveningen detention unit, obviously with a prominent name. It could be either

Karadzic or Mladic. If they were to arrive by the end of August, reputation of The Hague Tribunal would be saved, for the interest in the old, never-ending story, the Milosevic trial, would completely wane."

The implication is that the ICTY does not demand so persistently the hand-over of Karadzic and Mladic because they are charged with committing most heinous crimes in Bosnia and Herzegovina, but because the tribunal is trying to cover up its failure in the Milosevic case.

Animosity towards The Hague Tribunal is much more manifest in the body of political tabloids. Thus "Balkan" (4 August) posed the following question to a contender for the position of mayor of Belgrade: "Would you support the Croat-style welcome party for the Hague indictees?" Polled were only some contenders and randomly selected by-passers, but "Balkan" nonetheless concluded: "Citizens braver than politicians, majority of citizens think that the Hague Tribunal is one-sided." Although only three of five polled citizens were openly in favour of a pompous welcome party (the fact that such a return is only highly hypothetical did not hamper "Balkan" to carry out its poll), the tabloid nonetheless carried the following headline: "Seselj and Milosevic must be welcomed as heroes."

"Balkan" then informed us on 7 August that the very Justice Minister, Zoran Stojkovic, was of opinion that the indictees in The Hague Tribunal were not defending only themselves, but the state. "Stojkovic said that we should not allow our citizens in the Hague to feel rejected by the state, for in that case they would not feel the need to protect the state. And he went on to note: "Look at Croats. Not a single indictee said anything against Croatia, for they do not feel rejected by their state."

And to prevent the state to hand them over to The Hague Tribunal, indictees who refuse any possibility of going there, continue their anti-Hague campaign in the media. Sometimes that campaign acquired pathetic tones. For example the statement given by General Pavkovic was thus presented on the front-page of "Kurir" (3 August) : "General Nebojsa Paokovic communicates to the Serb government: I HAVE A BOMB, I SHALL KILL MYSELF!"

Firmness of the generals' words are, or peculiarity of his and his camp's game with public opinion, "was proved" by "Glas Javnosti", two days later, by dent of a completely different message: "General Pavkovic's party maintains that the General does not intend to blow himself up"; he will surrender if so decide our citizens." "Glas javnosti" also informed us that: "Paokovic is against the capture of Ratko Mladic, and his subsequent swapping for Paokovic... Paokovic shall surrender only if citizens of Serbia in a referendum decide so. "

Serb press continued to undermine the Tribunal's credibility by spreading rumours about behind-the-scene deals made in the Hague Tribunal. Thus "Internacional" (1 August) splashed across the whole front-page the following "scoop": "New deal with the Hague Tribunal: Jovica and Frenki assist in arrest of Ratko Mladic." According to the tabloid, Jovica Stanisic, former head of the State Security Services and Franko Simatovic, former commander of the

Special Operations Unit, top Milosevic stooges, would be released from the detention unit in the face of the Prosecution's resistance. "Internacional", maintained that according to "diplomatic sources" the deal had been reached.

On one page "Internacional" carried an article explaining how Milosevic's high intelligence officers cinched a deal to assist in arrest of Karadzic and Mladic, and covering surrender-related negotiations with Generals Pavkovic, Lazarevic, Lukic, and Djordjevic, and another article with an arrogant headline "Seselj does not beg", in which Vojislav Seselj denied that he had ever requested the ICTY to release him.

"So far Seselj has only asked The Hague to greenlight visits of his family and communication with them. But until recently he was banned from such contacts, for, according to the Tribunal, such contacts could impact the work of the Serb Radical Party." Next to that smallish text about Seselj's plight and pride, there was his portrait, and three photos with the following captions: "Voluntary departure for the Hague", "First appearance in the court" and "When shall we re-unite?". Above the last caption there was a photograph of Seselj, Tomislav Nikolic and Aleksandar Vucic sitting in front of the logo of the Serb Radical Party.

Pro-Seselj campaign in "Internacional" continued throughout August. Issue of 27 August splashed Seselj's photo with a pamphlet-style message across its whole front-page: "SESELJ/ Leader of Radicals is being tried by The Hague Tribunal because of his assessments that Karadzic is a true Serb; Mladic is an honourable officer; Milosevic is a traitor; Clinton is guilty of the war; Arkan is a minor Al Capone; the Pope is a war-monger."

Typical Seselj-style statement was also run: "If we want to talk about criminals, then we should talk about Clinton, Gensher, de Michelis, advocates of the war in the Balkans. To that list I would add even the Pope, who called on bombardment of our villages."

VOJVODINA

High-intensity media-bashing of secessionism in Vojvodina, and denial of frequent nationalistic incidents whose principal victims were members of the Hungarian minority, continued throughout August. "Vecernje Novosti" of 6 August in its headline first posed the question "How founded are claims of escalation of inter-ethnic conflicts in Vojvodina?", and then gave the statistics-based reply in its subheading: "None of 47 incidents in the territory of Novi Sad bore the hallmark of inter-ethnic conflict. Subotica is one of the safest cities in Serbia. "

Lead-in is very sharply-worded: "One mustn't name every incident involving members of different nationalities, an extremely nationalistic incident. That statement was made by Internal Affairs Services/police stations in Vojvodina whose statistical data on the number and character of conflicts differed greatly from those shown by our politicians in their bid to prove that their minority rights were "threatened"?!"

According to "Vecernje Novosti", "*Vojvodina reality denies every day*", not only Joseph Kasa, the most influential politician of the Hungarian minority in Vojvodina, but also Predrag Markovic, President of Serb Parliament, who, "had manifested his concern over the figure of 300 inter-ethnic incidents reported in Vojvodina in the first 5 months of this year."

Police statistical figures indicated that none of the reported cases had a nationalistic background, but were rather to be deemed "*criminal offences of general character*", "*damage to property*", "*brawls*"... "Vecernje Novosti", however warned against another phenomenon which had emerged in Zrenjanin, one of the largest Vojvodina cities. "*Political parties in Zrenjanin, notably Canak's party, tried to qualify several conflicts as inter-ethnic ones, and to publicly condemn them, but pertinent investigation, soon established that at play was a private conflict, or rather a wilding party organized by a satanist sect.*"

In its side-box headlined "*Provocation*" "Vecernje Novosti" disclosed indications given by Novi Sad police that "*provocations, simulating a criminal offence, are an aggravating circumstance in a realistic observation of the problem.*". Though quoting a series of examples of Hungarian provocations, "Vecernje Novosti" were fair enough to say that "*in the case of a criminal offence (attempted murder of Zoran Petrovic in June 2004 in Temerin) facts tempered with for the sake of sensationalism and hyping of non-extant nationalistic motives*".

But "Kurir", a rival of "Vecernje Novosti", in fact engaged in a provocation by running on its front-page (7-8 August) the following headline: "*Zoran Petrovic: I shall file charges against Hungarians who have maimed me, and they shall be punished.*" "Kurir" literally compels the misfortunate Petrovic to finally understand that he had been the victim, despite his repeated statements to the contrary, of the nationalistic violence.

"Kurir" also wrote: "*While in hospital Zoran was visited by the Minister for Minorities Rights, Rasim Ljajic. The politics got involved, and the media informed that Petrovic himself denied any national backdrop of the crime committed against him. – In fact I have said – Petrovic went on: – that I don't hate anyone on the national grounds. But I am not so sure whether it also applies to those who have attacked me!*"

Petrovic then went on to explain that in the last four years he frequently went to Temerin and never faced any trouble. But, obviously prodded by journalists, he went on to note: "*But I must say something. Had this happened to a Hungarian youngster, President of Serbia Boris Tadic would have to do a tour of many European countries in order to explain to their governments that Serbs are not genocide-inclined people.*"

"Kurir" carried the statement of mother of Zoran Petrovic, a 73-old Vera, exasperated over the lack of help for the medical care of her son: "*It was important for politicians to have their photo taken with my Zoran, and to hush up the whole incident, though I am sure that the incident was motivated by an undiluted hate of Serbs. It did not occur to any of those politicians to offer us any financial help!*"

Academician Nikola Milosevic, in his regular column in "Svedok" continued to deal with "Vojvodina issue.". He thus sharply condemned Canak's

separatism. In the article headlined "*Is Vojvodina seceding?*" (31 August) he, inter alia, wrote: "*When some Serbs are tearing down gravestones, Nenad Canak calls it vandalism, but when some Hungarians stick a stick into a Serb anus, and burn his testicles, then it is – an incident*". In that text Nikola Milosevic also maintained that Canak was for Vojvodina, what Tachi was for Kosovo, and Djukanovic for Montenegro.

"Internacional" (29 August) however communicated: "*Kasa is setting the stage for secession of Vojvodina*". The tabloid's journalist maintained that "according to police there were only three Serb-instigated incidents, while Kasa mentioned over 100." Kasa bore the brunt of criticism because of a draft Resolution on Intimidation of Hungarians in Vojvodina, submitted to Council of Europe by a group of MPs.

In "Internacional" Milorad Mircic, President of the parliamentary Committee for Security, member of the Serb Radical Party, thus qualified that resolution: "*They want through those doctored facts and figures to compel Council of Europe to pass a resolution proclaiming Serbia the country of state terrorism, and the country in which the rights of Hungarians are allegedly threatened. That would pave the way for Kasa's aspirations towards secession of Vojvodina.*"

In a side-box headlined "*Soros behind the whole move*" "Internacional" made the following assertion: "*Signatories of the draft resolution are members of left-wing parties, with Soros-like leanings. Four of them are Hungarian, two are Turks, and the rest are from Azerbeidjan, France, Switzerland, Lithuania, Ukraine, Bulgaria, Lichenstein, and Russia.*"

KOSOVO

Coverage of situation in Kosovo was riddled with alarming announcements of new escalation of violence against Serbs, allegedly planned for September. That threat was mentioned as the key reason for the Serb non-participation in the October elections. The foregoing makes us not that the campaign for the boycott of elections was indeed-timely!

In its lead-in to interview with Dusan Janjic, Director of Forum for Inter-Ethnic Relations, "Nin"'s journalist (26 August) noted: "*Dilemma to participate or not to participate in the October elections was replaced by the fear that Albanian militants as early as in September could complete their ethnic-cleansing campaign initiated in March. Reports of the Security-Informative Agency, Intelligence Services of the Army of Serbia and Montenegro, and signals discreetly sent by diplomatic circles indicate that the fear of Kosovoar Serbs is-justified.*"

Janjic, inter alia, maintained: "*Interests of militants and the leading political parties, including Rugova's party, coincide. Since April all the Kosovo prime movers behaved improperly. 17th March demonstrated that the Kosovo Protective Corps and Kosovo police directly took part in the then campaign of violence. Diverse intelligence services in Kosovo are still helping Albanian leaders, while KFOR is building walls around Serb enclaves.*"

"Politika" followed-up on the statement of Dragomir Asanin, Head of Security-Information Agency that *"in Kosmet illegal arming of Albanian militants is under way."* In the text headlined *"Only Serb army and police can save Kosovar Serbs"*, "Politika" (28 August) criticized representatives of international community *"for failing anew to heed serious warnings of our experts for terrorism and organized crime"*.

Defence Secretary of Serbia and Montenegro Prvoslav Davinic was also criticized for *"sowing confusion"* by his statement that situation in Kosovo was stable. ("Politika"). That daily furthermore carried the stands of *"political leaders of Kosovar Serbs"*, to the effect that *"Belgrade must take the whole issue in its hands and finally decide whether it would defend Serb people or give it away to terrorists, Kfor and UNMIK who had shown their skills during the March events."*

"If Mr.Davinic thinks that situation in Kosovo is safe, then he should finally visit Serb people there. At the moment he seems to be transmitting UNMIK and Kfor statements",- said Milan Ivanovic, He added: "If there is a repeat of 17 March then Serb people shall counter such violence by all means at their disposal." Randjel Nojkic, member of Coalition "Povratak", one of "Politika"'s itnerlocutors said: *"In case of a repeat of March events, Serbs could be saved only an incursion of Serb army and police."*

A day earlier (27 August), "Politika"'s commentator Ljubodrag Stojadinovic also ridiculed Davinic's benevolence: *"Defence Secretary Davinic infused some optimism into our depressive lives. Namely he noticed that situation in the lost province was improving, or -"hopeful!"*

In conclusion of his gloomy analysis, firmly predicting new waves of anti-Serb violence, Stojadinovic said: *"Prime Minister of Kosovo need not know if someone is preparing new massacre of Serbs. Serb government is perhaps aware of such a development, but does not know how to prevent it. Kfor has not discovered any Shiptari boot-camps. They have trouble finding their own! If there is a repeat of violence, it will be treated as a major surprise, though all the parties concerned knew about its preparations. We are talking about Kosovo and Metohija, southern Serb province, currently bereft of "maternal" care. Perhaps Serbs have lost if forever..both those who hope for something, and those who are hopeless after a succession of terrible events."*

"Kurir" (25 August_) in a text headlined *"Shiptari offensive"* *"unveiled"* that *"D day is 20 September"* to be preceded by the stage-managed social unrest *"to morph into a new slaughter of Kosovar Serbs"*. *"According to the plan discovered by the Security-Information Agency, that offensive should start in mid-September, and the bloody conflict should culminate on 20 September. A secret agent told "Kurir" that - If everything goes to plan, Albanians on Monday, 20 September, should conquer northern part of Kosovska Mitrovica and thus gain access to the administrative border with central Serbia.."*

"Kurir" was however the first tabloid to criticize Davinic's rash statement through the words of Nebojsa Covic, head of Co-ordinating Centre for Kosovo and Metohija: *"That statement is not true! Number of incidents in Kosovo has not decreased!"*. Milorad Mircic from the Serb Radical Party was also critical:

"Security-Information Agency predicts new massacre of our people in Kosmet in September... but Minister Davinic gives us assurances that such predictions are wrong?! Why does not he come up with his data and information? He should tell us what the army is ready to do to protect our people! Otherwise the impression shall remain that Davinic and his party, G17 Plus, would like to solve once and for all the issue of Serbs in Kosmet by not having them there at all!"

The *"plight of Kosovar Serbs"* is also exploited as an instrument of the anti-Hague campaign, that is, of prevention of the hand-over of the military foursome. In the text *"Generals in the Hague, massacre of Serbs in Kosmet"* "Internacional" (29 August) carried the opinion of a certain Mikan Velinovic, depicted as *"the leading Serb patriot among the remaining Serbs in Kosmet"*.

That patriot, inter alia, stated: *"While Shiptari terrorists, in their boot-camps Kosovo- and Albania-wide, are preparing to commit new crimes against Serb people, our politicking politicians, speculators, are hunting down Serb generals and trying hard to hand them over to the Hague Tribunal. Is there an end to trampling upon the rights and dignity of our citizens? The state is not only composed of R. Ljajic, M. Labus, V. Maras, V. Draskovic and the like-minded officials. The state is composed of all our citizens who should be allowed to have their say about the Hague Tribunal and generals in a referendum."*

As "Internacional" informed us, Velinovic organized a petition-signing campaign among Serbs in Kosovo as a measure of support for generals. *"In only two days that petition was signed by over 7,000 Kosmet Serbs thanks to mu authority and credibility, and we know that each signature is objectively worth 100 times more."*

Though Serb newspapers were quite optimistic about Kosovo, the most optimistic seemed to have been Minister Davinic in his *"geopolitical analysis"* communicated to "Svedok" (24 August): *"Independence of Kosovo is not on the agenda. Hence the panic and showdowns among Albanian leaders."*

According to "Svedok"'s *"reliable source from Pristina, the source close to the government of Prime Minister Redhepi"*, *"advocates of independence of Kosovo face serious trouble after signing of the Turk-Serb military treaty."* Analysis of "Svedok" is indeed a far-reaching one: *"Strategic partnership between Serbia and Turkey in Kosovo is interpreted as the beginning of creation of the joint defence forces, that is of a new coalition in Europe, since, according to some hints, NATO shall be shortly relegated to history."*

Or: *"That agreement is also a proof that the US and Turkey have renounced their ambitions to create a green transversal across Kosovo, or have only frozen those plans. For thanks to its rapprochement with Serbia, Turkey, via Bulgaria, gest the shortest access to Europe. But there are nations opposing a swift accession of Turkey to Europe, notably Germany, France and Russia-which until recently was considered the key ally of Serbia."*

Though it may sound bizarre it is good that Serb print media started running stories about international plots, not targeting Serbia, but rather involving a twosome, the United States and Turkey. However such stories are rare. Press continues to be preoccupied with domestic developments and-related speculations. Headline of a side-box in "Svedok" is *"Serbs shall take part*

in elections, part of Albanians shall boycott them?" "Svedok's" source thus discloses that October elections "may be partly boycotted by radical Albanians, notably those who are aware that independence is a long way off."

The Analyzed Media in a Nutshell

POLITIKA – A daily with the longest tradition in Serbia and the Balkans (published for 100 years now). Time-honored as the most serious political newspaper, the daily has always sided governmental policies. It was the major media weapon of Milosevic's enthronement and the maintenance of his regime, as well as of mobilizing Serbs for wars (in the period 1998-91). The daily has demonized the opposition and fueled nationalism. Having made some cosmetic changes after the October 5 ouster, the Politika remained a major mouthpiece of national strategy. It figures as the main publication of the namesake corporation that is nowadays in co-ownership of the German WAZ concern.

KURIR – A daily tabloid with highest circulation, started in 2003 by the owner of the "Glas Javnosti" daily and the ABC printshop, Radisav Rodic. Its popularity skyrocketed due to extreme sensationalism and competitive price. Though labeled as a tabloid, the daily is mostly focused on political scandals defaming the so-called reformist wing – political parties, non-governmental organizations, politicians, individuals and members of the first post-Milosevic cabinet.

BALKAN – A daily launched in 2003 by a group of journalists that used to work for the banned "Nacional" daily paper (the latter was banned during the state of emergency for its ties with organized crime). In its policy, the paper rubs shoulders with the "Kurir." There is no telling who actually owns the "Generalpublic" company, the paper's official publisher.

INTER-NACIONAL – As a "heir apparent" to the "Nacional" tabloid (see the paragraph above), the paper was started (resumed) in 2003. Its policy is extremely chauvinistic. The stories it carries are usually not by-lined and quote anonymous sources. It is more like a bulletin published by certain services than a newspaper. Its publisher, the "SM Media," is also unknown to general public.

BLIC – Among the first privately owned dailies in Serbia, the "Blic" was established in 1996 thanks to foreign investment. Its circulation was notably high in 1990s. However, faced with market competition later on, the paper's influence shrank.

GLAS JAVNOSTI – The daily emerged in 1990s when the "Blic" newsroom split off. Its owner is Radisav Rodic (see the paragraph dealing with the "Kurir"). The paper aspires to be perceived as a serious political daily.

VECERNJE NOVOSTI – Launched in 1950s, the daily used to attract the largest readership in ex-Yugoslavia. The paper's policy is so shaped to attract

all strata of the society. In Milosevic's era, the daily made a significant segment of the regime's nationalistic propaganda machinery. Highly circulated to this very day, it is rather popular beyond Serbia - in Montenegro, among Serbian population in Bosnia-Herzegovina and throughout the Serbian diaspora.

EKSPRES - A daily published by the Politika Company as a more tabloid-like and populist version of the "Politika." It also considerably contributed to Milosevic's enthronement and maintenance of his regime. Rather influential in ex-Yugoslavia, the paper gradually turned less and less popular, and even had to close its newsroom for a time.

SVEDOK - A weekly started in mid-1990s when it mostly carried sensationalistic stories about Belgrade's crime milieu. The paper was banned after the Premier Zoran Djindjic assassination for having published an alleged interview with the first accused of the murder, Milorad Lukovic-Legija, who was on the run at the time. The weekly consistently campaigns against pro-European political forces in Serbia and the most active non-governmental organizations. The "Svedok" is under strong influence of the military lobby and, in particular, General Nebojsa Pavkovic indicted by The Hague Tribunal for war crimes.

NIN - The oldest political weekly magazine in Serbia, founded back in 1935 at the time of the Kingdom of Yugoslavia. Due to its long tradition, the weekly is seen as a serious newspaper aimed at elite readership. Its policy's nationalistic affiliation has been varying with the times - from extreme to moderate nationalistic stands.



IX

National Minorities in Serbia: In Conflict With a State Ethnic Identity

Conclusions and Recommendations

After the 5 October 2000 coup in Serbia some progress was made in promotion of minorities rights, notably more in the realm of normative regulations, than in the realm of real relations in the society. However, changes in the normative realm are also wanting, for some key acts more precisely defining minority rights are yet to be passed. Added to that the Act on Protection of Rights and Freedoms of National Minorities was adopted at the level of the State Union of Serbia and Montenegro. Initial political consensus on that issue fell apart during the DOS-led Administration.¹ Hence the lack of political will and agreement for adoption of new minorities-related legislative acts. Consequently the issue of national minorities was put on the back burner. No priority attached to that issue became obvious when Vojvodina recently faced a series of ethnic incidents. Elected thanks to support of Milosevic Socialists, the new Serb government first ignored those incidents, and the fact that they spread fast and covered members of almost all national minorities.

Contrary to this, essentially, denigrating official stance, deterioration of inter-ethnic relations attracted attention and interest of neighbouring countries, notably of Hungary. Hungarian officials have repeatedly asked the Serb authorities to stop incidents and make possible a peaceful cohabitation in the province. After having expressed their conviction that the Serb authorities are able to solve that problem, Hungarian officials have however cautioned that they would demand a debate on the status of the Hungarian minority in the EU fora, unless the incidents were stopped. That announcement was criticized by the Serb authorities which assessed that "there are no motives or reasons for internalization of that issue." Political circles assessed the threat of internationalization as "a cheap trick, and an inadequate move... unlikely to improve the situation", as "an attempt to interfere into our internal affairs", as "an attempt to revise the Trianon Agreement", and as a continuation of policy of

¹ Serbia is still in the earliest stages of transition. In the aftermath of assassination of Prime Minister Djindjic pro-reform block was weakened, and the process of transition slowed down.

"destruction of Serbia", etc. Although internationalization of the issue of Hungarian minority was used amply as an element in the ongoing, internal political showdown, it in fact laid bare the fact that the minority issue was sidelined, the absence of a pro-active minority policy in Serbia, and that the government refused to face up to the problem of upset inter-ethnic relations. Instead of facing up to that problem, the Serb authorities decided to minimize it and reduce it to "isolated cases".²

By such, essentially, ignorant approach, the authorities tried to justify and normalize nationalism as a ruling ideology in the society. A productive response of liberals and civil society-minded backers failed to materialize, for such an option is too weak to prevent external influences on Vojvodina's inter-ethnic relations, and does not have interlocutors or collaborators in the top echelons of the Belgrade authorities. On the other hand consolidation of the Serb ethnic territory in Vojvodina has been going on for a decade now. The state proper is backing that consolidation, while the Serb Orthodox Church and the Popular Movement "Svetozar Miletic" have been also playing an active role in that process. Their strategy is focused on the process of assimilation of smaller national minorities and segregation of larger ones which are slowly becoming extinct.

In the aftermath of 5 October 2000, international community marked the minority issue as a high-priority one, but as the time passed, it was sidelined, for the majority nation was not willing to renounce its project of ethnic state. Added to that efforts to strengthen foundations of an ethnic state, directly exclude minorities from "ownership of the state". And finally, a state constituted on ethnicity cannot resolve the minority issue in a democratic way, for thus constructed state treats minorities as "an upsetting factor". Once excluded from a broader political community of the majority people, minorities reject the identity of the order which legitimizes itself by exclusive ethnic values and interests of the majority nation³ and seek a way-out in the shape of various degrees of autonomy and special status. Such claims and aspirations by extension raise doubts about their loyalty and strengthen conviction that ethnic pluralism is an unwanted burden. Attempts to solve that problem by dint of various elimination-minded policies failed in the past, and they are also

² At the joint session of parliamentary committees for security and inter-ethnic relations, held in early September in Subotica, Dragan Jovic, the Interior Secretary, stated that in 1 January- 30 August period 67 incidents bearing the hallmarks of ethnic confrontations were reported. On the other hand, in an earlier report, submitted in July 2004 to Parliamentary Spokesman Predrag Markovic, it was noted that in 1 January- 31 May period, as many as 294 incidents, which could be broadly termed as those bearing the hallmarks of inter-ethnic strife, were reported. Varying facts and figures on the number of incidents leave room for political manipulation, raise the feeling of insecurity and doubts about the police acumen to provide protection.

³ See: Federalism and problems of minorities in multi-ethnic communities, IES, Bgd, 1995. page. 149.

doomed now because of stiff resistance of international community. Thus internationalization⁴ is useful, and its most direct result is announcement of an imminent formation of the Republican Council for National Minorities,⁵ of an institution tasked with promotion and protection of national minorities.

Institutional innovations however do not suffice, unless a host of obstacles hindering implementation of minorities rights is not removed. Recent developments in Vojvodina indicated that an increasing number of citizens in the province felt threatened. In view of the fact that the fear is not evenly distributed-it is more pronounced in Backa than in Banat – it must be pointed out the said fear is only one of the hurdles limiting exercise of collective rights.⁶ Added to the fear, there are other obstacles-of cultural, economic and formal-legal nature, and also inherited political culture. That culture is authoritarian, and not sensitive or responsive to violations of minority rights. Gross and blatant violations of the rights of Croats in Srem, Bosniaks in Sandzak and recent incidents targeting members of Hungarian and other minorities in Vojvodina, have not been properly tackled. Lack of aforementioned sensitivity is also visible in the sphere of education and public opinion. Though some progress has been made in education of the Croat minority, their art, culture and history, like the ones of Bosniaks, Vlachs and Romany, have not been covered by the 2004 primary and secondary school curricula.⁷ Aforementioned plans and programs are still of ethno-centric character and socialization of minorities members unfolds through a cultural pattern of the majority nation. Advocacy of multiculturalism in the sphere of public opinion⁸ hinges on the prevailing ideological mind-set, and not on principled orientation. Media coverage of minorities is highly politicized, and reduced to stories about conflict situations and incidents. Such an undifferentiated approach/angle breeds prejudices that minorities "in contrast to us", are homogenous and "are all identical". Any attempt to portray their diversity in a different, socially acceptable way, ends up in a pre-modern perception of minorities as exotic, folklore groups. Ultimately such perception boosts assimilation, and not affirmation of different cultural values.

⁴ Internationalization also indicated the presence, in the realm of public rhetoric, of ideological lingo, typical of Milosevic regime.

⁵ In the meantime the Council was elected, and Petar Ladjevic was appointed its Secretary by the government of Serbia.

⁶ If the feeling of threat prevails, citizens start insisting on individual, civil, and not on collective rights, for they assess that insistence on those second, special rights would only additionally threaten their fundamental rights and vital interests-for example, the right to life and property.

⁷ Despite the legal provision in force that "educational programs to a large extent shall contain topics concerning history, art, and culture of a national minority".

⁸ Public opinion responds more to placing of plaques to the Ustashi movement in Croatia, than to violence targeting minorities in Vojvodina."

Attainment of minorities rights to a large extent depends on economic circumstances in the state. Act on Minorities made possible founding of some new institutions, alike national councils, but failed to resolve in a systematic way the issue of their funding or adequate work premises. Absence of substantive financial support affects more 'weak' minorities, notably Romany, Vlachs or Croats, for they are bereft of economic resources. Minorities power to cinch favourable economic arrangements in negotiations with the state is limited, for it primarily depends on their political 'weight'. In that sense, situation is made even worse by formal, legal hurdles. Act on Protection of Rights and Freedoms of National Minorities enroaches on prerogatives of the Republic, which, within the framework of its legislative activities, on several occasions limited the rights of minorities.⁹ And finally organization of the state, is also an important element. During Milosevic regime Serbia was built as a stongly centralized state, which resulted in reduction of minorities rights. Hence moved by their wish to improve their status representatives of minorities in Serbia rightly insist on decentralization, for it enables their participation in adoption of key decisions in areas vital for preservation of their identity, notably in the sphere of education, information, culture, etc.

Despite some recent progress made possible by support and assistance of institutions of international community, economic, social and political situation in Serbia does not favour attainment and exercise of minorities rights. National homogenization, chauvinistic campaigns, and the state policy have left their indelible mark on inter-ethnic relations. In that regard due to a heavy military rout and financial collapse the starting position of Serbia is much weaker than the one of other post-Communist states. As concerted efforts were not made to shape public opinion in line with a given situation, frustration of citizens mounted. At the same time sacrifices exacted by transition, loss of social status and poor existential prospects, alongside the non-acceptance of a new set of values based on market economy and responsibility, have contributed to the process of sidelining of the issue of minorities status. In that sense democracy is not viewed as an universally accepted value, notably because democracy in its current shape, that is reduced to electoral mechanisms and representative procedures, in fact suppresses, or additionally marginalizes minorities.¹⁰

Insight into the status of collective rights indicated that the position of the 'new', with respect to the position of 'old' minorities in several aspects was

⁹ Federal Ministry of National and Ethnic Communities and the Provincial Secretariat for Administration, Regulations and National Minorities, filed an appeal to the Constitutional Court to appraise constitutionality of the Act on Local Self-Rule, for the Act's provisions on the right to use of national symbols were not harmonized with similar provisions of the Act on Protection of Rights and Freedoms of National Minorities.

¹⁰ Due to a high electoral census of 5% political representatives of minorities did not make it to the new parliament at the snap, December elections.

considerably less favourable. First of all, new minorities are not sufficiently instutionalized, they do not have a strong elite devoted to articulation of interests of their community, they are poorly integrated, poorly organized, and members of that community are simply not ready to engage in realization of their collective interests. Their political parties are leader-minded, while political leaders harbour only the ambition to impose themselves as the only and exclusive representatives of interests of given national minority.¹¹

Policy of country of origin also affects the status of minorities. Active interest of the Republic of Hungary in the status of its fellow-countrymen in Vojvodina was assessed by part of public opinion as 'meddling in internal affairs of our state', or rather as instrumentalization of Vojvodina Hungarians in internal strife of Hungarian parties in the province. Such a perception is partly realistic, since Lazlo Kovach, Hungarian Foreign Secretary, stated that the status of Hungarian diaspora should not be used in internal patriotic jockeying for power by the authorities and opposition. However, it should be said that Hungary was the transition-gearred country which best resolved the status of its minorities in neighbouring countries notably through inter-state agreements.

Various NGOs, notably those dealing with human rights may render a true support to realization of minority rights. Some of them are however publicly villified in view of their fight against minorities-related public prejudices in the course of their defence of interests and rights of jeopardized minorities. NGOs are also an important instrument in promotion and advancement of minorities rights, for they contribute to better organization of minorities and represent an important communication channel in relations between minorities and authorities, and minorities and their fellow-countrymen in the country and abroad. But it bears stressing that in addition to organizations bent on producing and implementing emancipating projects, in the midst of the civil society there are also organizations generating strong and virulent nationalistic and racist impulses, notably "Obraz" or SNP "Svetozar Miletic".¹² And finally important activities of NGOs are geared towards deconstruction of various myths and prejudices targeting minorities and spreading animosity towards them. The role of NGOs in creation of a positive mood in the society and sensitivizing the general public with respect to interests of minorities is of a paramount importance, notably if that role is backed by the media.

Having in mind negative trends in treatment of minorities, the Helsinki Committee for Human Rights in Serbia considers that a suspended process of promotion of status of national minorities must be continued. In other words

¹¹ See related text by Ramiz Crnisanin, president of the Sandzak Intellectual Circle from Novi Pazar, ran by daily "Danas" of 24 September 2004. godine. He stressed that leaders thwarted any outside initiative, and branded their authors as traitors.

¹² Here mentioned and similar organizations advocate ethnic state and are instrumental in its creation.

the process initiated by adoption of the Framework Convention for Protection of National Minorities must be continued by dint of adoption of other important international instruments, and also by betterment and updating of internal, legal regulations. Hence the Helsinki Committee recommends:

- A swift adoption of the European Charter on Regional and Minority Languages is a must. In view of plans for drafting a new constitution of Serbia, minorities as an important constituent element through their representatives must take part in that process;

- As regards minorities-related legislation it is necessary to pass some key laws – election law, law on national councils, anti-discrimination law, and legal norms containing or facilitating discrimination should be removed.

- Decentralization is a key prerequisite for essential betterment of status of minorities in society. But decentralization being essentially a political issue, its implementation presupposes consensus of political prime movers. That consensus must show respect for fundamental interests of minorities, notably their right to preservation and promotion of minority identity. Guidelines of such a decentralization must be incorporated into a new Constitution.

- Promotion of general legal culture in the society is one of the best ways for promoting protection of guaranteed rights through elimination of voluntarism, arbitrariness and selectivity in the work of specialized agencies, notably the police and prosecution.

- One of the most important instruments in promoting status of minorities are bilateral agreements. It is necessary to accelerate their conclusion, whereby minorities proper should be actively engaged in the process of their drafting.

- Opening up of Serbia and its active inclusion in the process of European integration may lead to perception of the minority issue as a more complex and subtle, while in parallel it may also activate a modernizing and developmental potential of minorities proper.

Setting up of a Serbian ministry for human rights and minority rights, as well as passing of a republican minority law.

Introduction

The October 5 ouster of Slobodan Milosevic opened the door to Serbia's normalization and a push to transition and reforms. Premier Zoran Djindjic's assassination stalled all transitional processes and made possible the continuity with Milosevic's policy. The progress made in the showdown with organized crime was annulled. Cooperation with The Hague Tribunal came to rest. Solution to the minority issue was put to an end, while inter-ethnic relations backslided to 1990s.

Nationalistic parties' success in the December 2003 early parliamentary elections heartened nationalists and extremists. Having failed to react adequately, the government and some ministries (of the interior and justice in the first place) made Serbia's situation extremely difficult – at domestic and international levels. Therefore, the ongoing deterioration of inter-ethnic relations in Vojvodina was to be expected. For the Serbian government it is a final warning to thoroughly reconsider its minority policy, and take strategic steps so as to pacify the situation and then improve the tumbledown inter-ethnic relations. A dangerous process of either perfidious or overt pressure and intimidation of members of other minority communities proceeds in the shadow of the pressing Hungarian minority issue. This is about the process that corrals a minority community and radicalizes its feelings not only for the majority nation and its own country, but also for other minorities. Constant degradation of the state union and defamation of its institutions marginalized the Ministry of National Minorities. Serbia is still being profiled as an ethnic state. The upcoming change of the Serbian constitution is a unique opportunity for the creation of an utterly new and different Serbia. Unfortunately, this opportunity will hardly be seized bearing in mind today's political constellation and will. Deprived of potential for change, guided by conservative and clerical-nationalistic forces, and unaware and afraid of contemporary European and global trends, Serbia once again blames minorities for its frustrated expectations.

The manner in which the so-called "big" minorities, such as Hungarians, responded to the challenge can hardly be applied by the rest. However, big as it is and closely tied with its mother country, the Hungarian minority cannot take any protection for granted in the event of further radicalization and separation across ethnic lines. The majority nation, and the ruling elite in particular, turn a blind eye to all these developments. This cannot but lead to general instability and further destabilize social relations. The fact that relevant authorities fail to manifest support to and moral sensitivity for every minority's problems and specificity encourages not only nationalists, but also the majority of the citizens. Any manifestation of otherness – ethnic otherness in particular – meets with the

latter's intolerance, refusal, or negation. In addition, the parties that make up today's Serbian government – constantly at loggerheads over policies – contributed to the high-strung climate in which neither the judiciary nor the police function. Exposed to all forms of pressure and discrimination, national minorities are thus left to their own devices. As the biggest and best organized minority community, Hungarians proved that they are prepared and strong enough to fight for their status and the position of each individual member. However, most other minority communities can hardly use the same pattern. Though the radicalization of the Serbs is on the upswing and turns Vojvodina into a neuralgic spot, the high percentage of national minorities in the overall population guarantees, in a way, their security and survival.¹ The situation of national minorities in the so-called Central Serbia is by far worse. Their percentage in the overall population is significantly lower, they are not as organized as minority communities in Vojvodina, and their ties (if any) with their mother countries are inappropriate or burdened with the state union's relations with these countries.²

The period covered by the Helsinki Committee's fact-finding missions and research – October 1, 2003 – October 31, 2004 – was marked not only by ever weaker reformist endeavor, but also by the government's hesitation to pursue the reforms that have already been launched. Several facts should be added here to better explain the political background against which this research has been conducted. Firstly, the process of ex-Yugoslavia's dissolution is not over yet. Secondly, the process of Serbia's constitutionalization has been low-geared. Last but not least, the issue of Vojvodina (which, like Kosovo, enjoyed high level of autonomy in ex-Yugoslavia) has not been solved. Vojvodina's autonomy is questioned today, while the province itself treated as an exclusively Serbian territory. The number of ethnically motivated incidents have been on the upswing in the period covered by this research, and particularly so after the early parliamentary election of December 2003. Initially targeting Hungarian and Croat communities, ethnic violence has spread to Slovak, Ruthenian and other minority communities. The victims of ethnically

¹ According to the 2002 census, Serbs make up 65.05 percent of Vojvodina's population, while members of minority communities total 34.95 percent. As for Central Serbia, 89.48 are Serbs and only 10.52 members of minority communities.

² The following minorities inhabit Central Serbia: Bosniaks (2.48 percent), Roma (1.45), Albanians (1.10), Wallachians (0.73), Bulgarians (0.34), Bosniaks (0.29), Macedonians (0.26), Goranci (0.07), Slovenians (0.06) and Russians (0.03). Bosniaks, Roma, Albanians, Wallachians and Bulgarians are organized differently, but all of them insufficiently. Others are hardly organized at all. Assistance to Bosniaks and Albanians by their mother countries is, more often than not, rationed and calculative – which is still to be ascribed to bitter feelings after the wars in the territories of Bosnia-Herzegovina and Kosovo. As for other minority communities, they either do not cooperate at all with their mother countries or such cooperation is just formal. Actually, mother countries mostly perceive these minorities as merchandise to bargain with.

motivated violence were not only ordinary people and outstanding minority figures, but also diplomatic representatives. One cannot but be concerned with such developments, the same as with ongoing attempts to banalize and minimize the scope of ethnically motivated violence.

When compared with the first post-October administration that, for instance, ratified the Framework Convention on the Protection of National Minorities, and passed the Law on the Protection of Rights and Freedoms of National Minorities, what we have now is an obvious setback. Not only by far less seats in today's Serbian parliament are occupied by representatives of minority communities, but also the overall political situation has been dangerously radicalized.

General Background About National Minorities

Serbia is a heterogeneous society – it is multiethnic, multilingual and multireligious. These characteristics are not, however, equally distributed. Unlike Vojvodina as the Republic's most heterogeneous part, Central Serbia is almost ethnically homogeneous. According to the 2002 census,³ 82.86 percent of Serbia's population (without Kosovo) are Serbs, while 14.38 percent come from minority communities. Ethnically undeclared citizens, as well as those who identified themselves in regional terms (i.e. whose ethnic origin is officially unknown) make up the remaining 2.76 percent of population.

Hungarians figure as the biggest minority community in Serbia (over 3 percent of the population). They are followed by Bosniaks, Roma, Yugoslavs, Croats, Albanians, Slovaks, Wallachians, Rumanians, Macedonians, etc. Together with Bosniaks and Roma, Hungarians make up for almost 50 percent of the minority population (7.17 percent). Apart from numbers, minorities in Serbia can be differentiated by other characteristics. Some – such as Hungarian or Bosniaks – have influential political and cultural elites, which enables them to more efficiently stand for their rights. Others, like Germans or Czechs, are too small to get organized in the same manner. Differences are also notable in the domain of education. For instance, they are no illiterates among the members of the Jewish community, while illiteracy dominates in Roma and Ashkalia communities. As a most significant resource, education decides any

³ The ethnic classification drawn by the Republican Bureau of Statistics for the 2002 census has been the most detailed one up to now, comprising the following options: Serb, Montenegrin, Yugoslav, Albanian, Ashkalia, Austrian, Belgian, Bosniak, Bulgarian, Bunjevac (the term determines a Croat, a Catholic), Wallachian, Goranac (the term determines a Muslim mostly inhabiting Kosovo), Greek, Dane, Egyptian, English, Italian, Jew, Chinese, Hungarian, Macedonian, Muslim, German, Norwegian, Pole, Roma, Rumanian, Russian, Ruthenian, Slovak, Slovenian, Turk, Ukrainian, Finlander, French, Croat, Tzintzar, Czech, Swiss, Swede and Shokac (the term also determines a Croat, a Catholic). All in all, 41 classification units.

minority's capability to join the processes of modernization and secure a position in the society. Therefore, Roma and Ashkalia are socially marginalized more than any other minority community. Further, minorities can be differentiated by the opportunity provided for them to get educated in their mother tongues. While such educational arrangements are available to members of Slovak, Hungarian, Rumanian and other communities, Macedonians are not provided schooling in their mother tongue. Further, ethnic awareness is very strong among members of the communities such as Hungarian and Slovak, while weak or just emerging when it comes to Wallachians or Macedonians.

Identity-building infrastructures (schools, media, political parties, NGOs, etc.) are also the criteria by which minority communities can be differentiated. Besides, some national minorities mostly inhabit towns (such as Croats or Hungarian), while other are usually located in rural areas (Ruthenians and Rumanians). Some are territorially concentrated (Hungarians, Bosniaks or Albanians), while others are dispersed (Roma in the first place). What is also characteristic of Serbia is that members of different ethnic communities live in the same town, municipality or region, which makes the position of an ethnic minority or majority prone to variation. For instance, though they make the largest population in Serbia, Serbs figure as an ethnic minority in the Sandzak region, where Bosniaks are in the majority. Similar situation is to be found in some municipalities in Vojvodina with Hungarians in the majority. These facts are noteworthy as they influence interethnic relations. During Milosevic's rule, for example, local self-government authorities were ethnically monopolized by Serbs, which frustrated members of minority communities and fueled their sense of being discriminated.

Some authors⁴ classify minorities by the criterion whether or not they have "a mother country," i.e. whether their "mother state" is a neighboring country (Albanians, Hungarians, Rumanians and Bulgarians) or an ex-Yugoslav republic (Croats, Slovenians, Macedonians and Bosniaks). In this context, Yugoslavs stand for a specific minority, given that their identification state has disappeared. Finally, in terms of descent minorities can be classified into European (Czechs, Slovaks, Ruthenians, Germans, etc.) and non-European (Roma, Jews, Egyptians, Ashkalia). Taking into account the nature of Milosevic's regime, minorities can be classified in the context of repression against them. Namely, the then regime has not treated all minority communities in the same way – some were used as instruments of its legitimacy (such as Slovaks), while repression against others (Croats, Albanians or Bosniaks) has been either encouraged or tolerated. War, violence, ethnically motivated persecution, massive poverty and meager prospects forced a number of citizens – from majority and minority communities alike – to leave Serbia.

⁴ See, Dusan Janjic's contribution to the collection of papers "The Position of Minorities in the FR of Yugoslavia," SANU, Belgrade, 1996, p. 620.

This brain drain particularly affected minority communities, as it deprived them of their "organic intellectuals" whose role in the safeguard and development of a minority culture is extremely important. On the other hand, the fact that several refugee waves have brought a considerable number of Serbs to Serbia additionally complicated the majority-minority relationship and prompted people from minority communities to move out. In the period between two censuses, the number of Serbs increased, the same as the number of Roma, Wallachians and Ukrainians, while the number of people coming from Croat, Hungarian, Bosniak and Slovak communities decreased. The former can be explained by the mechanical inflow of people from the war-stricken territories of ex-Yugoslavia (Serbs and Roma), as well as by raised awareness about one's ethnic identity (Wallachians, Ukrainians and, partially, Roma). To explain the latter, along with above-mentioned factors, one must also take into account demographic aspects. The problem of low birthrate is more prominent among minority population than among the ethnic majority.⁵

Large differences between Serbia's minorities – in terms of their demographic potential, material resources, identity-building infrastructures, educational levels and political organization – considerably influence the implementation of minority rights. Though the rights to which members of a certain minority are entitled do not depend on the minority's size, the numbers evidently imply some advantages – in the domain of education, for instance.⁶ Demographic potentials crucially determine preferential rights. Members of small ethnic minorities are more interested in individual than in collective rights, given that they lack the resources necessary for the full exercise of the latter.

Finally, speaking about national minorities and censuses, the following should be taken into account:

Firstly, a new ethnic community, the Ashkalia, "emerged" in the period between the two censuses. Being the "youngest" minority in Serbia, Ashkalia are often equated with Roma or Albanians. Bearing in mind their animosity towards Albanians, such treatment is a permanent source of tension.

Secondly, according to some minority representatives, the 2002 census has been the "freest" one up to now.⁷ Such judgments, however, should be accepted with caution since there has been serious criticism about the latest

⁵ "Protection of National Minorities," Center for Anti-war Action, Belgrade, 2002, p. 120.

⁶ Miodrag Mitic, "National Minorities," Official Gazette of the FRY, Belgrade, 1998, p. 35.

⁷ In an interview with the Gradjanski List, Tamas Korhec, Vojvodina's secretary for administration, regulations and national minorities, said that the latest census had been conducted in accordance with internationally recognized standards and that people had the opportunity to freely declare their ethnic origin since any suggestions or restrictions in this matter had been strictly prohibited. Gradjanski List, April 2, 2002.

census.⁸ However, as a census is not just a statistical operation immune of politics, these judgments are not totally ungrounded. Namely, the 1991 census was conducted at the time of high political tensions, media demonization of other ex-Yugoslav nations, chauvinistic hysteria and preparations for a war. On the other hand, the 2002 census took place after Milosevic's ouster and with the DOS in power. In 2002, people were more at ease when it came to declaring their ethnic origin than in 1991, when straightforwardness about one's ethnicity did not imply just degradation, but also existential risk.

Thirdly, most censuses in Yugoslavia after the WWII were conducted against the backdrop of dramatic political developments⁹ – the 1948 census coincided with Yugoslavia's open confrontation with Cominform, the 1971 census took place at the time of highly radicalized relations between ex-Yugoslav republics and the federation, the 1981 one was marked by the conflicts in Kosovo, while the 1991 census by a forthcoming war.

The wars over ex-Yugoslav territory deeply scarred the society's ethnic structure and practically pushed Serbia towards a nationally homogeneous community. For instance, in today's Serbia not a single minority numbers more than 300,000 people. On the other hand, Kosovo, where ethnic Albanians make a predominant majority, is no longer under Serbia's jurisdiction. Without Kosovo, Serbia's minorities have been reduced by half when compared with total population. Minorities that once stood for one-third of Serbia's population now make less than one-sixth of it.

Regulation of Minority Rights

The manner in which the issue of minorities is being solved in a multiethnic community is the litmus test that determines its democratic potential. This particularly refers to Serbia, which – as a self-proclaimed imperial power in the Balkans – not only confronted its own minorities, but also

⁸ The Forum for Ethnic Relations and the Lawyers' Committee for Human Rights required the Federal Constitutional Court to assess the constitutionality of the Census Law and cancel the census given that it was impossible to conduct it in the territories of Kosovo and Montenegro. The law, according to the two organizations, violates the Constitution's provisions that guarantee equality of citizens and republics. The Provincial Secretariat of Labor, Employment and Gender Equality protested against the composition of relevant questionnaires because it envisaged that married women and widows should be additionally identified by the first letter of their husbands' names, while single or divorced women by the first letter of their fathers' names. The Secretariat released that such methodology was contrary to international legal conventions – primarily with the International Convention on Elimination of All Forms of Discrimination against Women – and violated the Law on Marriage and Family. Danas, April 10, 2002.

⁹ See, "Bosnia-Herzegovina Between War and Peace," Institute of Social Sciences, Belgrade, 1992, p. 33.

the nations within the federation it has been a part of, and the international community. Solution of the minority question, therefore, is not only crucial in the context of Serbia's democratization, but also that of normalization of neighborly relations and the country's integration into the international community.

Intent to draw a clear-cut demarcation line between the post-October 5 era and the period of Milosevic's rule, the new administration opened up the minority issue. It displayed its readiness to adopt and implement modern standards in this domain by signing the Framework Convention on the Protection of National Minorities (May 11, 2001) that was later on ratified by the federal parliament. In late February 2002, the Law on the Protection of Rights and Freedoms of National Minorities was passed. A year later, the federal parliament, as well as Serbian and Montenegrin parliaments, adopted the Constitutional Charter of the State Union of Serbia and Montenegro (February 4, 2003) and then also the Human and Minority Rights, and Civil Liberties Charter (February 28, 2003). The Charter, being a component part of the Constitutional Charter, lays down all major provisions of the Law on the Protection of Rights and Freedoms of National Minorities.

Adoption of this law initiated the process of building a legislative framework for the protection of minority rights. At the same time, this complex and delicate process faces the challenges of unfinished constitutionalization, destroyed institutions, poor democratic culture and high political tensions. However, the crucial step towards building of the above-mentioned framework – passing of a new Serbian Constitution – has not been taken so far.¹⁰ It is only logical that minorities are highly interested both in the contents of the future constitution, i.e. guaranteed rights and liberties, and in the manner in which it would define Serbia.¹¹ Further, representatives of minority communities are interested in partaking in the process of drafting the constitution. On the other hand, Serbia's political elite – still hampered by ethno-centrism – has not become aware yet of the significance of minority participation. A state counting on loyalty of its minorities and aspiring to their full integration into society should incorporate minority representatives in the process of constitution drafting. For, turning a deaf ear to minorities in this crucial stage can only lead a society as a whole towards a permanent crisis of legitimacy.

The lack of a clear-cut and coherent minority policy additionally hinders and slows down regulation of minority rights. And, consequently, there is a

¹⁰ Article 65 of the Constitutional Charter provides that the two member-states shall amend their constitutions or adopt new ones adjusted to the Constitutional Charter within 6 months from the day the Charter is enacted. Though the set deadline expired long ago, member-states have neither adopted new constitutions nor revised the existing ones. By ignoring their obligations, the two member-states demonstrate their views about a short-lived state union, as well as unwillingness to give up their statehoods.

¹¹ This is only natural, since an ethnically privatized state selectively treats minority communities.

legal discrepancy. This is probably best illustrated by the incongruity between the minority law and the local self-government law. The former provides that members of minority communities, in the areas where their mother tongue is recognized as official, may use their national symbols on holidays and other minority-related occasions (Article 16), while the latter restricts this right (Article 118).

The two laws have been passed at two different levels of administration: the first at the federal, while the second at the republican level. The two laws mirror the relationship between federal and republican authorities – or, to put it precisely, they show that the former are growing weaker, and the latter stronger. Erosion of the authority invested in federal institutions that are in charge of human and minority rights opened the door to fear that Serbia's forthcoming legislation would reduce minority rights, laid down in the Law on the Protection of Rights and Freedoms of National Minorities.¹² The Law, unanimously passed by the federal parliament, is the most important regulation in the domain of minority rights.

The Law recognizes both individual and collective rights, the freedom of ethnic declaration and expression, as well as the right of the members of minority communities to cooperate with their compatriots at home and abroad. Members of minority communities are also entitled to self-government in the domains significant for the safeguard of their ethnic identity – official use of their mother tongue and alphabet, information, education and culture. Several novelties testify of lawmakers' wish to upgrade the protection of minority rights – through the Federal Council for National Minorities – and to enable minority self-government bodies, national councils, to make or, at least, participate in making the decisions that are vital for them, as well as to establish relevant institutions. The Law also provides that state bodies are obliged to consult national councils whenever deciding matters that may affect the safeguard of ethnic identities. The key section of the Law fully takes into account that the principle of the safeguard of a variety of languages, cultures, customs, traditions and national histories is crucial for a democratic society, as it protects minority identities. Actually, the Law lays down a number of rights – the right to opt for a minority's name, the right to official use of a minority's mother tongue and alphabet, the right to cherish its culture and tradition, the right to education in its mother tongue, the right to use of its symbols and the right to public information in minority languages.

¹² For instance, Serbia's Broadcasting Law provides that all municipal broadcasters operating as public entities shall be privatized within four years from the day the law is passed. On the other hand, under the Law on the Protection of Rights and Freedoms of National Minorities, radio and TV stations airing programs in minority languages may be state-owned. Therefore, one cannot but be concerned that commercialization of the media will considerably reduce programs in minority languages.

The Law prohibits all measures that might hinder implementation of these and other minority rights. Under the Law, no one shall suffer the consequences of having declared his or her ethnic origin, or denying to disclose it. Any registration whereby members of minority communities are supposed to declare their ethnic origin against their will is also prohibited, the same as forced assimilation, all forms of discrimination, and ethnic engineering in the areas inhabited by members of minority communities. The Law incorporates two major instruments – the protection of acquired rights and "positive discrimination" in the case of the minorities such as Roma that have been marginalized for years.

When compared with the previous situation, the Law figures as a step in the right direction. Though mostly declarative as it does not provide sanctions, the Law mirrors the intention to speed up the FRY's integration into the international community. Actually, passing of this law was among the prerequisites of the country's admission to the Council of Europe. On the other hand, the Law clearly messages minorities that they will no longer be treated as public enemies, but as associates in building up a modern society, mindful of the problems of its minority population. Such democracy-oriented intention has its follow-up in the Human and Minority Rights, and Civil Liberties Charter.¹³

The above-mentioned acts are just initial, though major steps in the domain of minority protection. Some other laws are also of crucial importance for minorities, particularly those dealing with education, public information or elections. Further, minority protection is also regulated by other significant instruments such as bilateral agreements¹⁴ signed with neighboring countries or the Vojvodina Legislature's decree specifying the official use of minority languages and alphabets.

Institutional Prerequisites to the Implementation of Minority Rights

Several days after the federal parliament passed the Law on the Protection of Rights and Freedoms of National Minorities, the Serbian Parliament adopted the Law on Local Self-Government. Both laws are most significant as they institutionalize the minority right to decide on the protection of ethnic identity. So, the federal law stipulates that the Federal Council for National Minorities, the Federal Fund for National Minorities and national councils shall be added to the existing institutional system, while the republican

¹³ Moreover, the Charter elaborates on some of the Law's provisions. For instance, it stipulates that members of minority communities have the right to be "adequately represented in public services, state administration and local self-government bodies."

¹⁴ Up to now, bilateral agreements have been signed with Hungary and Rumania. Preparations for a similar agreement with Croatia are underway, while the one to be signed with Macedonia has been announced.

law provides establishment of councils for interethnic relations in all multiethnic municipalities.

Under the federal law, the Federal Council for National Minorities and the Federal Fund for National Minorities shall be set up by the federal government with a view to upgrade and protect ethnic, religious, linguistic and cultural specificities of national minorities, and encourage their social and economic development.¹⁵ The right of national minorities to set up their national councils is, under the republican law, facultative. If a national minority decides to elect a national council of its own, the council will figure as its self-government body in the domains of official use of language and alphabet, public information, education and culture. Actually, the council represents the said minority, and participates in decision-making or makes decisions in these domains. Whenever matters from these domains are on their table, state bodies, territorial autonomy administrations and local self-government authorities are obliged to consult national councils. A national council is entitled to address higher authorities in connection with all issues that influence the situation of a national minority and its rights, and can be partially empowered in the areas covered by self-government. Should that be the case, the state must secure necessary funds. While deciding the scope and type of the power a national council will be invested with, the state must take into account its requests.

The law provides that national councils shall be set up voluntarily, by election and in accordance with the principles of proportionality and democratic procedure, while election rules shall be regulated under a bylaw.¹⁶ However, though the Law on the Protection of Rights and Freedoms of National Minorities was passed more than two years ago, this by-law has not been enacted yet – up to now, all national councils have been elected by electoral assemblies.¹⁷ Such indirect elections question democratic legitimacy of national councils envisaged to act as bodies representing national minorities.

¹⁵ Accordingly, the federal government is obliged to pass regulations dealing with the composition and authority of these institutions (!).

¹⁶ Such bylaw has not been passed by the time this report comes out of print, despite the fact that the Law on the Protection of Rights and Freedoms of National Minorities was enacted two years ago.

¹⁷ Federal and republican MPs, and deputies of the provincial legislature, elected to these posts as members of national minorities may act as electors. Besides, deputies of the municipal assemblies wherein a minority language is in official use, as well as minority candidates backed by at least 100 members of a minority community, or put forth by a minority organization are entitled to be electors.

The Ministry of National and Ethnic Communities passed the regulation governing the proceedings of electoral assemblies in July 2002, though the Law on the Protection of Rights and Freedoms of National Minorities explicitly provides that a regulation as such shall be adopted within 30 days from the day the Law comes into force. The regulation provides proportional representation: a national minority totaling less than 20,000 people is entitled to at least 15 electors, while those with over 100,000 members may have 35 electors at most.

Under the Law on Local Self-Government councils for interethnic relations – composed of representatives of all national and ethnic communities – shall be established in multiethnic areas. The municipalities wherein one national minority – judging by the latest census – makes up over 5 percent of total population or more minorities figure for over 10 percent of overall population are treated as multiethnic. Minority communities making over 1 percent of a municipality's population may have their representatives in the council. A council as such discusses realization, protection and improvement of ethnic equality, and informs a municipal assembly about its conclusions and recommendations. Whenever deciding the matters that may affect the rights of national and ethnic minorities, a municipal assembly is bound to consult a council for interethnic relations. If a decision or regulation passed by a municipal assembly violates minority rights, a council is entitled to initiate proceedings with the Constitutional Court.¹⁸ It is worth mentioning that Vojvodina has introduced an institutional novelty. Namely, the provincial legislature decided to appoint the first Ombudsman in Serbia. The Ombudsman is defined as an independent body in charge of the protection and advancement of human rights and civil liberties whenever these rights are violated by the provincial or a municipal administration, organizations or public services invested with administrative authority, the founder of which is the province or a municipality. The Ombudsman has five deputies. One of them is in charge of monitoring the implementation of minority rights and instituting criminal, disciplinary or other proceedings before relevant bodies in the event these rights have been violated. The same person also monitors the implementation of international standards, observes the process of passing new regulations or amendments to existing ones that are related to the position of national minorities and the exercise of their rights, submits annual reports on the implementation of minority rights, etc.

Apart from the institutions referred to in the paragraphs above, several others are also most important for the implementation and protection of

Article 10 of the Law testifies that the electors system is an undemocratic solution. Namely, it provides that, in the event a minority community totals less than 10,000 people, an electoral assembly can be held only if attended by at least 30 electors. Given that 30 electors should be backed by 3,000 signatures, some minority communities such as Czech shall not be entitled to call electoral assemblies. (There are only 2,211 Czechs according to the last census.) The same refers to the German minority, let alone those even smaller ones. True, there are over 3,000 Germans (3,901), but all of them are not of age, and thus entitled to back candidates for electors by their signatures.

¹⁸ Article 63 of the Law on Local Self-Government provides that a municipal assembly, in accordance with its statute, decides on the empowerment, composition and workings of a council for interethnic relations. Municipalities in Vojvodina have incorporated in their statutes the provisions dealing with councils' establishment, but failed to regulate the manner in which national communities – not only minority, but also majority ones – shall elect memberships.

minority rights. The Ministry for Human and Minority Rights is, for sure, the key one at the level of the state union.¹⁹ The Committee for Interethnic Relations of the Serbian parliament, Vojvodina's Secretariat for Administration, Regulations and National Minorities, the Vojvodina Legislature's Committee for Interethnic Relations, as well as other institutions such as the Ministry of Education, the Ministry of the Media and Culture, and relevant secretariats in Vojvodina also play major roles in all areas of minority concern.

Activities of NGOs and other organizations making Serbia's civil society, particularly those focused on human and minority rights also figure as major prerequisites for the full implementation of minority rights.

There is yet another institution the members of minority communities perceive as a major legal instrument of advancement and protection of their rights. This is about autonomy, i.e. various forms of autonomy - cultural, personal and territorial - or an adequate special status. Relevant proposals have already been put forth by representatives of some minority communities such as Croat, Hungarian or Bosniak. However, the state bodies have ignored them, to put it mildly. Serbian authorities, though on their guard when it comes to a territorial autonomy based on ethnicity, have proposed this model as the most appropriate one for the protection of the Serbian minority in Kosovo. True, the situation in Kosovo can hardly be compared with the one in Vojvodina. However, one cannot get rid of the impression that this is about double standards.

¹⁹ The Ministry - formerly, the Ministry for National and Ethnic Communities - has been established under the Constitutional Charter, along with four other ministries within the Council of Ministers. It has been invested with some authorities that used to be in the jurisdiction of the Ministry of Justice and the Ministry of the Interior. The Ministry is tasked with observing and enhancing the implementation of human and minority rights, putting for the measures for improvement of the legislation dealing with human and minority rights, protecting and advancing individual and collective rights of national minorities, submitting reports on the implementation of relevant international covenants, contributing to closer ties between national minorities and their mother states, etc. The Ministry has separate departments for human and minority rights, extradition and international legal aid. The Office for Roma Issues operates within the Ministry, the same as the Legal Aid Office aimed at protecting human rights.

HUNGARIANS

I. Introduction

Hungarians are the biggest national minority not only in Vojvodina, but also in Serbia as a whole. They are extremely well organized, strongly aware of their ethnicity, their identity-building infrastructure is highly developed, and they have influential cultural and political elites. Further, members of the community occupy top-level offices in the political structure, and - much more than members of other ethnic communities - perceive themselves as autonomous interest group and political factor.¹ In terms of both politics and culture, the Hungarian minority is a respectable and significant element of Vojvodina's multiculturalism. Some authors from the Hungarian community are renowned beyond borders of Serbia, particularly in the cultural circles of Middle Europe. Last but not least, as adherents of Catholic and Reformed churches, Hungarians figure as a "double" minority - ethnic and religious.

Having in mind its numerous distinctions, Hungarian minority is additionally interesting. At sub-regional level, the Hungarian minority is the Serbian elite's strongest competitor for prestigious offices. The official Belgrade has always been interested in Hungarians it perceived as a major instrument of weakening Vojvodina autonomists' bloc.

On the other hand, the official Belgrade's interest in Hungarians can be viewed from the "minority angle." The Hungarian elite's advocacy of minority rights is, as a rule, backed by all other minority communities. The fact that the Hungarian minority is capable of promoting interests of its own gives grounds for suspicion that it might attain its goals through separate arrangements with central authorities. This is why "smaller" minority communities insist on more inter-minority solidarity that might improve the overall minority-related situation.

As a politically self-conscious minority that possesses the resources necessary for the affirmation of its interests and the elite capable of mobilizing the community members for the purpose, the Hungarian minority in Vojvodina can influence interethnic relations and minority rights arrangements more than any other ethnic community. The Law on the Protection of Rights and Freedoms of National Minorities has been considerably influenced by the Hungarian elite.

¹ Vladimir Ilic, Slobodan Cvejic, "Nationalism in Vojvodina," Zarko Zrenjanin Library, Zrenjanin, 1997.

Interethnic Incidents

A number of ethnically motivated incidents have been registered in Vojvodina in the wake of the early parliamentary election of December 2003. As many as 40 such incidents have taken place in the province just between March 17 and March 21, 2004. Not only more and more frequent, interethnic incidents have been also horizontally spreading targeting other ethnic communities – Croats, Hungarians, Roma, Ashkalia, Albanians, Muslims, Slovaks and Ruthenians.

Even before the December election Vojvodina was far from being a safe haven when it came to interethnic incidents. After the rightist Serbian Radical Party won the majority of votes in the election and become the most powerful Serbian political party in the province, the incidents have been on the upward curve. Besides, the March violence in Kosovo additionally unleashed the accumulated, nationalistic frustration. However, the roots of radicalization are not to be tracked down of ethnic background only. The Serbian economy has almost stalled, while the army of the unemployed has been growing larger, along with aspirations for the anyway meager funds. The possibility to disqualify one's competitor for a job on ethnic grounds aggravates interethnic relations in real life.²

Political representatives of Vojvodina's Hungarians have repeatedly asked the state authorities to react, track down perpetrators of ethnically motivated incidents and take all necessary measures to prevent them. The same requests came from Croat and Hungarian foreign ministries. During her visit to Subotica, Monica Lampert, the Hungarian minister of the interior, said she would initiate the Council of Europe's investigation should anti-Hungarian incidents continue. Lazlo Kovac, the Hungarian foreign minister, made no bones about it – after an incident taking place in one of Subotica's suburbs, he said, "Either attacks against Hungarians in Vojvodina will be stopped or Belgrade will lose its chances for joining the European Union." Before that, sometime in early May, Dejan Janca, SCG ambassador to Hungary, sought an audience with the Hungarian Deputy Foreign Secretary.

² So as not to provoke anti-Hungarian feelings, the former cabinet, for instance, kept a rather low profile when it came to the so-called Status Law. The Law provides that members of the Hungarian minority in Serbia and in some other countries shall enjoy some privileges such as three-month employment in Hungary. Slovakia and Rumania strongly protested against the Law. There was not such hue and cry in Serbia because many Serbs from Croatia, for example, hold double citizenship. However, nationalists called the DOS regime on the carpet for having rented "the Serbian land" to another country, i.e. for having permitted opening of the offices of "Concordie Minoritatis Hungaricae." For, as nationalists put it, this was about a foul play the purpose of which was to disintegrate Serbia. Such allegations were followed by anonymous threats to the organization's offices in Sombor and Becej that were issuing Hungarian "status" ID papers.

According to the Ministry of the Interior, 294 cases of violence that can be labeled as "interethnic incidents" took place in Vojvodina in the period January 1-May 1, 2004. Out of this total, 129 were assaults against facilities owned by Albanians and Muslims (which can be attributed to the March 2000 violence in Kosovo), 56 were desecrations of tombstones, 20 attacks on religious facilities, 7 were personal conflicts, 5 anonymous threats, etc. Criminal charges were pressed against 85 suspects. The Ministry of the Interior brought charges for misdemeanor against 56 persons. As representatives of the Hungarian community in Subotica told the Helsinki Committee's team, many victims, afraid of consequences, had not reported assaults against them to the police. Accordingly, as they put it, the number of incidents was by far bigger than the registered one.

On several occasions, Hungarian representatives expressed doubts that minors or young people under the influence were perpetrators.³ According to them, the very fact that perpetrators were not prosecuted for crime led to the conclusion that incidents were silently backed by the state.⁴ "This is about the production of widespread, low intensity conflicts in the long run," said Pal Sandor, the leader of the Democratic Union of Vojvodina Hungarians (DZVM). Incidents are not spontaneous but, as he put it, results of a strategy involving certain centers of power. Claiming that Hungarians in Serbia were jeopardized, the Alliance of Vojvodina Hungarians (SVM) messaged it would inform the US Congress about all incidents that had taken place over the past two years.⁵ The decision to have the problem of ethnically motivated violence internationalized was called a Hobson's choice, given that domestic authorities had done nothing to prevent them. According to Vojvodina's politicians, the decision was "a step in the wrong direction," leading to "further radicalization of interethnic relations."

As a form of political pressure, the internationalization of "the Hungarian problem" implies aggravated relations with the official Belgrade. One should not ignore the fact that most incidents have taken place in the wake of the early parliamentary election (2003) and on the eve of provincial and local elections scheduled for September 2004. It is to be expected that, with an eye to

³ Dragan Jovic, the minister of the police, said that children had desecrated graveyards in Vojvodina children, having had a drop too much. Jozsef Kasa, leader of the Alliance of Vojvodina Hungarians, commented this remark by saying, "Mr. Minister of the Police knows nothing, he relies on the false information he gets from his policemen on the spot." Danas, July 22, 2004.

⁴ The Helsinki Committee organized the round table titled "The Situation of Minorities: Problems Faced by the Hungarian Community," Subotica, May 28, 2004.

⁵ Interestingly, the DZVM labeled such statement as the SVM's political marketing. Responding to Zoltan Bunjik's thesis that more interethnic incidents took place in the first half of 2004 than in the previous two years, Pal Sandor, leader of the DZVM, said it was not true, given that such incidents had never stopped though Milosevic's era was over.

forthcoming elections, mutually competing factions within Serbian and Hungarian political elites would attempt to benefit from the aggravated interethnic relations.⁶ However, not only domestic authorities, but also those of neighboring Hungary are under pressure.⁷ Restrictive regulations and the unbending attitude taken by the government in Budapest⁸ when it comes to Vojvodina Hungarians' demands to be granted dual citizenship prompted Jozsef Kasa, the leader of the SVM, to comment that "the mother country obviously does not need Vojvodina Hungarians." Apart from the issue of dual citizenship, Hungary is expected to exert pressure on the official Belgrade to solve the minority problem through ethnic autonomies, i.e. to solve the Hungarian question in the same way Prime Minister Kostunica proposes for Serbs in Kosovo.

The comparison between Vojvodina Hungarians and Kosovo Serbs – leaders of the DZVM and the Democratic Party of Vojvodina Hungarians have made in the Memorandum on the Position of Hungarians in Vojvodina – turns the ethnic principle into an absurdity. The official Belgrade has been offhandedly advocating for Serb special status, while disregarding its boomerang effect. In spite of the fact that Milosevic's regime has scarred interethnic relations, ties between different communities in Vojvodina are not that much severed to make ethnic separation the only mode of peaceful coexistence. It was only after the ouster of Milosevic – who has managed to unify and homogenize a variety of ideological and ethnical elements – that a gap between members of different ethnicities came to light. The Memorandum on the Position of Hungarians in Vojvodina" earmarks some outcomes its authors deem crucial: young Hungarians speak poor Serbian language; interethnic communication is on the downward curve; Hungarians are less and less interested in the developments in Serbia, and growingly turn their eyes Hungary; integration of the Hungarians in the Carpathian basin is more and more in the focus.⁹ Bearing in mind the Serbian elite's predominant attitude

⁶ In the early parliamentary election of last December, the coalitions composed of Vojvodina Hungarians' parties did not managed to pass the electoral threshold and thus secure parliamentary seats. "Hungarian" parties, therefore, are in no position to significantly influence the central administration.

⁷ According to Andras Agoston, the Hungarian diplomacy should lay down what Hungarian in neighboring states are entitled to, and formulate its attitude towards dual citizenship for the Hungarians living outside Hungary. Though having done nothing about the issue while in power, today's opposition in Hungary rebukes the government for its attitude towards dual citizenship.

⁸ The First Deputy of the Hungarian Foreign Minister said Hungary did not plan to introduce discrimination on ethnic grounds that, as he put it, would question the country's democratic option and moral values. "Ethnic origin is not a measure of citizenship," he said. *Dnevnik*, August 3, 2003.

⁹ While explaining their request for dual citizenship, leaders of Vojvodina Hungarians pinpoint not only the need for Hungarians' integration, but also that

towards minorities – assimilation or exclusion from politics – it is only natural that the "Memorandum" suggests that adequate solutions should be found either through separate institutions (personal autonomy) of specific territorial-political arrangements (territorial autonomy). This is how both majority and minority leaders actually deprive an individual of "a third way" – an opportunity to build up his/her identity through affiliation with a community larger than his/her own ethnic group.¹⁰ Rather than leading to pluralism, an individual's identity boils down to a group belonging and turns into a copy of abstract, ethnic collectivism.

The Issue of Autonomy

In 1990, the DZVM was the first that came public with the request for a (personal) autonomy. The party's stance about the Yugoslav crisis was clear-cut from the day it was established in 1990: Vojvodina Hungarians should stay away from the dispute between ex-Yugoslav nations.¹¹ When the war broke out, the DZVM called the draftees of Hungarian origin to refrain from it. The regime responded by allegations against the party¹² and stronger pressure on Hungarians. At psychological and social level, such pressure has incited fear, and made many Hungarians – young and educated people in the first place – leave the country.¹³ On the other hand, at institutional level, the pressure has hindered the implementation of minority rights and led to their further reduction. Actually, the policy of "soft ethnic cleansing" has been in action. True, not only direct pressure from the regime has reduced minority rights, but also, and even more, the extremely centralistic state structure and banned provincial competences. Decisions in the domains crucial for the safeguard of the Hungarian ethnic identity – such as education, culture and the official use of mother tongue – have been made by the central government. Tactless and ethnocentric as it was, the central government failed to recognize and even refused to recognize the interests and needs of minority communities, while

Vojvodina Hungarians should be labor force in Hungary, rather than guest workers. Faced with disregard, the army of unemployed Vojvodina Hungarians might easily become disillusioned when it comes to ethnic solidarity. This is best illustrated by the actual situation of the Serbian refugees from Croatia and Bosnia-Herzegovina.

¹⁰ See, Miroslav Samardzic, "Protection of National Minorities," Center for Anti-war Action, Belgrade, 2002.

¹¹ In an interview with the *Zeri* weekly from Prishtina, Agoston said, "The DZVM shall stay away from the dispute involving South Slavic peoples and dealing with their future relations. We oppose the war as means of solving conflicts, and, accordingly, we have called the Vojvodina Hungarians refrain from civil war."

¹² The regime media attempted to disqualify the party by accusing it of "treason" and "dissiminating defeatism."

¹³ According to newspaper stories of the time, the Hungarian authorities have set up shelters for the Hungarians who fled to this neighboring state so as to avoid the draft.

turning a blind eye to numerous cases of violation of their rights.¹⁴ It was such nihilistic attitude towards minority rights that brought about and encouraged the belief that various forms of autonomy were the most appropriate instruments of the protection of minority rights and the safeguard of ethnic identities. Therefore, apart from the DZVM, other Hungarian parties – the Democratic Party of Vojvodina Hungarians and the Alliance of Vojvodina Hungarians – came public with proposals of their own: the former put forward a personal autonomy, while the latter a "three-tier" autonomy.

Though referring to different forms of autonomy, these proposals had a common denominator – the autonomy of an ethnic community.¹⁵ What should be noted here is the following: firstly, all the above-mentioned documents were formulated during Milosevic's rule and were reactions to the regime's policy; secondly, the number of Hungarians (over 40 percent) who would remain outside the borders of the planned territorial autonomy, which – taking into account what they lived through in the territory of ex-Yugoslavia – might lead to a new wave of ethnically motivated migration. Namely, the Hungarians outside the territorial autonomy would move in, while other ethnic groups would move out. However, unlike in the past, such division of Vojvodina along ethnic lines would not imply the use force and bloodshed.¹⁶ Territorial ethnic autonomies in Vojvodina would not overcome but rather intensify ethnic tensions. From the angle of Balkan political culture, such autonomies are perceived as secessions to come.

Radicalization of Vojvodina by Serb majority was in the function of rounding up of the Serb ethnic space. It inevitable triggered radicalization of minorities as well. For instance, the Hungarian political elite's much too benevolent attitude towards "Trianon posters" appearing in several town in Vojvodina's north, or the gathering of ex-members of Horthy's troops that took place in the offices of the Magyar Szo daily additionally block the normalization of impaired relations. Setting up of the Hungarian rightist organization, "The Youth Movement of 64 Counties" in Becej in June 2004, as well as drawing borders of a new "north, multiethnic region" also cast a shadow

¹⁴ It should be noted that minorities have been differently treated by Milosevic's regime – it took repressive actions against some, while manipulating others. If joining the membership of regime parties, people from minority communities were given the opportunity to occupy top-level positions.

¹⁵ Interestingly, the DZVM said Vojvodina's autonomy was not among its priorities. The last paragraph of a document issued by the Alliance of Vojvodina Hungarians – the Agreement on Political and Legal Foundations of the Self-government in Vojvodina and National Communities Inhabiting Vojvodina – quotes that Vojvodina's competences and functioning, laid down in the Agreement, should not precondition the establishment and functioning of a Hungarian personal and regional autonomy.

¹⁶ According to Vladimir Ilic, professor at the Belgrade University, realization of the territorial autonomy along ethnic lines would lower the prices of real estate in the areas wherein members of minority communities make the minority population.

at normalization. Actually, the "north, multiethnic region" is a replica of the longstanding endeavor to inappropriate Vojvodina as an exclusively Serbian province. This illustrates how ethnonationalists – in this region – provoke and strengthen one another. Serbia's opening to the world after October 5, 2000, made it easier for minority (reactive) nationalisms to come into view. This particularly refers to the nationalism of ethnic Hungarians. Though shadowed by its Serbian counterpart, Hungarian nationalism is on the rise. However, it is not aimed at conflicts but at internationalization of the Hungarian question.

Historical and Demographical Background

The first massive wave of Hungarian settlers in Vojvodina came in 1740. Before that, many individuals moved in on their own. After the WWI Vojvodina became a part of Serbia, i.e. the Kingdom of Serbs, Croats and Slovenes. A variety of measures taken within state politics made the position of the Hungarian minority ever harder. A number of Hungarians were either repatriated or expelled. When German troops occupied Yugoslavia in the WWII, Vojvodina's Backa part came under Hungary's administration and Hungarians resumed the status of a homogeneous nation. Serbs who had settled in Vojvodina after December 31, 1918, were expelled, while Hungarians from Bukovina moved in. Intent to pacify partisan activities, Hungarian military authorities in early 1942 led an offensive that ended in the infamous Novi Sad and Becej slaughters – of Serbs and Jews in the first place. Two years later, Vojvodina Hungarians (and Germans) were victims of a revanche. The post-WWII historiography often emphasized the crimes committed by Hungarian troops, while hushing up those committed against Hungarian population. Today's Serbian public is almost unaware that, having learned about the crimes committed by Hungarian troops, Endre Bajchi Zhilinski, the then oppositionist minister, publicized a memorandum wherein he called these developments "a bloody toll and the most inhuman slaughter."

At the time of socialist Yugoslavia, the status of members of the Hungarian community was regulated within Vojvodina's autonomy. Under the 1974 Constitution, Vojvodina enjoyed large autonomy and practiced high standards in the domain of minority rights. When a nationalistic regime was enthroned in Serbia in early 1980s, Vojvodina's autonomy boiled down to a strictly supervised local self-government, while minority rights were reduced.

According to the 2002 census, the Hungarian population in Serbia totals 293,299 people. Most Hungarians live in Vojvodina (290,207), while the rest (3,092) in Central Serbia. With the exception of Kosovo Albanians, Hungarians make up Serbia's biggest minority community. As for Vojvodina, Hungarians are the second biggest ethnic community (Serbs are in the majority) and constitute almost 50 percent of the overall minority population (14.28: 30.31%). Comparing with the findings of the 1991 census, the number of Hungarians decreased by 49,284 persons, i.e. 15 percent.

Between the two censuses the number of Hungarians decreased in 43 out of 45 municipalities in Vojvodina. A slight rise in the Hungarian population was registered in Becej and Zabalj municipalities only (17, i.e. 9 persons). The biggest decrease of the Hungarian population was registered in the Subotica municipality, where the number of persons belonging to this minority community fell by 7,185 (64.277: 57.092). The number of Hungarians also dwindled in Novi Sad (by 4,558), Backa Topola (3,642), Kanjiza (3,060), Zrenjanin (3,053), etc.

Comparing with total number of residents, most members of the Hungarian minority dwell in Subotica (19,67%). Subotica is followed by Kanjiza (8.20%), Backa Topola (7.77%), Senta (7.09%), Becej (6,9%), Novi Sad (5.41%) and Ada (5.02%). Out of the total number of Hungarians in Vojvodina, 60.06% inhabit the above-mentioned municipalities. Actually, there are 57,092 Hungarians in Subotica, 23,802 in Kanjiza, 22,543 in Backa Topola, 20,587 in Senta, 20,018 in Becej, 15,687 in Novi Sad, 14,558 in Ada, 14,211 in Zrenjanin and 12,386 in Sombor. The number of Hungarians in other municipalities is smaller than 10,000. In six Vojvodina municipalities – Kanjiza, Senta, Ada, Backa Topola, Mali Idjos and Coka – Hungarians make up over 50 percent of total population. The Hungarian population mostly inhabits northern and central parts of Backa, Potisje and some parts of Banat – all in all, they dwell in 435 towns and villages. According to the 1991 census, Hungarians were in the majority in 80 towns and villages. Eleven years later, this was the case in 73 towns and villages. In 19 towns and villages, Hungarians amount to over 90 percent of overall population, while 2 villages (Mali Pesak and Obornjaca) are inhabited by Hungarians only. The number of Vojvodina Hungarians has been dwindling ever since 1960s. Presently, there are 152,354 Hungarians less than in 1961 (442,561). A fall as such can be explained by a low birthrate, migration, mixed marriages and assimilation. There are political reasons as well. The Hungarian minority's unwillingness to partake in the war wagged for redistribution of the ex-Yugoslav territory on the one hand, and Serbian chauvinism and ever stronger pressure on minorities on the other forced a number of Hungarians to leave Vojvodina and Serbia. As these emigrants were mostly young and educated people, the Hungarian community was doubly affected – in demographic and cultural terms.

II. Collective Rights

Right to Education

Members of the Hungarian community pay great attention to the issue of education, and are fully aware of how important this resource is for the safeguard of their ethnic identity and modernization.

Pre-school education in Hungarian is presently organized in 23 Vojvodina municipalities and Novi Sad, encompassing 4,450 children, ages 3-7. Besides, the pre-school education for 714 children is bilingual (Serbian and Hungarian) in 13 municipalities. Out of 22,009 elementary school students of Hungarian origin, 17,567 are attending lectures in their mother tongue, in 78 elementary schools and 41 special classes. Compared with the situation in 2003, the number of Hungarians attending classes in their mother tongue decreased by 207 students. Out of 4,442 Hungarian students attending classes in Serbian, 2,101 are taught the Hungarian language with elements of national culture (i.e. less than 50 percent).¹⁷ Secondary education in Hungarian is presently organized in 35 secondary schools and encompasses 6,606 students. Out of the total number of Hungarian secondary school students (9,130), 2,524 attend classes in Serbian. According to the Provincial Secretariat of Education and Culture, lectures in the Hungarian language and culture are organized for the Hungarian students attending classes in Serbian on their request. In the school year 2002/2003 such education was provided for 8 Hungarian students in Subotica, as well as 25 non-Hungarian students. Higher education in Hungarian is organized in three high schools and five faculties.

According to the information obtained from representatives of the Hungarian National Council, some 15 percent of students who have finished elementary schools drop further schooling. The fact that almost one-third of elementary school students continue their education in the language other than their mother tongue can be attributed to several reasons – territorial dispersion of Hungarians, inadequate number of boarding schools, commuting costs and, finally, belief that the education obtained in Serbian would facilitate university education and make employment in public services more accessible.¹⁸

In the period after October 5, 2000, some progress has been made in the domain of education in the Hungarian language. Two special gymnasiums for talented students have been set up in Senta and Subotica.¹⁹ The import of textbooks from Hungary, allowed in 2003, was denied in 2004. Progress has also been made in the domain of school curricula. Sections dealing with Hungarian history have been added to the textbooks used by the students of fourth, fifth and sixth grades, while the amendments to the textbooks for the students of the seventh grade are underway. On the other hand, Hungarian students will have to work harder than their peers, given that new subjects have been added to their curricula. Further, in spite of fact that there are fewer

¹⁷ Adult education in Hungarian is organized in Subotica and Senta. In the entire territory of Vojvodina there are 5 special schools in Hungarian.

¹⁸ Out of 9,130 secondary school students from the Hungarian community, 6,606 attend classes in Hungarian, while 2,523 in the Serbian language.

¹⁹ Secondary education in Hungarian is organized in 10 gymnasiums, 23 vocational schools and 1 school of arts.

secondary school students attending classes in Hungarian, all these students have been given the opportunity to opt for more vocations than before.²⁰

It is noteworthy to say here that, as insisted on by non-Hungarian parents, several pre-school institutions in Subotica organized courses of training in Hungarian. In the view of the participants in the round table "Problems of Minorities; Hungarian case" that took place in Subotica, this should be ascribed to the fact that as of May 1, 2004, Hungary had become a full-fledged member of the European Union. Namely, parents take that mastery of Hungarian would open the door to Europe to their children. Besides, cultural and political aspects should not be ignored in this matter. Bilingualism not only facilitates communication in multiethnic communities, but also, to a certain extent, lessens the negative energy underlying ethnic stereotypes that often leads to open intolerance. The society as a whole, therefore, should back the step taken by the parents in Subotica, the more so since scores of ethnically motivated incidents have taken place in the town since the December 2003 early parliamentary election. Unfortunately, the Ministry of Education refused to provide funds for engagement of a Hungarian teacher under the pretext that the salary in question should be subsidized by the municipality.

Around 1,300 students from the Hungarian minority study at the Novi Sad University. Their number is decreasing, given that more and more of them leave for the universities in Hungary.²¹ At wartime, they have opted to study in Hungary mostly for political reasons (they opposed the war in the territory of ex-Yugoslavia), while after the war they have been, as a rule, motivated by better university arrangements and professional vistas. However, secondary school students wishing to pursue their studies at domestic universities are given the opportunity to pass admission exams in their mother tongue. Out of Vojvodina's three high schools and five faculties, only the lectures at the High School of Mechanical Engineering are wholly delivered in Hungarian. Bilingual lectures are organized in the rest.

According to the representatives of the Hungarian National Council, university education in Hungarian could be improved by parallel departments at the faculties engaging adequate staff of professors or by lecture halls at all faculties where Hungarian students would be taught specific terminologies in their mother tongue. Some members of the Hungarian community deem it would be good to set up a Hungarian linguistic center that would, in a way, integrate these lecture halls, parallel departments and lectures in some subjects. The idea about having a Hungarian university established is unrealistic, as

²⁰ Compared with the school year 2002/2003, the number of students attending classes in Hungarian decreased by 120, while the number of classes increased by 7.

²¹ Not only university, but also secondary school students leave for Hungary. According to Iren Gabric Molnar, professor at the Faculty of Economics in Subotica, several classes attended by Vojvodina Hungarians have been set up in Szeged, Pesc, Budapest and even Kecskemet. The number of these students is estimated at some 600.

some members of the Hungarian National Council point out, not only because the number of Hungarian students and professors are insufficient to make the idea viable, but also because of insecure financing.

The optimal solution for areas where a minority language is officially used is a law that will provide bilingual education and training for all students, regardless of their ethnicities. However, neither the political elite nor citizens are in favor of a law as such. Judging by the findings of a survey conducted by the Scan Agency, the attitude taken by ordinary people may be summarized as follows: I am unaware of other cultures in Vojvodina, I do not speak other nations' languages and do not wish to learn them, and I oppose that people in multiethnic communities, who speak two or more languages, are privileged while applying for jobs.²²

Organizing courses of training for teachers who would afterwards be capacitated to teach two subjects is a noteworthy idea. The same as other minority communities, the Hungarian one is faced with a deficit in competent cadre. When it comes to subjects such as history, philosophy, German and English language, etc., engagement of competent staff sometimes turns impossible. Therefore, teachers who do not speak Hungarian at all are engaged by schools. On the other hand, teachers who do speak Hungarian are reluctant to apply for jobs because of small number of students and classes in Hungarian.

Education in mother tongue is by far better in the areas where Hungarians are in the majority or almost in the majority. Problems are more prominent in the places where they are fewer and where Hungarian pupils have smaller opportunities to continue their studies in secondary schools of choice.

Right to Enjoy Minority Culture and Tradition

Hungarian community is extremely well organized when it comes to the safeguard and development of their own culture and tradition. Their identity-building infrastructure in Vojvodina illustrates their strong ethnic identity, but also very need and orientation to intra-ethnic integration.

The same as other minority institutions, Hungarian cultural institutions were considerably restricted during Milosevic's era. However, primarily thanks to the support from their mother country, members of the Hungarian community have managed not only to maintain, but also to innovate their

²² Not a single ethnic community backs the idea that the language spoken by a town's majority population should be taught in schools. Namely, 24% of Vojvodina Serbs, 25% Montenegrins, 29% Ruthenians, 31% Rumanians, 37% Slovaks and Croats, and 50% Hungarians voiced their support for the idea.

institutional structure.²³ For instance, in 1992 the Cultural Union of Vojvodina Hungarians was set up in Srbobran as an umbrella organization of all cultural organizations, societies and institutions fostering Hungarian culture in Vojvodina. The Union covers over 80 cultural societies and organizations the membership of which amounts to several thousand people.

Unlike other minority communities such as Croat, Bosniak or Wallachian, the Hungarian community has professional institutions. There are two professional theaters in Vojvodina that stage plays in Hungarian – the *Nepszínház* National Theater in Subotica (founded in 1945) and the *Ujvideki Színház* in Novi Sad (founded back in 1873). Further, there are three children's theaters – the *Gyermek Színház* in Subotica, the *Youth Theater* in Novi Sad and the Puppet Scene within the *Tosa Jovanovic* National Theater in Zrenjanin. Amateur theatricals in Hungarian are regularly staged in 16 municipalities in Vojvodina. The *Amateur Theater of Vojvodina Hungarians* was established in 1977. The theater has no permanent seat. It engages the most popular amateur actors and presents one play each year.²⁴

Museums, art collections, libraries and galleries are also most important for maintenance of Vojvodina Hungarians' ethnic identity.²⁵ Major documents dealing with Hungarian history are to be found in the Museum of Vojvodina, and local museums in Becej, Kikinda, Pancevo, Senta, Sombor, Subotica and Zrenjanin. Ethnological collections are displayed in villages of Debeljaca and Torda.

As for cultural magazines in Hungarian, there are *Uzenet* (actually a bilingual magazine, issued in Serbian and Hungarian), *Orbis*, and *Uj Kep* – a magazine for pedagogues lecturing in Hungarian. Further, the Forum Publishing House issues *Hid* and *Letunk* (the latter is mostly dealing with scientific and social developments). The Hungarian Language Department of the Faculty of Philosophy in Novi Sad publishes collections of papers in Hungarian, *Hungalogiai Kozlemenyek*.

Speaking about cultural events, the most important one, titled "Days of the Culture of Vojvodina Hungarians," actually sums up all major attainments in the domains of literature, theater, arts, folklore, modern music and dance.²⁶

²³ "Were it not for this assistance, Hungarians' cultural life would have been a catastrophe," said Karoly Dudas, president of the Cultural Union of Vojvodina Hungarians.

²⁴ There is also the *Salasar Theater* the target group of which are people from rural areas. Plays are prepared by professional and aspiring actors, drama students and amateurs.

²⁵ Galleries in Becej, Backa Topola, Ecka, Kikinda, Senta, Sombor and Subotica present paintings and sculptures by artists coming from the Hungarian community. Painting colonies, assembling Hungarian artists, are organized in several towns in Vojvodina: Backa Topola, Becej, Ecka, Mali Idjos, Senta and Subotica.

²⁶ The event begins in late October or early November and takes place in several towns in Vojvodina. Awards are bestowed upon outstanding artists of Hungarian origin.

Writers' colony in Kanjiza is regularly organized in tandem with the Ministry of Culture, the Serbian Mainstream Organization (Matica Srpska), and the Writers' Society of Serbia. Further, there are literary events such as "Senteleky's Days" and "Kostolany Desz's Days." The Hungarian community also observes several memorials such as those dedicated to Ferenc Feher, Karoly Sirai, Zoltan Cuka, etc. The Festival of Hungarian Amateur Theaters in Vojvodina, as well as a number of folk, artistic and jazz festivals also figure as major cultural events organized by Vojvodina Hungarian. Last but not least, the Interethno-Festival was launched in 2003, joined by members of other minority communities and the Serbian majority community.

Bearing in mind meager resources available to local self-government authorities and provincial ones, it would be impossible to organize all these events or maintain the network of cultural organizations without financial assistance of a variety of foundations from the Republic of Hungary. Since these funds are partially distributed through the Hungarian National Council, the community's political elite is in the position to influence cultural policy. True, all post-communist elites are prone to establish new institutions and launch new cultural events. This is the way to secure legitimacy and more room in which to maneuver in the domain of culture. The idea about setting up a new university in Subotica should be viewed in this context. Namely, Subotica is the seat of the Hungarian political elite, while the community's academic and cultural elites are mostly centered in Novi Sad. Continuous tension marks the relations between the two factions of the Hungarian elite. When a number of outstanding Hungarian intellectuals stood against the intention of the biggest Vojvodina Hungarian party, the Alliance of Vojvodina Hungarians, to control the media and culture, the party leader openly accused them of having kept low profile at the time of Milosevic's rule.²⁷

Right to Information

Members of the Hungarian community exercise the right to information in their mother tongue through both print and broadcast media. The Hungarian minority is the only one in Vojvodina and Serbia publishing a daily paper in the mother tongue – *Magyar Szor*. Other print media in Hungarian include *Het Nap* and *Heti Ujsag* weeklies, the *Caladi Kor Family Magazine*²⁸, the *Kepes Ifjusag* youth weekly and two children's newspapers – *Jo Pajtas* and *Mesez Kalacs*. In addition, some specialized magazines, as well as local, school and company papers are issued in Hungarian.

²⁷Interestingly, these allegations were made by the same leader whose party has joined the coalition between the Socialist Party of Serbia and the Yugoslav Left, and has been in power in Subotica for several years.

²⁸ *Caladi Ker* has bigger circulation than any other newspaper in a minority language.

Launched in December 1944, the *Magyar Szo* had the highest circulation of over 60,000 copies in 1970s. After ex-Yugoslavia's dissolution and due to other causes such as assimilation, emigration, pauperization, etc. the paper's circulation presently averages 17,000 copies (except for Thursdays and weekends when some 30,000 copies are sold). Through its policy, the paper attempts to cover all areas inhabited by Hungarians. However, by far more stories are focused on the areas wherein Hungarians are in the majority than on those where they make up minority population - for instance, in South Banat or Srem. Late 1980s and early 1990s were the paper's "golden age." More than other media in Hungarian, it managed to resist Milosevic regime's attempt to discipline it and thus maintained its autonomous critical stand. After the October 5 overthrow, according to the representatives of the Hungarian community, the razor of the paper's criticism blunted, while the topics it covered become more traditional and, in a way, folkloric.

In early May 2004, the *Magyar Szo* was in the focus of public attention for having organized a meeting of Horthy's veterans in its offices. The Vojvodina Legislature seized the occasion to take the issue of the transfer of ownership rights to national councils off the agenda. However, the issue was on the table at its next session. Interestingly, unlike in the case of some other minority media, transfer of ownership rights has not provoked a dispute between the paper's staff and the Hungarian National Council. True, the *Magyar Szo* editors and journalists had protested for not having been consulted beforehand. The matter was, however, settled over a meeting between leaders of the National Council and the newspaper's management and staff.

The Radio Novi Sad broadcasts programs in Hungarian round the clock. The programs, aired on three wavelengths, include newscasts, cultural, educational, religious, musical and other shows. The broadcaster's desk in Hungarian is among the best-equipped ones. Foundations from Hungary, as well as the church, have provided the necessary assistance in funds and equipment. On the other hand, the desk has been understaffed ever since 14 members of the staff walked out. Further, programs in Hungarian, the same as programs in other minority languages, do not cover the entire territory of Vojvodina. Namely, on the eve of the war all desks airing programs in minority languages were deprived of the frequency they had been using for years. Another frequency they have been assigned later on does not enable adequate audibility. For example, Hungarian program is not audible in the whole of Vojvodina.

Apart from the Radio Novi Sad, programs in the Hungarian language are aired by several local stations such as those in Subotica, Zrenjanin, Backa Topola, Kula, Senta, Sombor, Srbobran, Apatin, etc.

TV broadcasts are the most important ways of implementing rights to information. The TV Novi Sad Channel II daily broadcasts shows in Hungarian within the minority languages program. The problem is that, ever since mid-2003 when the Hungarian desk was transferred to the Channel II, the programs

in Hungarian have lost a considerable part of their audiences in South Banat, Pottisje, Sombor and Bezdan. Poorly equipped and using a transmitter that is in a rather bad shape, the Channel II cannot secure proper transmission. Besides, not only makeshift studios²⁹ and outdated technology³⁰ are available to the Hungarian desk and other desks broadcasting in minority languages, but also the percentage of programs in Hungarian is on the downward curve.³¹

In May 2004, the staff of the news desk in Hungarian went on strike, intent to draw the attention of the management and general public to scores of problems they were faced with. Namely, when 12 journalists and 6 technicians resigned after October 5, 2000, the desk turned understaffed. With the staff of 24 - out of which only 12 are professional journalists - the desk produces 2,000 hours of the program in Hungarian monthly. To overcome the problem it is forced to engage part-timers. However, even such solution has been restricted by the management's decision not to cover some expenditure related to part-timers, such as travel costs. Besides, over past several months the desk has often been unable to cover some developments significant to the Hungarian community as cameramen have been assigned another job at the eleventh hour.

Though almost two months have passed since the strike ended, the demands of the staff of the news desk in Hungarian have not been met nor the promises fulfilled. The relevant job classification has been amended so as to enable engagement of five full-time young journalists. However, the story got about that these novices would be paid from the existing salary fund and thus cut their older colleagues' paychecks. It goes without saying that a story as such has managed to create animosity towards any newcomer.

Dissatisfied with the program aired by the state-run television³², members of the Hungarian community launched a new broadcaster under the name *Mosaic*.³³ Apart from promoting the community's interests, the television is supposed to air programs in other minority languages and in Serbian. Actually, by launching such non-state, civil and uncommercial TV station the Hungarian community is intent to seize the opportunity provided by the Broadcasting Act, stipulating that non-profit organizations (NGOs and citizens' associations) are entitled to found a radio and/or TV station. On the other

²⁹ Bombed several times in 1999, the TV Novi Sad building is unusable. The broadcaster is temporarily housed in the building owned by the Jewish Community in Novi Sad, which used to be an old people's home.

³⁰ When it merged the TV Novi Sad under the name the Radio & Television of Serbia, the TV Belgrade appropriated not only the decision-making, but also the right to collect subscriptions and parts of equipment.

³¹ In 1990, shows in Hungarian made up 20.06 percent of the overall program. In 2003, three years after the downfall of Milosevic's regime, the percentage dropped to 4.9.

³² Most Hungarians directed their antennas towards Hungary and watched Hungarian television while Milosevic was still in power.

³³ The TV Mosaic begun to air 30-minute experimental program in September 2004.

hand, the Act also provides that all radio and TV stations, set up by municipal assemblies, shall be privatized within four years from the day the Act is enforced. Given that all local stations airing programs in minority languages have rather small target groups and, accordingly, low ratings, one cannot but expect that such solution laid down by lawmakers would drastically reduce the number of programs in minority languages.

Right to Official Use of Minority Language

The Law on the Protection of Rights and Freedoms of National Minorities provides that Hungarian language and alphabet shall be officially used in the municipalities wherein Hungarian constitute 15 percent of the overall population registered in the last census. Accordingly, Hungarian language and alphabet are nowadays in official use in 27 Vojvodina municipalities. In May 2003, the Vojvodina Legislature passed a decree detailing the official use of minority languages and alphabets in the territory of Vojvodina. The decree regulates that Hungarian language and alphabet may be officially used in any town or local community where Hungarians amount to 25 percent of the overall population. The Vrsac Municipal Assembly thus decided that Hungarian language and alphabet were to be officially used in two local communities – Vatin and Susara. However, not all Vojvodina municipalities followed in its footsteps. For instance, in some local communities under the jurisdiction of Indjija, Irig and Apatin municipalities the Hungarian language is not in official use in spite of the fact that Hungarians are in the majority.

Under the minority law, national councils are empowered to make some decisions in the domain of official use of minority languages and alphabets. On the grounds of the decree referred to in the paragraph above, the Hungarian National Council determined traditional names for local communities, towns and municipalities. However, in some communities the Council's decision met with opposition from the very beginning. For instance, hue and cry was raised in Novi Knjazevac about the traditional, Hungarian name of the town – *Torokkanizsa* (Turkish Kanjiza). The town's municipal assembly took the issue off the agenda so as to avoid an adverse reaction by "radical Serbian elements." In mid-November 2004 in Zrenjanin, an unidentified perpetrator firstly painted over the emblem of Vojvodina bearing the town's traditional Hungarian name, *Nagybeckerek*, that was posted on the city hall, and then smashed the plaque.³⁴

The Vojvodina Legislature's decree also provides that all public utilities in the areas wherein Hungarian or other minority language is officially used shall have their bills, forms or notices published in these languages. However, this provision has not been implemented so far.

³⁴ Criminal charges were brought against the unidentified perpetrator. The Zrenjanin Municipal Assembly mounted a new plaque. The incident may be ascribed to yet another motive – as an act against Vojvodina's autonomy.

In the exercise of its duty related to the official use of Hungarian and other minority languages and alphabets, the Provincial Secretariat of Administration, Regulations and National Minorities ascertained that, in the past two years, branch offices of republican bodies and institutions have not respected relevant provisions of the Law, municipal statutes and decisions.³⁵ In some cases such disrespect almost verges upon caricature. For instance, Hungarians are denied the right to have their names written on their ID cards the way they are spelled in Hungarian. Moreover, instead of Latin alphabet, they have their names, more often than not, transcribed in Cyrillic alphabet. And, sometimes, both alphabets are used in a person's ID card.

Unlike other minority communities entitled to official use of their mother tongues, Hungarians are most concerned with the exercise of this right and have the upper hand when it comes to its implementation.

Right to Political Organization

As many as five "Hungarian" political parties are active in Vojvodina today – the Democratic Alliance of Vojvodina Hungarians (DZVM), the Union of Vojvodina Hungarians (SVM), the Democratic Party of Vojvodina Hungarians (DPVM), the Civic Movement of Vojvodina Alliance (GPVM) and the Democratic-Christian European Movement.

The oldest of all, the DZVM, was founded in 1990. The SVM emerged four years later, when the DZVM factionalized. Today the SVM is the most powerful and influential of all. Together with the League of Vojvodina Social Democrats, the Sandzak Democratic Party and other political parties and organizations, the SVM formed the "Together for Tolerance" Coalition for the December 2003 early parliamentary election. The coalition failed to pass a much too high electoral threshold and win parliamentary seats. The same lot befell the DSVM that ran in the election within another coalition. As for the DZVM, it abstained from this election.

The SVM was a member-party of the DOS coalition in the 2000 election. The party obtained 5 seats in the Serbian parliament, 17 in the Vojvodina Legislature and 2 in the Assembly of the FR of Yugoslavia.³⁶ The party was assigned the office of the Serbian vice-premier. Presently, the party members perform the duties of the vice-president of Vojvodina Legislature and the vice-

³⁵ This refers to the Republican Bureau of Labor, the Republican Bureau of Geodetics, the Central Bank, the Republican Bureau of Public Revenue, police and army centers and units. Responsible people from these institutions were ordered to obey the letter of the law or else charges would be brought against them. Lack of funds or reshuffles are often used as a pretext for such improper practice.

³⁶ Once the FR of Yugoslavia was transformed into the State Union of Serbia and Montenegro, no seat in the Union's parliament was assigned to the Hungarian community

president of the Executive Council (vice-premier). The latter is at the same time the Provincial Secretary of Privatization, Entrepreneurship and Small and Medium-Size Enterprises. Members of the SVM are also top people of the Provincial Secretariat of Education and Culture, and the Provincial Secretariat of Administration, Regulations and National Minorities.

In seven Vojvodina municipalities – Ada, Becej, Backa Topola, Kanjiza, Mali Idjos, Senta and Subotica – the SVM has 130 out of 297 councilmen and it the strongest political party. In the Coka municipality, the SVM made a coalition with other parties and won 19 out of 31 seats. Mayors of Ada, Backa Topola, Kanjiza, Mali Idjos, Senta and Subotica come from the SVM's ranks. Neither the SVM nor members of the Hungarian community are represented in the parliament of the state union. In the above-mentioned municipalities, the DZVM won 20 seats, while all other parties managed to obtain just a few seats.

At local level, "Hungarian" parties have always been in power in all municipalities wherein members of the Hungarian community are in the majority. This made it possible for them to develop the identity-building infrastructure, and particularly so after October 5, 2000, when local self-government authorities became more concerned with financing cultural activities.

Judging by the number of political parties, the "Hungarian" political scene in Vojvodina seems highly fragmented at first glance. However, when compared with the SVM, other parties are weaker and less influential, and have less financial, organizational and personnel potential. All in all, it is the SVM that tips the scale in terms of politics and the Hungarian electorate.³⁷ The fact that the SVM emerged at the time of the war wagged for redistribution of ex-Yugoslav territory, ethnically motivated violence and persecution of minorities strongly influenced the party program.³⁸ Thus this key document pinpoints the very survival of Hungarians as a major objective. Given that Milosevic's extremely centralistic regime made it impossible for members of the Hungarian community (particularly those organized in political parties) to influence the decisions vital to their interests, the program lays down that various forms of autonomy are not only useful instruments of minority protection, but also of democratization and decentralization of the Serbian society. Attesting to the time in which it emerged, but also to the party's conservativeness, the program bears strong nationalistic marks. In the section dealing with family and social

³⁷ The SVM was founded in June 1994 as a non-partisan citizens' association. A year later, it grew into a political party aimed at standing for the interests of Vojvodina Hungarians.

³⁸ By laying down a large-scale activity, the program blurs and diffuses the party's identity. Thus, the party is defined as an all-national organization focused on connecting Vojvodina Hungarians with Hungarians in the mother country and worldwide, as a cultural organization aimed at encouraging the sense of ethnic belonging, and as a partisan organization the purpose of which is to partake of power and thus promote the interests of the Hungarian community in the province.

care, it praises natality to the skies, and treats motherhood as a job for which a woman should earn her pension check. Hungarians' equality with other nations, primarily the Serbs, is viewed from national, rather than political angle. Such organicism not only tells of the political elite's willingness to have individual interests subjugated by collective ones, but also to promote ethnic institutions as major prerequisites to the community's survival and the safeguard of its ethnic awareness. For instance, the program advocates schooling in mother tongue – from pre-schools to universities – with a view to "protect the interests of Hungarian teachers, students and their parents." The upper hand given to maintenance of national identity in an impoverished society may easily handicap an individual by restricting his or her professional and social advancement within his or her own ethnic group.

Though all "Hungarian" parties in Vojvodina aspire to improve the position of the Hungarian minority, their relations – particularly those between the DSVM and the SVM – are very bad, burdened by leaders' rivalry and mutual denunciation. Even the high electoral threshold of the December 2003 election did not prompt party leaderships to overcome animosities and opt for pragmatic solutions that would benefit the entire community. Instead of joining hands, the DSVM and the SVM were competitors, while the third party (DZVM) boycotted the election. This was only to the disadvantage of the Hungarian community the interest of which they allegedly promoted.³⁹ However, the bad relations between the two parties should not be ascribed to their leaderships only. For, by their differing interests certain segments of the Hungarian community also influence party politics.

III. Conclusions and Recommendations

Ethnically motivated incidents have marked the overall situation in Vojvodina and, in a way, marginalized other problems faced by members of Hungarian and other minority communities. On several occasions, the Helsinki Committee for Human Rights in Serbia has warned that the interethnic relations in the province had dangerously aggravated and demanded relevant authorities to promptly react, track down perpetrators and bring them to justice. According to the president of the Subotica Municipal Court, no criminal proceedings have been instituted before this court for inciting racial, religious

³⁹ At the press conference held to announce the "Together for Tolerance" coalition, the SVM leader accused his opponents of having betrayed Hungarian national interests. An accusation as such indicates strong authoritarian ambition to have one's own party identified with the entire nation. Besides, the SVM leader practically "betrayed" the party's program laying down that "all differences should be respected not only when it comes to others, but also within our own ranks...Hungarians cannot exist as a national party, for they are not a national party."

and national hatred. Assaults against members of the Hungarian community in the past period laid bare a deficient minority-protection mechanism.

Untimely and inefficient measures taken by governmental bodies, and the minimized impact of ethnically motivated violence indicate that there is no political will to solve such problems. Moreover, reacting at possible internationalization of the Hungarian issue in Vojvodina, officials of the Serbian Radical Party messaged the community members that they themselves were to blame for all incidents, since they had, allegedly, hurt Serbs' pride.

As for social consequences, the fact is that citizens are growingly separated along ethnic lines. Young people from different ethnic communities make friends less and less, hardly ever socialize, and almost do not understand each other. Such turn of events registered in several towns in Vojvodina such as Backa Topola⁴⁰, Kanjiza, Senta or Subotica has not yet attracted public attention, though some experts have been emphasizing its menacing character.

Bearing in mind the above-mentioned problems, the Helsinki Committee puts for the following recommendations:

- The existing curricula should be further modernized so as to make the majority nation aware of minority cultures, histories and traditions;
- Cultural pluralism should be promoted through a clear-cut policy of openness to others; the Hungarian culture, therefore, should be presented as an integral part of the Serbian culture; in this context, financial and program assistance to Vojvodina Hungarians' cultural institutions should be upgraded;
- The state should subsidize the media houses broadcasting programs in the Hungarian language with a view to solving their personnel and technical problems, improving the quality of these programs and making them available to a larger audience;
- The minority-protection mechanism should be improved through a consistent law enforcement policy, administrative decentralization, more power invested in local police forces and the Hungarian minority's adequate representation in the police;

Governmental and public institutions (political, cultural and educational) should back local self-governments in their efforts to put an end to the widening ethnic gap.

⁴⁰ For instance, local self-government authorities in Backa Topola have organized "interethnic" parties for four years in a row so as to bring together young people from different ethnic communities. Sports events are organized for the same purpose.

CROATS

I. Introduction

From the time of ex-Yugoslavia's disintegration till today, the situation of the Croatian minority in Vojvodina has been crucially determined by the following factors: 1) It was only in 2002 that the Croats, once ex-Yugoslavia's constituent nation, were granted the status of a national minority in Serbia; 2) As a newly emerged minority community, the Croats have not managed yet to fully developed the institutional framework for the exercise of their rights; 3) Consequently, the Croatian minority lacks distinguishing traits of a minority community; 4) The minority's intra-ethnic integration is weak (Croats from Banat, Central Serbia and Belgrade do not participate in the community's life); 5) Croatian political elite dominates the community, while its intellectual, artistic, and, in particular managerial and financial elites are rather fragile; 6) The community lives in an ambiance – political, social and cultural – that is adverse to it (in the past ten-odd years, the Croats were the only ethnic group in Vojvodina that has been subjected to organized violence); 7) Proportionally, they are underrepresented in governmental authorities – from local to central – in state institutions such as judiciary, army, the police, etc. and in managerial circles, i.e. centers of economic and financial power; 8) It was only after October 5, 2000, that the state begun to treat the Croats in a more favorable way, and their situation took a turn for the better.

For instance, in mid-2002, the Vojvodina Legislature set up the "Hrvatska Rijec" (Croatian Word) Publishing House and approved the motion dealing with the official use of the Croatian language in the territory in Vojvodina. That was also when education in the Croatian language was launched in Vojvodina – or, to put it precisely, in Backa. Finally, by electing their National Council in December 2002, Vojvodina's Croats closed one chapter of their history.

Not only have the Croats been the only Vojvodina's minority exposed to repression, i.e. "soft ethnic cleansing,"¹ but are also stereotyped by the majority nation till this very day (general public is more prejudiced only against Albanians). In the past 15-odd years Vojvodina's Croats have been deprived of any social power whatsoever. Further, in late 1980s the Serbian authorities, by

¹ Exposed to either direct or indirect threats, over 40,000 Croats left Vojvodina – Srem in particular – in early and mid-1990s. Neither of them has returned yet and the problem has been swept under the carpet. True, in early 2004, the Vojvodina Legislature adopted a declaration whereby it invited all people expelled by Milosevic's regime or those who moved out on their own free will to return to their homes. No follow-up steps have been taken, however.

various ways and means, artificially divided the Croats into "Bunjevci" and "Sokci" – i.e. named them after regions they mostly inhabited.

Circumstances prevalent in the community itself also determine its overall position: intra-ethnic ties are weak, Croatian organizations and institutions are much too few, politics excessively influence the developments within the community, and, last but not least, the clergy has a pull on secular issue. Besides, dispersed throughout Vojvodina, the Croats are nowhere in the majority.

The Croatian minority has entered the process of transition without the institutional framework that might help it exercise its rights. On the other hand, no readiness for establishment of Croatian institutions was manifest within Serbia's newly made national strategy. The crucial precondition to full exercise of the minority's rights – the status of a national minority – was met only after the ouster of Slobodan Milosevic. As of 1990s Croatian political and cultural elites have demanded the Serbian authorities to adequately solve the issue. In May 1991, the Democratic Alliance of Vojvodina Croats, the first Croatian political party in Serbia, put forth a Croatian cultural autonomy to the Serbian parliament. However, neither the parliament nor any of its commission put the proposal on the agenda. Milosevic's regime not only turned a blind eye to the inadequate position of Croats, but also itself contributed to violation of their rights. In this context, the situation was the worse in Srem and Southwest Backa at the time the war was waged in the Republic of Croatia.²

Anti-Croatian incidents did not stop even though Milosevic had been ousted. Scores of such incidents took place in late 2003 and early 2004, in the wake of early parliamentary election in Serbia, marked by the triumph of the extreme right. On December 27, 2003, windows of the Croatian Center in Sombor were smashed. A day later, in the nearby village of Tavankut, mostly inhabited by Croats, unknown perpetrators toppled the bust of Matija Gubec posted in the schoolyard of the school under the same name. The bust was toppled again three days later. On January 4, 2004, the so-called Djukic's Cross at the Subotica-Sombor highway was broken. On January 13-14, 2004, the staff of the "Hrvatska Rijec" Publishing House received five telephone threats – an anonymous caller threatened to kill them all. On January 24, 2004, the Catholic graveyard in Subotica was desecrated – 36 crosses were torn out and one sepulchral monument was demolished. On January 25, 2004, the TV Novi Sad banned a show in the Croatian language that dealt with these incidents. On February 1, 2004, windows of the Jesuit monastery in Subotica were smashed. Simultaneously, the consul general of the Republic of Croatia in Subotica, Jasmina Kovacevic-Cavlovic, received several phone calls from an anonymous

² Members of the Serbian Radical Party, local authorities and militant refugees were exerting pressure on local Croats so as to force them to leave. Higher authorities did nothing to prevent such course of developments. The pressure on Croats was the biggest in Srem villages such as Hrtkovci, Nikinci, Novi Banovci, Beska, etc.

person threatening to kill her. This was followed by threats to editors and journalists of the Novi Sad-seated Gradjanski List daily that was accused of taking "Ustashi" and "pro-Croatian" stands. Finally, the Catholic graveyard in Subotica was once again desecrated – this time 96 tombstones were demolished. Relevant authorities have not tracked down actual perpetrators so far.

Historical and Demographical Background

Vojvodina's Croats are integral part of the Croation nation that as autochthonous people inhabit Vojvodina's regions of Srem, Backa and Banat. A considerable number of Croats live in Belgrade and other major towns in Serbia. Predecessors of mostly native Croats have moved to these parts from different areas of today's Croatia and Bosnia-Herzegovina in various migration waves throughout history.

Hard life and islamization made Croats, led by Jesuit priests, to move from Bosnia-Herzegovina and settle in the territories of Backa, Baranja and Srem belonging to Vojvodina in late 17th and early 18th century. About the same time, they migrated from Pokuplje to Banat where they settled in the villages of Boka, Neuzin, Perlez, Starcevo, Opovo, etc. The Croats that nowadays live in Srem are "the most autochthonous of all" – they have been living in the area ever since the arrival of South Slavs. After the WWII, within the colonization process, a smaller number of Croats left Herzegovina and Dalmatinska Zagora and migrated to the villages once inhabited by Germans (for example, Stanisic, Beska, Petrovaradin). Finally, there are Croats who have spontaneously migrated to administrative centers such as Belgrade, where they graduated and got jobs, mostly in the federal administration.

The manner in which these Eastern, bordering parts of the Croatian ethnic area integrated into the contemporary Croatian nation differed and was somewhat delayed. Namely, due to knotty Croat-Hungarian relations in Austria-Hungary, Croats from Backa begun their national renewal in the 19th century under regional names (Bunjevci and Sokci) and faced with considerable problems in the exercise of their minority rights. The situation was about the same in the Kingdom of Serbs, Croats and Slovenes. Not only the state and its policy of assimilation, but also the priority given to sub-ethnic identities, have been hindering integration of Backa's Bunjevci and Sokci into the Croatian nation.

When ex-Yugoslavia disintegrated the Croats from Vojvodina's part of Srem became a national minority for the first time in their history. Not only they, but also those living in Backa and Banat were also for the first time separated from their mother country by a state border. Having experienced dramatic developments for the first time, Vojvodina's Croats were faced with new challenges – they had to come to grips with their own future.

As Catholics, Croats figure as a "dual" minority in Serbia – ethnic and religious. Croat Catholics mostly dwell in the Subotica Bishopric, then in the

Serbian part of the Djakovica-Srijem Bishopric, and just a small number of them in the Belgrade Archbishopric and the Zrenjanin Bishopric. Apart from meeting their religious needs, the Catholic Church in Serbia plays a significant role in the life of Vojvodina's Croats as it promotes their mother tongue and safeguards their cultural heritage.³

As for demographical indicators, one should note the following: Firstly, except for the Lapovo municipality, Croats live throughout Serbia; Secondly, ever since the second half of the 20th century, the number of Croats in Serbia, particularly in Vojvodina, has been decreasing steadily. According to the 1971 census, 120,303 Croats lived in Vojvodina. Twenty years later (the 1991 census), only 74,808 citizens of Vojvodina declared they were Croats, i.e. the number of Croats decreased by 29.52 percent. As for the entire Serbia, the 1981 census showed there were 149,368 Croats, or 1,60% percent of total population (in Vojvodina 109,368 or 5,37 percent, in Central Serbia 31,447 or 0,55 percent, in Kosovo 8,718 or 0,55 percent), while the one conducted in 1991 registered 105,406 Croats (1.08 percent of total population) in Serbia and 111,650 in SRJ. From the biggest number lived in Vojvodina 74,808 (3,71 percent), then in Central Serbia 25,536 (0,39 percent) and Kosovo 8,062 (0,41 percent).

In the past decade number of Croats in Vojvodina has decreased by more than 18,000. According to the April 2002 census, out of 70,602 Croats in Serbia (0,9 percent of total population), 56,546 live in Vojvodina (2,78 %). Most of them inhabit Backa (40,000), Srem (12,000) and Subotica, Sombor and Novi Sad municipalities. It is interesting that those who identified as "Bunjevci" have only slightly decreased in numbers: eleven years ago Bunjevci in Vojvodina were 21,434 and according to 2002 census their number is 19,766.

All in all, the number of Croats in Vojvodina over the past 30 years has been reduced by half. Almost 20,000 citizens of Croatian origin have simply "disappeared" from Vojvodina in the last decade of the 20th century. In other words, the Croatian community dwindled over 25 percent of its former size registered in the 1991 census. Apart from the longstanding policy of assimilation, expulsions and ethnically motivated violence, the climate of fear and insecurity in early and mid-20th century contributed to such reduction. Bombs thrown on Croats' lands and religious facilities, and murders of over 10 citizens of Croatian origin just added fuel to the fire. According to unofficial estimates, the wars in the territory of ex-Yugoslavia, and particularly the war waged against Croatia that was marked by strong anti-Croatian propaganda,

³ Several institutions working under the auspices of the Catholic Church are most important for the Croats in Vojvodina. This particularly refers to the "Paulinum" gymnasium in Subotica and the Theological-Catechistic Institute of the Subotica Bishopric. Then, there is the Zvornik monthly in Croatian, issued by Catholic priests and circulated in 2,500 copies. Once a week, the Radio Subotica airs 15-minute programs in the Croatian language. The Subotica-seated "Ivan Antunovic" Catholic Institute of Culture, History and Spirituality has published tens of books in Croatian up to now.

forced 35-40 thousand Croats to leave Serbia. However, it is the so-called ethnic mimicry that should be taken into account as well. Namely, "missing" Croats can also be tracked down among citizens who used to declare they were "Bunjevci," "Sokci," Yugoslavs or "undecided," but, regardless of such ethnic camouflage, had to leave Vojvodina under various forms of pressure.

II. Collective Rights

Right to Official Use of Minority Language

The issue of official use of the Croatian language has not yet been solved in an adequate manner. In early May 2002, the Vojvodina Legislature proposed that the Croatian language should be included in the list of official languages. As the proposal is still pending, the Croatian language is not in official use in the territory of Vojvodina. The only exception is Subotica. Back in 1993 the town's assembly decided that Croatian should be treated as an official language. Though the Constitutional Court of Serbia proclaimed the decision invalid in 2001, the Subotica assembly put it on the agenda again and voted it in. In early 2004, the institutions of lector and court interpreter for the Croatian language were introduced in Vojvodina and Subotica.

The Law on the Protection of Rights and Freedoms of National Minorities provide that local self-governments shall officially use the language of a minority that makes up over 15 percent of total population. As, according to this criterion, the Croatian language can nowhere be recognized as official, the Croatian minority itself is *a priori* under par when compared with the so-called old minorities. True, the Law allows that a minority language may be officially used regardless of the stipulated percentage of population, but fails to detail the matter. Therefore, the exercise of a major minority right depends on political will, rather than on letter of the law. In May 2003, the Vojvodina Legislature passed a *Decree detailing the official use of minority languages and alphabets in the territory of Vojvodina*. The decree regulates that the Croatian language and alphabet may be officially used in any town or local community where Croats amount to 25 percent of the overall population. However, the decree has only symbolic importance when it comes to Croats. For, no official communication is carried out in the villages such as Sonta or Plavna that have no local administrations of their own. Implementation of this Decree is a separate problem. For its part, the Apatin municipal assembly turned down the proposal to have the Croatian language proclaimed official in the village of Sonta (with 25 percent of Croats) under the pretext that it is not obliged to do so under the law. This means that new regulations are all but fair to "new

minorities."⁴ Abstract and sketchy provisions not only open the door to political manipulation, but also hinder the institutionalization of Vojvodina Croats' right to the official use of their mother tongue and other major rights.

Last but not least, in early 1990s most streets and elementary schools named after Croatian figures or associating events from Croatian history were changed in towns inhabited by Croats (Petrovaradin, Novi Slankamen, Novi Sad, etc.). For instance, in today's Novi Slankamen, a traditionally "Croatian" town, not a single street bears the name of a Croat celebrity, while all inscriptions are in Serbian and in Cyrillic alphabet.

Right to Information

Croatian community in Vojvodina is kept informed in their mother tongue via broadcast and print media. The TV Novi Sad airs biweekly the 30-minute "TV Divani" show, while the Radio Subotica daily broadcasts two-hour programs in Croatian. The signal of the latter, however, covers only the territory of the Subotica municipality. As for the print media, the Vojvodina Croats have three newspapers – the "Hrvatska Rijec" weekly (founded by the Vojvodina Legislature), the "Zvornik" Catholic monthly and the "Miroljub" quarterly magazine issued by the "Vladimir Nazor" Croatian Cultural Society.

Though all media in Croatian are important to the community, the "Hrvatska Rijec" (issued since January 31, 2003) should be singled out for its professionalism and influence on the Croatian community. The paper builds its policy on accurate, comprehensive and timely news stories dealing with global, countrywide and local developments. The paper is mostly subsidized from the provincial budget. Grants and sales cover the rest of its expenses.⁵

The Radio Subotica's program in Croatian is produced by the broadcaster's "Croatian" desk. However, the proportion between this program and the programs aired in Serbian or Hungarian is not exactly proper, given that the latter are by far longer. What should be stressed here is that editors of the program in Croatian pay great attention to spreading inter-ethnic tolerance.

The above-mentioned "TV Divani" show is prepared by an independent production group.⁶ Vojvodina subsidizes the TV Novi Sad's desks producing programs in six languages (Serbian, Hungarian, Ruthenian, Slovak, Rumanian

⁴ Speaking in figures, Croats rank third in Vojvodina. However, the Croatian language will not be in official use in the province, except for Subotica where it is on the grounds of acquired right. So, Croats are discriminated when compared with other minorities such as Hungarians, Rumanians, Ruthenians and Slovaks.

⁵ The paper's subsidies are smaller than those given to other media outlets in minority languages. This considerably hampers its further development.

⁶ The show has been aired since July 2001. It is rebroadcast by several local TV stations in Vojvodina.

and Romany) but not the "Croatian" one. Though it in no way covers the show's costs, the TV Novi Sad has banned it on three occasions. The show was prohibited for the first time in early 2002 when the broadcaster's management decided that an interviewee propagandized against "Bunjevci."⁷ Then, in mid-August, the deputy director of the TV Novi Sad banned the show for having aired a documentary showing, inter alia, people wearing Chetnik insignia and protesting against the ceremony to mark the reconstruction of the Croatian Cultural Center in Slankamen.⁸ Having presented the protest that was mostly staged by members of the Serbian Radical Party, the authors of the documentary were accused of spreading hate speech. The third embargo on the show was imposed in early 2004, when it dealt with anti-Croatian incidents.⁹

Speaking about impediments to the right to information in Croatian, attention should be drawn to the incidents involving anonymous threats to journalists of the Hrvatska Rijec newspaper in early 2004.¹⁰ Police officers had to watch the newsroom for the following ten days.

Right to Education

It was only after they were granted the status of a national minority and in the school year 2002/2003 that Croats began to enjoy the right to education in their mother tongue within the system of education. Before that, the Croatian community had established two religious schools using the standardized Croatian language in their curricula: the "Paulinum" Catholic gymnasium in Subotica for future priests and the Subotica Bishopric's Theological-Catechetical Institute for future catechists.¹¹

⁷ The show was aired two week later, most probably due to public pressure.

⁸ In 1990s, several hundreds of Croats were expelled from the town.

⁹ Namely, one of the show's guests said the broadcast media in Serbia, including the TV Novi Sad, had unprofessionally reported ethnically motivated incidents in North Backa. This guest also said that the media were also to blame for the anti-minority climate in Vojvodina. To illustrate his statement, he said that the TV Novi Sad, in the fall of 2003, put on air historian Jovan Pejin who had rudely insulted all minorities and called Croats a non-existent ethnicity in Vojvodina.

¹⁰ On January 13, 2004, an anonymous male caller told the desk secretary, "Ustashi! I'll kill you all, if your newspaper comes out of print once again. You have murdered my child!" Ten minutes later the same person called in to say, "You are already dead!" Fifteen minutes after the police left the newsroom the anonymous called phoned again and used profane oaths. Next day, he called in to say, "I wish you a happy Chetnik New Year! I am calling on behalf of the Subotica Chetnik Movement. We'll kill you all!"

¹¹ Founded in 1993, the Institute organizes classes in Croatian and Hungarian. Its students are not only Croat Catholics, but also Greek Catholics (Ruthenians and Ukrainians), Protestants (Slovaks) and 10-odd members of the Serbian Orthodox Church. Though diplomas issued by the Institute are not officially recognized, diploma-holders are entitled to give religious training in schools. Financing of both schools has not been

In early 2002 the provincial authorities met the demand of the Croatian community to have education in Croatian gradually introduced in schools. However, regardless of a correct media campaign that ensued, the number of parents who enlisted their children in "Croatian" classes was below expectations. This can be explained by a number of reasons, ranging from school authorities' inertness, insufficiently informed parents and inadequately synchronized activity of the Croatian community to parents' concern with their children's prospects. However, regardless of all obstacles five classes in the Croatian language were organized in Djurdjin, Tavankut and two Subotica schools.¹² In the 2002/03 school year, 72 students received their education in Croatian. Croatian students attending classes in Serbian are offered the opportunity to learn the Croatian language and culture twice a week. Last year such facultative classes were organized for 131 students of six schools in three municipalities – Apatin, Sombor and Subotica. As for teachers, they are rather disinterested in instructing students in the Croatian language. This can be explained by the fact that the teachers themselves have not been educated in Croatian.

Over the talks with the Helsinki Committee's team, representatives of the Croatian minority pinpointed that the community's institutions had not reached a consensus on the education issue. No institution has come public with a clear-cut strategy for solving the problem. A variety of ideas have been circulating. For instance, some take that it is necessary to set up separate schools for Croatian students, while the majority deems classes wherein students will be lectured in their mother tongue the best solution.¹³

On the other hand, authorities are notably unwilling to approach the problem in a straightforward and efficient manner. For instance, while meeting with Croatian parents some officials provided inaccurate information and tacitly dissuaded them from enlisting their children in Croatian classes. Some even called in parents and tried to intimidate them by saying their children would be "stigmatized."

As for higher education, no Croatian language and literature departments have been established.¹⁴ Young Croats pursue courses of study at several universities in Serbia and the Republic of Croatia. In early 1991, the Democratic Alliance of Vojvodina Croats managed to establish the "Antun

adequately solved. The Subotica Bishopry assists the Institute, while the gymnasium relies on various Catholic organizations for grants.

¹² There is only one pre-school institution in Vojvodina that teaches around 62 children, ages 3-7, in Croatian. .

¹³ The problem of school curricula or textbooks in Croatian has not been tackled at all. Besides, no alternative arrangements – such as teaching student the Croatian language and culture in existing Croatian institutions - have been given thought.

¹⁴ Secondary schools in Vojvodina have not organized classes in Croatian. Croatian students attend classes in two languages – Serbian (1,707 students) and Hungarian (19 students).

Gustav Matos" foundation offering scholarships to talented or poor students eager to study at some of universities in the Republic of Croatia. Thanks to the foundation, each year some 20-35 secondary school graduates from Vojvodina – mostly from Subotica – go to the Republic of Croatia and are accommodated in student centers. Out of 250 students who graduated in Croatia over last thirteen years, just few returned to their homes in Vojvodina. Besides, ratification of diplomas issued by Croatian universities has not been settled yet. The bottom line here is that the decision of diploma-holders to pursue their careers in the Republic of Croatia deprives the Croatian community in Vojvodina of its "organic intellectuals."

Last but not least, teachers of Croatian origin in Vojvodina have neither organized a trade union of their own nor are interested in setting it up.

Right to Enjoy Minority Culture and Tradition

Firstly, the Croatian minority in Vojvodina has no professional institution of culture of its own. Secondly, the problem of financing the community's activities in the domain of culture has not been solved. These two facts determine other circumstances: cultural policy is not seriously defined, Croats have not created a cultural space of their own, major cultural events are non-existent, dilettantism prevails and the overall cultural production is poor. In brief, the identity-building capacity of the Croatian community is not only small, but is also strongly marked by traditionalism. Up to now, no initiative has been taken or plan made so as to improve the situation in this sphere. The culture of Vojvodina's Croats was in no way included in the Bureau of Vojvodina's Culture, established by the Vojvodina Legislature in the second half of 2003. The same refers to the Vojvodina Academy of Arts and Sciences.

The community's cultural life boils down to 20-odd cultural societies. Though these societies differ, they have in common endeavor to maintain the Croatian cultural heritage, mostly of folkloric content.. While cultural societies from rural areas – such as those set up in Tavankut, Djurdjic, Mala Bosna, Stari Zednik, Bajmok, Slankamen, Golubinci, etc. – are mostly focused on folkloric activities, those from urban regions are more engaged in publishing, literary events and even scientific conferences. However, such events are much too rare to benefit the community as a whole. One cannot help feeling that the culture of Vojvodina's Croats is marginalized. Such feeling grows stronger when one bears in mind that Croatian cultural societies seldom take part in the events staged by the majority nation or those of countrywide importance, especially in the regions where Croats are substantial minority..

One of more outstanding problems that these societies face is financing. Financing by provincial authorities and some local self-governments is not only irregular, but also more than inadequate. The societies usually spend these funds on folkloric activities. For instance, provincial bodies have not subsidized a single publishing activity undertaken by Vojvodina's Croats or bought a book

issued in the Croatian language. The same refers to the bodies at the republican level.

In this context, the Subotica self-government is the only exception. It continually and significantly subsidizes cultural activities of the Croatian minority in Vojvodina. As of 2003, Croatian cultural societies have been obtaining some funds from the Croatian government through calls for proposals.

Right to Political Organization

The Croatian minority stepped in politics when its first political party, the Democratic Alliance of Vojvodina Croats (DSHV), was established in mid-1990. Representatives of the community from all places inhabited by Croats gathered in Subotica and decided to exercise their rights and realize their interests by being active at the political level as well.

At the beginning, citizens of Croatian origin were amply supporting the DSHV's activities. The party was setting up branch offices in almost all places inhabited by Croats, and launched the "Glas Ravnice" bulletin. The party triumphed for the first time in the first multiparty elections. It won one seat in the Serbian parliament which was held by Antun Skenderovic. In the first local election in Subotica, the DSHV won 13 councilman seats, along with two vice-presidencies – in the municipal assembly and its executive council. According to some estimates, the DSHV obtained over 50 percent of votes of the Croatian electorate.

In the course of time the DSVH turned from the people's movement into a political party with authoritarian leadership and conservative program. It took only three years for conflicts within the party to escalate and spread to the entire Croatian community. The party membership became passive and begun to dissipate, while the party's influence weakened.

As a response to such situation, the idea to have a Croatian national council set up was launched in Subotica in 1996, but was of no avail. In 1997 the Forum of Croatian Organizations and Institutions in Vojvodina was formed with the object of coordinating the work of all Croatian organizations and partially deligitimizing the DSVH's financial monopoly on culture and information. Further, factionary members of the DSVH set up a new party in 1998 – the Croatian National Council. Though the party program did not differ much that of the DSVH, it attempted to build up its own identity on a different model of intra-party organization.

Presently, Vojvodina Croats are represented at local (in Subotica only) and provincial levels (in the Vojvodina Legislature). They have not a single parliamentary seat in the Serbian parliament and that of the State Union. The President of the Vojvodina Legislature Committee for Inter-ethnic Relations and the Deputy Provincial Secretary of Administration, Regulations and National Minorities are ethnic Croats. When Bela Tonkovic, longtime leader of

the DSHV, was deposed in mid-2004, two Croatian parties merged and formed the Democratic Alliance of Croats in Vojvodina. In the September 2004 local and provincial elections, the newly established party won 8 council seats in three municipalities and one seat in the Vojvodina Legislature.

The Law on the Protection of Rights and Freedoms of National Minorities not only recognized the Croatian minority, but also offered it the opportunity to elect its own representative body – a national council. Such council was appointed in Subotica in mid-December 2002.

III. Conclusions and Recommendations

Though some breakthroughs in the domain of the safeguard of Croatian culture and national identity have been made in the past years (such as schooling in the mother tongue, the weekly issued in the Croatian language or setting up of the Croatian National Council), the minority is still hampered when it comes to the full exercise of its rights. In addition, media still present Croats as main culprits for ex-Yugoslavia's disintegration and persist in throwing negative light on Croatia's attitude towards Serbs. The return of Serbian refugees to Croatia rarely gets positive coverage. As for general public, Croatia is perceived as major opponent in the region and competitor for a leading role in the Balkans. Serbia is additionally frustrated by the fact that Croatia has started Association process with the EU and that its cooperation with The Hague Tribunal is deemed as relatively smooth.

The major problems faced by Vojvodina's Croats are as follows:

- Due to non-existent state strategy, Croats, as a newly recognized minority, do not exercise their minority rights to the full.
- Anti-Croatian sentiment is still running high in Serbia.
- Vojvodina's Croats are not adequately integrated in the decision-making process. Besides, they are underrepresented in governmental or public administration- in police, army, judiciary, customs, financial police, etc.
 - (Forced or voluntary) emigration, particularly of young and educated people on the one hand, and Serbian administration's unwillingness to pursue minority-inclusive policy on the other, incapacitate the Croatian minority.
 - With a view to improving the situation of the Croatian minority, the Helsinki Committee for Human Rights in Serbia puts forth the following recommendations:
 - The new minority policy should be fully defined and implemented;
 - Tolerance should be promoted, especially by the media, and through activities aimed at throwing light on past developments, which preconditions normalization of majority-minority relationship;
 - Advocacy of minority rights should be focused on:

- a) Creation of an institutional framework for minority representation in all governmental and public administration bodies;
- b) putting a stop to the policy of assimilation, as well as to all logistical and financial support to assimilation;
- c) Punishment of all anti-minority acts and incidents; and
- d) Lasting solution to the problem of financing the Croatian community's institutions.

ROMA

I. Introduction

The Law on Rights and Freedoms of National Minorities granted the Roma the status of a national minority. By meeting the requests of the Roma community, they showed that they were eager to distance themselves from the "old regime," create a better legal framework for the safeguard of Roma culture and, finally, open the door to better social position of the Roma.

What is characteristic for the Roma community is that it is socially marginalized, while its members live in conditions that now, at the beginning of the 21st century, can be freely labeled as inhuman. For instance, in Veliki Rit settlement nearby Novi Sad, several thousand Roma and Ashkalia live in makeshift homes – made of mud and carton – without electricity, tap water or heating.¹ Most Roma from Veliki Rit are left to their own device to make ends meet. They dig dustbins for food. Even this source of nourishment has become not easily available, since, as they put it, skinheads keep on attacking and harassing them in urban areas.² Few are those who are employed – and, being mostly unskilled workers they are given lowpaid jobs.

Unemployment is among the most dramatic problems faced by the entire Roma population, rather than only by those living in Veliki Rit, Adice and other suburban areas. Illiterates make up around 80 percent of total Roma population. Uneducated and lacking professional skills, the Roma can hardly obtain jobs and thus secure regular earnings necessary to have their children schooled. Stuck in the "vicious circle of hand-to-mouth existence" that nails them to the bottom of social hierarchy, the Roma are doomed to reproduce their poverty. As an extremely vulnerable community, they are totally unprepared for complex processes of social transformation. Unable to compete with educated and qualified strata of the society, members of the Roma community are condemned to the role of transitional losers. Radical reforms implying disappearance of the gray market – thanks to which the Roma somehow managed to survive – will further aggravate their position. The gray marked

¹ Living conditions as such do not apply to the entire Roma population. The same as other minority communities, the Roma community is differentiated in terms of lifestyle, property, housing, degree of assimilation, religion, etc. The Roma do not only inhabit unhygienic settlements without any communal infrastructure.

² In late June 2004, hooligans assaulted the Roma from Veliki Rit and threatened to move them out. Revolted by this attack, Roma said they would seek asylum in search of a safe haven. In March 2004, after the outburst of violence in Kosovo, a crowd of protesters from downtown Novi Sad set off for the settlement intent to stage a showdown with its inhabitants. However, the police managed to prevent such incident.

flourished at the time of Milosevic's regime and, in a way, buffered social tensions. However, competition at the gray market grew stronger and stronger as waves of Serbian refugees from other regions of ex-Yugoslavia came to Serbia and Vojvodina.

Discrimination is yet another cause of the high unemployment rate among the Roma.³ Even when member of the community are fully qualified for jobs, employers hesitate to engage them. According to the interviewed members of the Roma community, discrimination is more evident when they apply for jobs than in workplaces, and more prominent against women than men. Further, the Roma are subjected to discrimination in other domains such as education or public utilities. For instance, the media extensively highlighted the cases of Roma banned from pools and restaurants.⁴ The findings of the survey conducted by the Novi Sad-seated *Multiradio* showed that even landlords are reluctant to rent apartments to the Roma. And, if they decide otherwise, they firstly tour the neighborhood to interview other tenants whether the presence of the Roma will bother them too much.

The above instances indicate strong and widespread bias against the Roma.⁵ Such bias appears not only in the form of veiled racism that disqualifies the Roma as an inferior social group, deprived of any sense of responsibility, but also incites open hatred and violence against members of this community. It should be noted that the Roma are not only despised and assaulted by individuals or notorious groups such as skinheads, but also by those obliged to guarantee their safety and protect them – the police.⁶ Recently, several NGOs

³ Not a single Romany, they said, has not been subjected to discrimination at least once in his/her lifetime. Discrimination against them ranges from kindergartens, elementary schools, employment to medical services.

⁴ Several NGOs brought charges against the owner of the "Fountain" restaurant in Feketic for having practiced discrimination against the Roma. Namely, when some participants in the seminar dealing with the rights of Romany women entered his restaurant in mid-June 2004, the owner threw them out shouting, "Get out, you Gypsies!"

⁵ A variety of prejudice treats the Roma as a socially dangerous group. They are considered wanderers, thieves, bandits, water poisoners, people with transmittable diseases, arsonists, spies, traffickers of forged money, kidnappers of children, cannibals, etc. "Given that they used to be blacksmiths, they might have been those who have forced the nails for Christ's crucifixion. Occasionally, the word had it that they were descendants of Cain who had murdered his own brother." See, Dragan Kokovic, "The Roma," Vol. I, Nis, 2000, p. 93.

⁶ The Humanitarian Law Center pressed charges against unnamed policemen from Petrovaradin for having twice tortured Jovan Nikolic in an attempt to make him confess that he had stolen a TV set and some other items. When Nikolic threatened to sue them, the policemen took him into 48-hour custody.

Stevan Dimic from the village of Loka went through even worse torture. Policemen from Novi Sad wanted him to confess that he had raped a 15-year girl. Dimic was forced to lie on the floor and a chair was placed on this back. While sitting on this chair, a policeman kept beating him with a truncheon and a metal bar. Another

brought charges against two police officers for having maltreated and called names a Romany Bekim Saini who had allegedly stolen a pair of jeans in a Belgrade shopping mall.

Two years ago, in tandem with the British Oxfam organization, the Ministry of Human and Minority Rights launched a tolerance-building campaign under the name "Romany denotes a man."⁷ However, the campaign hardly managed to change other people's attitude towards the Roma. Any change in the attitude – that has been formed for years under the powerful influence of prejudice – necessitates a clear-cut national strategy, which would involve governmental agencies, educational system and the media. For instance, the findings of the survey conducted by the Student Union showed that students shunned people from ethnicities or religious other than theirs, as well as persons with special needs.⁸ For instance 44 percent of the interviewees said they would never share a room or an apartment with a homosexual, 63 percent said the same about the Roma, while 38 percent would not live with any person of Albanian origin.⁹

With a view to improve the socio-economic position of Romany population¹⁰, alleviate discrimination against them and improve their integration into society,¹¹ the authorities of the former FR of Yugoslavia draw a comprehensive program in tandem with representatives of the Romany community and international experts. The then political elite's declared intention to have the country integrated into the EU acted as an additional motive that implied a clear-cut anti-discriminatory legislation. The draft

policeman was standing on his head. The policemen then tied him up and knocked his testicles. While in custody – for no reason whatsoever as it turned out later on – Dimic had to eat from the floor and was called names.

⁷ As Jelena Markovic of the Ministry put it, the campaign targets the Roma and other people alike, and is focused on three key problems: education, unemployment and medical care.

⁸ The survey was conducted on the sample 1,027 university students from Belgrade, Nis, Kragujevac and Novi Sad.

⁹ Such stands to not come as a surprise, given that all the interviewees have been raised at the time of media demonization of "others" and in the system based on violence, hatred and chauvinism.

¹⁰ Regardless of enormous hardship, it was social isolation of the Roma that helped them, in a way, to maintain their identity and preserved them from being engulfed by the majority population. This may be interpreted as cynicism, since integration into global society and its sub-systems does not imply the loss of identity and assimilation. Assimilation is possible, but is neither necessary nor the only solution. Unfortunately, the Roma have not been given even the opportunity to get absorbed into the social mainstream.

¹¹ According to Kevin Mannion, head of the Belgrade office of the EU Bureau for Humanitarian Aid, the position of the Roma in the FRY is "very bad," the society does not treat them appropriately, and they are more jeopardized than other groups such as refugees, internally displaced persons and the poor. Gradjanski List, April 24, 2004.

strategy for Roma integration identified 14 key domains¹² in which adequate measures should be taken. An ambitious program as such cannot be implemented without assistance of the international community. Besides, it cannot be simultaneously realized in all identified domains. Therefore, four domains have been singled out as priorities – education, employment, housing and the position of internally displaced persons (IDP).

The priority given to Romany refugees from Kosovo is fully justified. Their position is the worst since they speak Albanian and practice Islam.¹³ About the same refers to the Roma deported from EU countries. As they have not been granted asylum since 1990s, and the regime in Serbia changed in the meantime, some countries such as Germany started the process of their deportation. For many of them, deportation is nightmarish – for, they are supposed to return to Serbia unable to secure basic prerequisites for their everyday life.

Representatives of the Romany community welcomed the adoption of the Law on the Protection of Rights and Freedoms of National Minorities that stipulated the status of a national minority for the Roma. However, this newly granted status cannot improve the situation of the Roma by itself and cannot improve it in the short run. Deeply rooted bias persists regardless of new legislation. The downfall of the Milosevic regime did not imply the ruin of the "old society," of which the Roma – unfortunately, often as innocent victims – are component part.

Historical and Demographical Background

The Roma have been residing in the territory of Serbia for centuries. First settlers came in 14th century at the time of Ottoman invasion in the Balkans. According to Tihomir Djordjevic's categorization, these first settlers were called Turkish Roma, while those who came from Bosnia in the second wave were named White Roma. Both groups practiced Islam. Unlike White Roma who spoke Serbian, Turkish Roma, apart from Romany language, spoke Turkish. The third group – the so-called Wallachian Roma – came from Rumania. Their descendents are assumed the biggest Roma group in today's Serbia. Wallachian Roma converted to Eastern Orthodoxy and mostly speak Serbian fluently. Finally, the fourth group – the so-called Banat or Hungarian Roma – moved to Serbia from Austria-Hungary. A decree passed in 1884 banned Hungarian Roma from Serbia probably because they were not intent to settle for good.

¹² This is about the following domains: education, housing, employment, social and health care, information, culture, political representation, discrimination, position of IDPs and women, asylum seekers and the issue of ID cards. The Romany National Council approved the program.

¹³ The Roma practicing Serbian Eastern Orthodoxy or Catholicism show almost no sympathy for the Roma refugees from Kosovo.

Unlike Hungarian Roma and a part of Wallachian Roma, the first two groups did not manifest nomadic tendency.

Two dialects of the Romany language are spoken in today's Serbia – Arliac and Ghurbeth. Islamic Roma use the former, while those belonging to the Serbian Eastern Orthodoxy usually speak the latter. The Roma in Serbia are also differentiated by education, financial resources, the level of integration, i.e. assimilation, etc. Unlike other minorities such as Hungarians or Slovaks, the Roma have high birthrate. However, just one out of 100 members of the community lives through the age of 60. Their lifespan averages 28 years.

In the last census, 108,196 Roma declared their ethnicity. When compared with the 1991 census, the number of Roma in Serbia (without Kosovo) has grown for 18,180 persons. Out of total Romany population, 79,139 Roma live in Central Serbia and 29,057 in Vojvodina. According to official statistics most Roma live in Belgrade (17.75%), Leskovac (6.46%), Nis (4.85%) and Vranje (4.30%).

The growth of Romany population in Central Serbia and Vojvodina can be explained by their exodus from Kosovo and other ex-Yugoslav territories such as Croatia and Bosnia-Herzegovina, as well as by the high birthrate. Further, this growth can be attributed to the efforts by Romany NGOs aimed at the community's emancipation. In this context, these NGO expected that the number of Roma would be bigger than the one recorded in the last census.¹⁴

The number of Roma in Serbia swings in the long run. For instance, according to the 2002 census the number of Roma doubled from the time of the first, post-war census in 1948 (52,181). On the other hand, when compared with the 1948 census, the one conducted in 1961 showed that this number dwindled to 9,926 persons. Then, the 1971 census showed the Romany population amounted to 49,894 persons. Such huge differences over years should be ascribed to social and political reasons, rather than to demographic ones. What marks today's Roma in Serbia is their tendency to adapt themselves to the communities they live in, adopt other customs and religions, and even declare ethnicities other than theirs. There are many reasons for such "ethnic mimicry." Namely, some Roma wish to avoid being treated as "colored people," "aliens" or "the poor." Further, mostly educated Roma are eager to step out of the "vicious circle of poverty" and thus improve their social status.

"Ethnic mimicry" is an indicator of a society's undemocratic character. The more prominent national and religious mimicry, the less equal citizens and their linguistic, religious and ethnic specificities.

¹⁴ Official statistics do not show the exact number of Roma. Researchers and demographers estimate that there are about 450,000 Roma in Serbia.

II. Collective Rights

Right to Official Use of Minority Language

Though they inhabit all municipalities in Serbia, the Roma are nowhere in the majority nor is the percentage of Romany population in any municipality sufficient to secure them the right of official use of their language. Namely, the Law on the Protection of Rights and Freedoms of National Minorities provides that a minority language shall be officially used in the municipalities wherein the said minority makes up 15 percent of overall population registered in the last census. Many participants in the public debate that preceded the Law's adoption criticized the "15-percent threshold." They took that the rights of national minorities should not be conditioned by their numerical strength – for, as they put it, a solution as such would lead to asymmetrical rights: some minorities would and some would not enjoy the right to the official use of their mother tongue.

Speaking about the Romany language, participants in the debate stressed several obstacles to its official use. First and foremost, they said, the language has not been standardized. In its first report on the implementation of the Framework Convention on the Protection of National Minorities, the FRY claimed that the process of standardization of the Romany language had been initiated, and that the Serbian Academy of Arts and Sciences (SANU) had been entrusted with the task. Some interviewed members of the Romany community pinpointed that Serbian authorities and a part of the Romany elite ignore the fact that the Romany language had already been standardized. Namely, the World Roma Congress held in 1980 in Warsaw adopted the Declaration on the Standardization of the Romany language. In their view, the issue of the language's standardization is politically motivated for the purpose of dividing the anyway heterogeneous Romany community. Apart from enabling a part of Romany elite to realize its particularistic interests at the detriment of the entire community, such division, as they put it, weakens the Roma community, stalls the process of its intra-ethnic integration and plays into the hands of Serbian nationalists – nestled in academic, political and church circles – eager to hold the reins when it comes to emancipation of the Roma.

Right to Information

Given that many members of the Roma community are illiterate, they mostly exercise their right to information via broadcast media, radio in particular. According to the Ministry of Human and Minority Rights, around 80 percent of Romany population are illiterates. Limited market on the one hand, and such a large number of illiterates on the other make up scissors of a kind

that tailor the Roma's media space and "push" the community members into the domain of the broadcast media.

After the October 2000 change of the regime, the number of the media broadcasting information programs in the Romany language grew. In Vojvodina only – inhabited by one-third of the overall Romany population – 19 (municipal and private) radio stations and three televisions (privately owned) air programs in the Romany language. As for Central Serbia, programs in the Romany language are outnumbered only by those in Serbian. Such programs are aired by radio stations in Nis, Kragujevac, Valjevo, Krusevac, Prokuplje, Leskovac, Jagodina, Novi Pazar, etc. State-run radio stations such as the Radio Belgrade and the Radio Novi Sad have been broadcasting shows in the Romany language on daily basis – the former since 1996, while the latter since 1992 from 30 to 150 minutes during the working day and 240 minutes on Sundays. As the Radio Belgrade's signal covers the entire territory of Serbia, its programs in the Romany language are available to most Roma.

Besides, the Roma themselves have set up radio stations. Various interviewees from the Roma community (by the Helsinki Committee) differ when it comes to the exact number of Romany radio stations. However, by far more important than the exact number of broadcasters is the fact that, regardless of the criticism of program quality, the Roma – for instance, those from Nis – perceive these stations as "their own" and believe such media outlets might, at the very least, help to improve their social position. While the media outlets established by other minorities such as Hungarians, Rumanians or Slovaks broadcast solely in relevant mother tongues, the Romany ones air bilingual programs – in Serbian and in Romany. Bilingualism prevails in all Romany print and broadcast media because the Roma themselves speak different dialects, and most of them do not know the codified Romany language at all.¹⁵ However, bilingualism in itself is the way for these media to attract larger audiences and thus keep them informed about the problems that face the Romany community. For, instance the Romany television, "The Voice of the Roma," airs 50 percent of its program in the Romany language and another 50 percent in Serbian. The same refers to the Romany desk of the TV Novi Sad. One full-time journalist and several part-timers make up the entire desk. The program they produce is rebroadcasted by the Channel II of the Radio & Television of Serbia on Sundays at 7:30 a.m. (It goes without saying that a time slot as such is most inappropriate for weekends.) The Internet is available just to a small number of the Roma community.¹⁶

¹⁵ The *Them* biweekly, for instance, is the newspaper for "the Roma and non-Roma."

¹⁶ Several media organizations and media houses such as Multiradio, TV Nisava or Rrominterperess have developed sites in the Romany language. However, access to these sites is restricted by the Roma's educational level and their ability to afford computers.

Presently, the Romany community issues three newspapers - "Glas Roma," "Romljaki Zor" and the "Them" information-political biweekly that has been launched thanks to the efforts exerted by the Romany Mainstream Organization, the Alliance of Vojvodina Roma and the Democratic Romany Union. The "Them" is the only paper in the Romany language in Europe that has been founded by a governmental institution, the Vojvodina Legislature. Attempts to revive the oldest newspaper in the Romany language in the Balkans, "Romano Lil" (founded in 1935 in Belgrade), failed. Actually, the Rominterpress publishing house restarted it in 1995, but had to close the newsroom down in 2000.¹⁷ Due to the lack of funds, children's magazine "Chavrikano Lil," "Romano Them," "Romano Navipe" and "Krljo E Romengo" also had to be closed down.

When it comes to resources – personnel, technical, financial, housing, etc. - the Romany broadcast media are mostly left to their own devices. Earnings from commercial programs, international assistance and subsidies are inadequate to meet their needs, particularly when it comes to quality equipment. Further, these media outlets lack professional journalists and competent technicians. It is only natural that programs produced by semi-skilled staffs cannot be labeled as quality ones. Courses of trainings for Romany journalists might, at the very least, make the problem less pressing.¹⁸ According to interviewees by the Helsinki Committee, the program of Romany media can be improved by rebroadcasting the programs of other broadcasters such as "Radio 021", "Voice of Romanies" or "RTV Nisava". Their broadcasting premises are also inadequate since they are mostly situated in private houses and apartments. In the draft State Strategy for Integration of Romany access to information is identified as one of the 14 sectors that have impact on the improvement of the Romany position. In mid-2004 representatives of the Romany media and media experts made a plan of action for the Romany electronic media with the aim to empower Romany media for independent functioning and better integration of Romany. This plan is to be implemented within the Decade of the Roma Integration (2005-2015).

Right to Education

A survey conducted by the Ministry of Human and Minority Rights showed that out of 29 ethnic communities, the Roma community had the biggest number of illiterates. As one of most serious problems facing the

¹⁷ The newspaper was published bilingually thanks to the financial assistance of the Fund for an Open Society, Belgrade. It was particularly focused on the Roma refugees and distributed to Romany organizations and individuals at home and abroad.

¹⁸ For instance, a seminar for 15 young Romany journalists was organized in Vrbas in mid-2004.

community, illiteracy considerably hinders emancipation and integration of the community members.

Extreme poverty is the major cause of the Roma's illiteracy. Jobless parents can hardly afford to school their children no matter how much they wish to. Many of them, on the other hand, do not attach any importance to schooling. According to the Nis YUROM Center, 78 percent of Romany children never finish schools. Once they finish third or fourth grade of elementary schools, Roma children usually begin to work. Child labor is considered a way to replenish family budgets.

However, poverty is not the only reason why Romany children drop out. Unfortunately, not only their peers, but also teachers make them feel ill at ease. In a story dealing with difficult situation of the Roma population in Prokuplje, the Danas daily correspondent writes, "In almost every classroom a couple of benches in the last row are set aside for Romany pupils. If a non-Romany child misbehaves himself at school, a teacher punishes him by seating him together with a Gypsy on a bench in the last row."¹⁹ Romany children are often exposed to ridicule, discriminated and humiliated by their peers. A 10-year old Romany pupil of the Djura Jaksic Elementary School in Kikinda was forced by his classmates to kiss their sneakers.²⁰ Among other things, incidents as such make Romany parents withdraw their children from elementary schools.

Further, Romany children are sent to schools with meager social and cultural capital. They are also handicapped language wise. According to the Romany Mainstream Organization, 37 percent of Romany children do not speak Serbian at all. Therefore, little Roma usually end up in special schools, though they are not disabled in any other way.²¹ Even those attending regular schools²² are often isolated by their peers and neglected by teachers. Since this considerably affects their learning ability, they are sent to special schools.

Aware that socio-economic position of the Roma will never improve unless Romany children – girls in particular – are fully integrated into the system of education, some NGOs from Nis, Novi Sad, Kragujevac, Cacak and other towns developed education programs aimed at teaching Romany

¹⁹ Danas, November 21, 2002

²⁰ Danas, January 23, 2002

²¹ Romany children make up around 80 percent of special school students. Namely, the same as other children of school age, Romany children have to pass tests to prove they are able to attend elementary schools. A number of Romany children fail to pass these tests and are, therefore, allocated to special schools. Dragoljub Ackovic explains this by the fact that the admission tests are in Serbian and hardly understandable to the majority of Romany children. Once they finish special schools, Romany children cannot apply for regular secondary schools. This is how the system of education additionally aggravates the existing social handicap.

²² According to Slavoljub Djordjevic, program director of the Romany Information Center, a school in Kragujevac has been avoiding to admit Romany children for years. Dnevnik, July 18, 2003.

children the Serbian language and helping them finish their schooling. For instance, the "Bibiache Chave" Romany Association has set up a training center that provides supplementary lessons for Romany children. Within the "Equal Chances" project, some schools in Kragujevac engaged Romany assistants to help Romany pupils to master curricula. On the other hand, engagement of Romany assistants was perceived as a threat to other teachers' authority, said the Helsinki Committee's interviewees in Nis. In some schools in Novi Sad and Subotica, it were parents who protested against educational authorities' decision to enroll Romany children from Kosovo in existing classes. In parents' view, separate classes should be set up for these pupils. Further, there is a school in Nis "Vuk Karadzic" that is mostly attended by Romany children. Parents of Serbian children in the neighborhood are reluctant to enroll them in this school and rather opt for other, "Serbian schools."

When compared with students from other ethnic communities, Romany children are notably underrepresented in the system of education.²³ Out of 180,012 elementary school students in Vojvodina, only 4,757 come for the Roma community. The Romany students attending classes in Serbian are given courses of training in the Romany language and culture. However, only 425, i.e. 10 percent of total number of these students attend the courses. Romany students are even more underrepresented in secondary schools. Out of Vojvodina's 79,378 secondary school students, only 203 come from the Roma community. It should be noted that other minority communities in Vojvodina – such as Bosniaks/Muslim, Ruthenians or Macedonians – are smaller than the Roma community – have by far more secondary school students. Only 52 Roma were students at all universities in Serbia and Montenegro in the 2001/2002 school year.

Apart from NGOs, governmental agencies – primarily the Ministry of Human and Minority Rights – attempt to improve the level of Roma education through affirmative actions, distribution of textbooks, scholarships and grants.²⁴ In the Draft Strategy for integration of Romany education is singled out as one of four priority spheres important for improving the position of Romany community. Special attention is paid to the role of parents, teachers and Romany assistant in the schools, but also to curricula. Only one Romany poem is included in regular curricula.²⁵ In this context, the system of education

²³ Only one pre-school institution in Vojvodina (in Sombor) provides training in the Romany language for children ages 3-7.

²⁴ In 2003, the affirmative action embraced 41 university students and 39 secondary school students. Around .

6 thousand textbooks were distributed free of charge. Grants amounting to 200 thousand dinars were given to the schools that had submitted projects for better education of Romany students.

²⁵ In the winter semester of the 2004/2005 academic year, a school of Romany language, culture and literature will be established at the Novi Sad University. Though

nothing but mirrors the general attitude towards Romany culture and tradition, it does not recognize the important contribution of Romany culture to the culture of the Serbian society.

Right to Enjoy Minority Culture and Tradition

The Romany culture is an integral part of Serbia's multicultural reality. In the wider cultural framework Romany culture is not only important and enriching element, but is also highly differentiated within itself. These differences come out from various historical circumstances. For, having lived amid or side by side with other ethnic communities the language and other differences emerged.

In the attempt to maintain their culture, the Roma are faced with scores of problems, two of which figure as major ones. As referred to in the paragraphs above, the Roma community has the biggest number of illiterates and, consequently, the smallest cultural elite. Thus its importance is even bigger, not only for promotion, but also for reproduction of Romany culture.

Maintenance of any culture necessitates a number of institutions aimed at securing the culture's recognizable character, stability and durability. The fact that the Roma have to cope not only with financial problems, but also with a kind of institutionalized racism, makes maintenance of their culture by far more demanding and challenging task. Besides, as the Roma have been enjoying the status of a national minority as of lately, the state had not been formally obliged to assist their cultural development on equal terms with other ethnic communities.

Though its overall position is worse than that of other minority communities, and its intellectual and financial resources rather scarce, the Roma community managed to establish several major institutions such as the Roma Main Assembly, the Roma Cultural Center, the Roma Information Center, the Roma Society, the Vojvodina Society of Romany Language and Literature, the Roma Information-Documentation Center, etc. The scope of activity of these institutions, however, is limited by the above-mentioned problems. The Romany Mainstream Organization has launched a major project aimed at organizing the curricula in the Romany language in elementary schools. Trifun Dimic, author of "Pismenica," the ABC's of the subject "Romany Language and National Culture," and "Traditional Romany Literatures in Vojvodina", founded the Society for Romany Language and Literature in 1987.²⁶ The Romany Mainstream Organization has also founded the Romany Cultural

focused on the members of the Roma community, the school will admit other students as well.

²⁶ Trifun Dimic has translated "Tora," "Gilgamesh Epic," "New Testament" and "Prayer Book" into the Romany language. The latter is used in religious ceremonies held in the Romany language within the Serbian Orthodox Church.

Troupe that includes a women chorus, a string orchestra and a folk dancing ensemble that assembles girls aged 7-12. Apart from Novi Sad, Romany cultural societies have been set up in Sremska Mitrovica, Novi Becej, Srbobran, Vrsac, Sombor, Nis, Pozarevac, Zajecar, Smederevo, Velika Plana and other towns throughout Serbia.

As for cultural events, the Roma community organizes 'the Festival of Romany Cultural Attainments', 'May Song,' 'the Children's Festival and the Painters'-unique manifestation of children 4 to Colony, held for three years in a row in Trstenik. As some representatives of the Roma community put it, all these events should be modernized and a long-term solution to their funding should be found.

The Roma Information-Documentation Center was set up in mid-1997 in Belgrade with a view to gather and distribute documents dealing with the Roma, and thus create a basis for the study of their history. Gathering information about Roma refugees and violation of their rights - in Serbia and in other countries - is among the Center's priorities.

The newsrooms of three Romany magazines had to be closed down since their publishers - the Society of Romany Language and Literature, the Rrominterpress - failed to secure necessary funds. Up to now, the Rrominterpress, non-governmental publishing house, issued 10 books within the edition named "Special Editions."

The Roma in Serbia have no theaters, museums, archives, galleries or libraries of their own. Without such institutions and a cultural elite, the safeguard and development of the Romany culture are hardly viable. This is why other cultural institutions in Serbia - of which the Romany culture is a component part - should be more responsive toward the needs and constraints of the Roma community.

It should be noted that the Commission for Study of Roma Life and Customs has been working within the Serbian Academy of Arts and Sciences since 1989.

Right to Political Organization

At the time of communist rule, members of the Roma community kept low political profile - they were neither included in the ruling nomenklatura nor participated in the decision-making process. However, when political parties began to emerge after 1990, the Roma also set up their parties.

According to representatives of the Roma community, seven Romany parties are active at today's political scene.²⁷ Their influence on the Roma

²⁷ The Congress Romany Party, the Social Democratic Party of the Roma, the Democratic Party of the Roma, the League of Romany Democrats, the Social Democratic Union of the Roma, the Democratic Romany Union of Vojvodina and the newly emerged Romany Democratic Party (set up in 2004 in Novi Sad).

community is small, not to mention their impact on the society as a whole, said the representatives. Romany party officials are inexperienced, the parties have not developed necessary infrastructure, while the community members are neither willing to actively partake in politics nor motivated to see their parties run in elections. On the other hand, with an eye to attract new voters and supporters, Serbian political parties attempt to profit from the Roma's illiteracy and poor political organization.

The Roma themselves, said the representatives, need parties that will be fully dedicated to the improvement of their position and help them solve problems of everyday life, rather than paper parties to be launched at press conferences only. The Romany vote, amounting to 200,000 citizens, might win around 10 parliamentary seats, which suffices to form a Romany caucus. A caucus as such may stand for the betterment of the community's position. However, the Roma's voting potential has not been put to use and the Roma are not represented in places they should be - in the parliament, administration, the police, etc.

The Roma community has not a single representative in the Serbian Parliament or in the Parliament of the State Union. Several Roma who hold offices at municipal level have not been elected as representatives of Romany parties. For instance, deputy mayor of Nis is a Romany. Provincial bodies engage just one person of Romany origin, one adviser to the Minister of Human and Minority Rights is a Romany, the same as a judge of the Stara Pazova Municipal Court. The Roma are underrepresented in governmental agencies and administration not only because of longstanding discrimination, but also because of their limited intellectual resources. Implementation of the principle of guaranteed parliamentary seats for every minority community, including the Romany one, is a way to solve the problem of underrepresentation, said the representatives of the Roma community.

The Romany National Council was established in May 2003. Ever since, the Council has been engaged in drafting the strategy for Roma integration and in making relevant plans of action. In 2004, some Romany organizations, dissatisfied with the Council's performance, set up the Initiatory Committee for Deposal of the National Council.

III. Conclusions and Recommendations

The very fact that the Roma are socially marginalized and subjected to permanent discrimination obliges the state to adopt a policy aimed at improvement of the community's overall situation. In this context, the Draft Strategy for the Roma Integration and Vesting New Powers in the Roma Community figures as a sound basis. However, relevant ministries and the Romany National Council have to breathe life into the Strategy's recommendations and start to implement them as soon as possible. Taking into

account the situation of Serbia's economy, the Strategy will be hardly workable unless fully supported by the international community. On the other hand, the international community's assistance highly depends on the government's attitude towards The Hague Tribunal, more and more frequent interethnic incidents in Vojvodina and readiness to press for reforms.

In the Helsinki Committee's view, education of the Roma is the most important resource for the improvement of the community's overall position. Education not only makes the Roma's integration into the labor market more easier, but also contributes to their economic, social and cultural progress. Further, it is through the process of education that the Romany community gets teachers, professors, journalists, etc. of its own – its own creative intelligentsia, "organic intellectuals" that are so important for the maintainance and development of the Romany culture. At the same time, enlightenment is the most efficient way to end the state's tutelary attitude towards Romanies and the Roma community itself.

Bearing in mind circumstances and developments referred to in the chapters above, the Helsinki Committee puts forth the following recommendations:

- As many as possible Romany children should be included in the system of education. Measures of affirmative action should increase opportunities for the Roma, particularly in pre-school education.
- Any betterment of the position of the Roma minority implies an amended elementary school enrollment policy. Relevant texts should be adjusted to Romany children, and evaluated in tandem with Romany pedagogues. Elementary schools should engage Romany assistants so as to have the number of Romany children sent to special schools reduced.
- Given that education of Romany children necessitates the presence of "Romany assistants," elementary school staffs should be sensitized to this requirement.
- Schools attended by many Romany children, parents and social care centers should establish closer cooperation with a view to making it possible for Romany pupils to pursue their studies in secondary schools. This is particularly important when one bears in mind that many Romany parents withdraw their children from schools so as to make them work.
- Apart from Cyrillic alphabet, the textbooks for Romany children should be printed in Latin alphabet as well, given that this is the alphabet of their mother tongue. Besides, many Romany children attend classes in other minority languages that also use Latin alphabet. In Vojvodina, for instance, around 500 Romany pupils attend such classes, mostly those organized for Hungarian children (321).
- Lessons in Romany history and culture should be introduced in school curricula. Such innovation will produce multiple effects – non-Romany children will not only learn more about the Roma and become aware of their cultural heritage, but might also change their attitude towards their Romany classmates.

Further, all derogatory remarks about the Roma and those that incite bias should be removed from textbooks.

- All requests for setting up separate classes for Romany children should be turned down. In this context, school authorities should be asked to "manifest strong will and moral guidance" with a view to preventing segregation.
- Anti-discrimination legislation adjusted to international standards should be adopted as soon as possible. Such legislation should provide that all relevant authorities – the police, prosecutor offices, etc. – are obliged to react promptly at any case of discrimination, and that victims of discrimination are entitled to free legal aid.
- Relevant authorities should come to grips with ill-treatment of members of the Roma community by the police. For this purpose, courses of training in minority legislation and rights should be organized for policemen.
- Councils for interethnic relations should be set up in all municipalities with no exception. (Nis is among the towns that have not formed a council as such.) These councils are provided under the Law on Local Self-Government.
- Efforts aimed at institutionalization of the Romany culture should be backed. These goals can be attained by supporting the Roma Center, the Roma National Orchestra, the Romany Language Department, the Romany Historical Archive, etc. The existing cultural institutions should open the door to the Romany culture and fully incorporate it in their activities. Relevant governmental agencies should financially or in some other way assist organization of Romany cultural events.

The state should develop programs aimed at solving the pressing problem of unemployment among Romany population. A program as such should include vocational training for community members on the one hand, and motivate employers to engage them on the other. The Roma running businesses at the gray market should be assisted in the process of legalization, while those eager to become entrepreneurs should be encouraged through courses of training, tax benefits and favorable credits.

BOSNIAKS

I. Introduction

Members of the Bosniak community are mostly concentrated in Serbia's territory known as Sandzak. The region spreads over both member-states of the Union of Serbia and Montenegro, and borders on Kosovo, Albania and Bosnia-Herzegovina (the latter is a mother country of Sandzak Bosniaks). Like Hungarians and Kosovo Albanians, Sandzak Bosniaks figure as a "border" minority community. The issue of Bosniaks can be, therefore, discussed from the angle of minority rights and that of territorial arrangements. Members of the Bosniak community nourish a memory of Sandzak as a separate administrative unit and its short-lived autonomy during the WWII.

In ex-Yugoslavia, Bosniaks – called Muslims at the time – enjoyed the status of one of the six constituent nations. Once ex-Yugoslavia dissolved, Sandzak Bosniaks found themselves in the position of an unprotected and jeopardized minority the identity of which was often rudely negated. The situation of those living in the villages of the Priboj municipality – bordering on Bosnia-Herzegovina – was particularly difficult. Exposed to threats and all forms of violence, many left their homesteads and went to Priboj, Novi Pazar and Sjenica, while others found safe havens in Turkey and EU countries. According to the documentation gathered by the Sandzak Helsinki Committee, these villagers were often abused by the police supposed to protect them. Representatives of the Bosniak community in Novi Pazar told the Helsinki Committee's team that over 17,000 Bosniaks had been taken into custody, beaten up and maltreated at the time of Milosevic's rule.¹

Representatives of the Bosniak organizations kept alerting both domestic and international bodies to Bosniak's difficult situation, violence and discrimination against them. In July 1997, the Bosniak National Council of Sandzak adopted the Declaration of Bosniaks' Right to Political and National Equality. The Declaration quotes that Bosniaks would not accept inequality and are entitled to set up national, cultural, religious, educational, scientific, economic and political organizations/institutions of their own with a view to safeguard their existence and national identity. The Declaration also emphasizes that Bosniaks oppose the war, any use of force and imposed political solutions, and that they are interested in preservation of (the then) FR Yugoslavia as a federation wherein Sandzak would enjoy the status of a

¹ Participants in the round table organized in Novi Pazar pinpointed that police ranks were practically intact. As they put it, all "bullies" were still there, and criminal charges had been pressed against one policeman only.

modern territorial-political unit and a high level of autonomy (in keeping with the referendum of October 25-27, 1991).²

The demand that Sandzak should be arranged as a separate federal unit derives from the reasoning that such solution would create favorable conditions for the maintenance of Bosniaks' identity and the region's economic growth. Sandzak's industrial production has been on a downward curve ever since 1990. Food production stalls. State-owned enterprises are overburdened with loans and work beyond capacity, which makes them unattractive in the process of privatization. On the other hand, the country's opening to the world after October 5, 2000, adversely affected Sandzak's private sector.³ Import of cheap clothing from Turkey, China and other countries forced domestic manufacturers to reduce production and fire workers.⁴ On several occasions did Sandzak businessmen address governmental agencies to express their dissatisfaction with the fact that the country's opening to the world had not been followed by adequate measures aimed at protecting the minimum of their interests and creating favorable circumstances for transition from gray economy to regular one. The state's indifference to Sandzak, many Bosniaks believe, is not coincidental. They take that this is best illustrated by the laws that discriminate not only Bosniaks, but also Sandzak as a region. For instance, the Law on Fostering Economic Growth in Underdeveloped Areas lists all places inhabited by Serbs, and only one where Bosniaks live. Further, the Law on Investment Planning in Serbia till 2010 does not envisage a single major investment in Sandzak. Stalled economy, high social expenditure, ethnic bias and discrimination might easily radicalize Sandzak and turn it into a dangerous hotbed of crisis.⁵

After Milosevic's regime was overthrown, Bosniak nourished a hope that the new, post-October Serbia would offer them the opportunity to build institutions of their own and pay due heed to their interests. Their interests included maintenance of the FR of Yugoslavia (today's State Union of Serbia

² Actually, the Muslim/Bosniak National Council of Sandzak put forth two documents dealing with a special status, i.e. autonomy. The two documents have never been placed on public agenda. Moreover, attempts of Bosniak representatives to have the issue of Sandzak included in the process of drafting the Constitutional Charter were of no avail.

³ Sandzak's private sector begun to boom in 1990. Scores of private businesses were started in Novi Pazar that soon become the biggest producer of jeans in the territory of ex-Yugoslavia.

⁴ By the end of 2003, the unemployed in the Novi Pazar municipality amounted to 20,000.

⁵ Faced with poor prospects, many young people turn to Vehabism. Islamic religious leaders admit that there are vehabs in the territory of Sandzak, but call them an insignificant group. Interestingly, the public interest in vehabs grows in parallel with more and more Bosniaks actively engaged in politics.

and Montenegro), promotion of their culture and national identity and solving of all crimes committed against Bosniaks in Milosević's era.

Unlike Muslims/Bosniaks in Montenegro, who apparently stand for an independent Montenegro,⁶ Serbia's Bosniaks take that economic, political and national interests call for maintenance of the State Union.⁷ According to the latter, separation of Serbia and Montenegro will divide Sandzak as a unique multicultural and multiethnic region and thus divide the very Bosniak community. Fragmentation of the Bosniak community will turn it into a statistical minority with totally reduced political, economic and demographical power.⁸ Consequently, a larger state framework is more favorable not only to maintenance of ethnic and cultural identity as it implies Sandzak's wholeness,⁹ but also to inter-ethnic tolerance and exercise of minority rights.

Members of the Bosniak community are most concerned with having all war criminals, particularly those who had committed crimes against Bosniaks, brought to justice. Some trials have taken place, but people are dissatisfied with relevant verdicts. For instance, four members of the para-military unit called "Revenge" were put on trial last year in Belgrade. They were accused of the abduction of 17 passengers from the bus on the Sjeverin-Priboj road (October 1992).¹⁰ The accused were sentenced to 75-year imprisonment. Families of the

⁶ Independent and internationally recognized Montenegro suits Muslims, says Avdul Kuprežović, president of the Muslim Mainstream Organization.

⁷ Assembled in Rozaje on December 1, 2001, Bosniak political parties, coalitions and NGOs released that separation of Serbia and Montenegro would be contrary to the interests of Sandzak. The meeting appealed to the international community to join the process of defining Serbia-Montenegro relationship, wherein Bosniak representatives would participate on equal footing.

⁸ Pro-Serb nationalists in Montenegro messaged Bosniaks in this republic that they would be labeled as culprits in the event of Montenegro's secession. Some Bosniak representatives took that minorities should abstain from a possible referendum on Montenegro's independence. For instance, Hodo Katal of the "Ruka" Association said that Bosniaks should boycott such referendum, and that the vote should be left to Serbs and Montenegrins only. With ex-Yugoslavia's dissolution, Bosniaks have been put on a hot seat – they risk to be accused of pro-Serbian stands if they insist on the state union, or, if they opt for a sovereign Montenegro they will be, for sure, called to account for "breaking the backbone" of the Bosniak community and dividing Sandzak.

⁹ Some Bosniak politicians take that Sandzak need not be divided in the event Serbia and Montenegro become two independent states. According to them, a referendum should decide whether the region should entirely be incorporated in Serbia or in Montenegro. If a part of Serbia, it should be granted autonomy, the same as Vojvodina. Should it be in Montenegro, Montenegro itself would have to be composed of two entities – Montenegrin and Bosniak/Muslim, say advocates of this hard-line option such as Dzemail Suljević of the People's Movement of Sandzak.

¹⁰ According to the indictment, the abducted Muslims were transported to Republika Srpska where they were brutally treated and killed. Their bodies were thrown in the Drina River.

victims and their lawyers were embittered by the fact that the masterminds of the crime have not been arrested and brought to trial.¹¹ In the case of Srpci abduction, only one defendant was tried and convicted to 15-year imprisonment. This indicates the authorities' intention to "hush up the policy that was nothing but a pogrom – ethnic cleansing of Sandzak."¹²

Representatives of the Bosniak community single out these two cases with good reason. They see them as watersheds in post-October Serbia's readiness to break with impunity for war crimes. As they put it, these two cases testify that there has been no political will to reexamine the state and state institutions' responsibility for the crimes.¹³

Drastic violation of human rights, destroyed property and highly disturbed interethnic relations are just parts of the legacy of the past. Wise policies and appropriate legislative and institutional solutions – aimed at creating a new pattern, sensitive to any violation of human rights – are necessary to overcome a legacy as such. The incidents that have taken place in Sandzak over last several years testify that the legacy of the past still burdens the region and that the society is still prone to ethnically motivated conflicts. Most characteristic in this context are the incidents that occur during sport events. This is when nationalistic sentiments culminate in the audiences. During the football game between "Rad" and "Novi Pazar" teams in September 2003, the audience cried slogans such as "We shall kill, we shall slaughter," "Kill Serbs," "From Topola to Ravna Gora," "Hashim Tachi," "Radovan Karadzic," "Mladic," "Srebrenica," etc. Similar incidents took place before this one.¹⁴ When the Yugoslav basketball team won the world cup in 2003, groups of Serbs and Bosniaks engaged in a fight in downtown Novi Pazar to "celebrate" the victory. The police managed to break up the fight. However, a day later two Serbs were beaten up. This provoked the rest to blockade the Sestovo road for three hours. The town's officials condemned the incident with one voice, but differed when it came to the issue of responsibility. The Bosniak National Council of Sandzak said Serbian extremists from the Novi Pazar police ranks and nationalists who

¹¹ Two defendants were tried and convicted in absentia though the police, according to the media, knew their whereabouts. Besides, the court accepted that "Revenge" had come from the Visegrad Brigade and then quoted that no para-military troops had been included in the Brigade. Actually, the court avoided tackling the accountability of Republika Srpska Army and the Yugoslav People's Army.

¹² See, Danas, February 27, 2002.

¹³ The case of "24 Bosniaks" accused by the Milosević regime for "violent secession of a part of Serbia's territory and creation of the state of Sandzak" clearly show that there is still no political will to have all the cases solved. The trial started in May 1993 and has not been put to an end so far.

¹⁴ The media extensively covered the incident that took place at the basketball game between Yugoslav and Turkish women teams. The local public cheered the Turkish team on. However, no media outlet mentioned the fact that several girls from Sandzak had played in the Turkish team.

had come from Raska were to blame. The Committee for the Protection of Serbs claimed it were extremists from the Sandzak Democratic Action who staged the incident so as to attract voters and supporters.

At the ceremony in the village of Pope nearby Tutin, organized to mark sanctification of the newly built Maria Magdalena Church – assembling high governmental officials, and dignitaries of the Serbian Orthodox Church (including Bishop of Raska-Prizren Artemije) and the Islamic Religious Community – the crowd chanted Radovan Karadzic and Ratko Mladic. The gathering itself could have been an example of religious and ethnic tolerance, the more so since Bosniaks assisted in the church's construction.¹⁵ On the other hand, citizens of Priboj, Prijepolje and Nova Varos found in their mailboxes pamphlets appealing to them not to take part in celebration of Christian holidays. The pamphlets were signed by the Organization of Active Islamic Youth. All political and religious organizations condemned the pamphlets that, as they put it, incited religious and inter-ethnic intolerance.

Prompted by such incidents – and dreading further radicalization and extremism – some citizens, Serbs in particular, have been leaving Sandzak. There is no telling how many of them have moved out up to now. Soaring real estate prices in Sandzak fanned the flame of insecurity among Serbs. Serbs and Bosniaks alike agree that people are moving out, but their explanations are ethnically hued.¹⁶ Such ethnic hue is present almost everywhere. For instance, Serbs call the region Raska, while Bosniak refer to it as Sandzak.

Historical and Demographical Background

Members of the Bosniak community have been living in the territory of today's Serbia for centuries. Bosniak is an old name – namely this is how Muslims of Slavic origin in Bosnia were referred to by Turks in Ottoman era. Revived in the course of ex-Yugoslavia's disintegration, the name itself was plebiscitary accepted by the Second Bosniak Convention in 1993 in Sarajevo. Bosniaks were called Muslims in the former Yugoslavia and that is how they declared their ethnic origin in the censuses conducted in the period 1961-91. To denote an ethnic origin the name was written with a capital M. A small letter was used for people who practiced Islam. In this context, Muslims/Bosniaks were unique, given that ethnic and religious identity of other peoples were termed differently. For instance, Serbs mostly practiced Serbian Eastern Orthodoxy, while Croats Catholicism. As the crisis in ex-Yugoslavia became deeper and deeper, the term Muslim was less and less written with a capital M.

¹⁵ See, Rights and Freedoms in Sandzak, No. VI, the Sandzak Committee for the Protection of Human Rights, Novi Pazar, 2004, p. 91.

¹⁶ A report by the London-seated Institute for War and Peace Reporting says that such trend might bring about a strong reaction by Serbian nationalists and provoke a new Balkan crisis.

This seemingly insignificant detail actually screened a policy of genocide that denied any historical, ethnic or cultural identity to Muslims. The denial to recognize Bosniaks as Slavic Muslims – often referred to as Islamized Serbs – testified of an utterly intolerant climate. Such intolerance sourced from the ideology propagating augmented nation and (ethnically cleansed) territory. Opposing possessive, nationalistic policies on the one hand, and declining to be determined by a religious term on the other, members of the Bosniak community wanted to be recognized under the name they have chosen on their own and that also makes them ethnically different from other Yugoslav nations speaking the same language.

According to the March 2002 census 136,087 Bosniaks live in Serbia (135,670 in Central Serbia and 417 in Vojvodina). Most of them – 134,128 – dwell in the Serbian part of Sandzak. Bosniak are in the majority in three out of six Sandzak municipalities (Novi Pazar, Tutin and Sjenica). More Bosniaks inhabit urban (74,154) than rural areas (59,974).

The 1991 census showed that Sandzak was clearly divided between two major ethnic groups. While Bosniaks were in the majority in Novi Pazar, Sjenica and Tutin municipalities, Serbs were in the majority in Priboj, Prijepolje and Nova Varos municipalities. The overall Sandzak population has decreased for 22,101 persons since. (257.668: 235.567). Between the two censuses, the Bosniak community decreased for 13,190 persons,¹⁷ mostly due to ethno-nationalistic policies and the war in the territory of ex-Yugoslavia. The policy of repression, particularly during Bosnian and Kosovo wars, scarred not only Sandzak's ethnic structure, but also relations between two biggest communities. Though major factors of emigration, war, fear and sense of insecurity were not the only reasons why people from the Bosniak community left Sandzak. They were also faced with meager economic prospects and a reduced framework for satisfying their legitimate interests and needs.

In the 1991 census Muslims/Bosniaks declared they were Muslims,¹⁸ while in the 2002 census they used both names – Muslims and Bosniaks. In the meantime – between the two censuses, Yugoslav federation dissolved. Two conflicting ethno-nationalistic concepts begun to identify once Muslims either as Serbs or Croats practicing Islam. Intent to emphasize the traits of Bosniak identity, the Congress of Bosniak Intellectuals – held in 1993 in Sarajevo –

¹⁷ The number of Serbs decreased for 5,965, Yugoslavs for 1,503, Montenegrins for 1,072, the Roma for 373 persons, etc.

¹⁸ From the 1961 to the 1991 census, all persons who declared they were Muslims were registered as such. In the 1953 census they were classified as "undecided Yugoslavs." In the first post-WWII census, in 1948, ethnic Muslims were given the opportunity to opt for the terms such as "Serb-Muslim," "Croat-Muslim," etc. However, Serb-Muslims were counted as Serbs, Croat-Muslims as Croats, etc. See, Methodological Explanation, Results of the 2002 Census, the Statistics Bureau of Serbia, Belgrade, pp. 7-8.

decided by majority vote to accept a new name: Bosniaks¹⁹ As of 1996, all Bosniak parties and organizations in Sandzak have adopted this name. As a new census drew nearer, Bosniak parties and organizations were ever louder in their demands that a new modality – Bosniak – should be added to the census classification. This demand was met, and the census classification was innovated by yet another three new modalities (Ashkalia, Goranac and Cincarín).

The fact that some residents of Sandzak retained their "old" ethnic name, Muslims, in the 2002 census testifies that the process of Bosniaks/Muslims' national integration is still underway.

II. Collective rights

Right to Official Use of Minority Language

The language spoken by four peoples in ex-Yugoslavia shared the latter's fate: it "disintegrated" into several "separate" languages.²⁰ Following the example of Serbs and Croats, Bosniaks named their language after their ethnic name. Under the Law on the Protection of Rights and Freedoms of National Minorities, a minority language is officially used if the specific minority makes up 15 percent of the total population of a local self-government community, as registered by the last census. The Nova Varos municipality is the only one out of six Sandzak municipalities that fails to meet this requirement. As for the remaining five municipalities, the Bosniak language is officially used in three – Novi Pazar, Sjenica and Tutin. The fact that Serbian is the only language in official use in two municipalities proves that the majority of councilmen turned a blind eye not only to the Law on the Protection of Rights and Freedoms of National Minorities, but also to the Law on Local Self-Government.²¹

It is interesting to note that even in the places where it has been officially introduced the Bosniak language is not used in keeping with letter of the law, the more so since it is only natural to expect that the Bosniak elite in power should insist on full implementation of legal provisions. For instance, some ballots for recent presidential election were printed in Serbian language and in

¹⁹ The parliament of Bosnia-Herzegovina also decided to replace the name Muslim by Bosniak.

²⁰ Politically motivated, such "multiplication" of languages mirrors the fact that language was one of the instruments of Serbian nationalism. Namely, Serbian nationalists claimed that all people speaking the "kajkavski" dialect were Serbs. This was the way to negate Croat, Bosniak and other nationalities.

²¹ The Law on Local Self-government provides that municipal statutes shall determine the languages and alphabets that are in official use in their territories (Article 18, Para 29).

Cyrillic alphabet, rather than in Bosniak and in Latin alphabet.²² During its fact-finding mission in Priboj, the Helsinki Committee's team was informed about the instances of linguistic purism and censorship. For example, the local radio station would never air a piece of information containing the Bosniak term "daidza" that denotes uncle. Though censorship as such is not in the domain of the official use of a minority language, it mirrors, in a way, the manner in which ethnic cleansing moved from the terrain of Priboj and surrounding villages to the domain of language.

An incident that took place on the day the Bosniak language and Latin alphabet were officially introduced in the Novi Pazar municipality is an illustrative instance of politics' omnipresent influence. Namely, Serbian councilmen walked out the moment the local parliament begun to discuss the issue of language.

Right to Information, and Right to Enjoy Minority Culture and Tradition

Most media in Sandzak can hardly be labeled as Bosniak in terms of a professional approach to the safeguard and promotion of Bosniak culture. Sandzak media are highly commercialized. Information and cultural programs are, therefore, assigned a back seat. In this context, professional journalism, as well as local political elites attempting to shape public opinion through the media are also open to criticism.²³

The Sandzak media face chronic money problems. Therefore, some print media are not issued regularly and some such as The Parliament weekly had to be closed down.²⁴ Apart from the only weekly, "Sandzacke Novine," and the Sanapress News Agency, two literary magazines are published in Sandzak – "Sent" (8 issues up to now) and "Mak" (35 issues so far).

²² The Republican Electoral Commission met this legal obligation in the Novi Pazar municipality, but not Sjenica and Tutin municipalities. Esad Dzudzevic, president of the Executive Council of the Bosniak National Council, sent a letter to Maurizio Massari, head of the OSCE Mission to Serbia and Montenegro, to inform him about this transgression.

²³ The media outside Sandzak, said representatives of the Bosniak community, are also open to criticism. Their one-sided and simplified reports present Sandzak as a murky region in which smuggling and other crimes flourish.

²⁴ There are private TV stations ("TV Jedinstvo") and public broadcasters (the Radio Novi Pazar and the Regional TV); the print media ("Sandzacke Novine") and religious newspapers ("The Voice of Islam"); weeklies and monthlies ("Mosaic" and "Mak"). The Radio 100 Plus is financed by the French government and its signal covers the area from Berane (Montenegro) to Zvecane (Kosovo). The radio produces quality programs and airs newscasts in one-hour intervals. The Novi Pazar-seated news agency, SANAPress, disseminates information to 30 users, including the OSCE, the Serbian government and the Montenegrin government.

There is no professional theater in Sandzak. Novi Pazar has an art gallery and the historical archives. Three out of six municipalities have museums (Prijepolje, Novi Pazar and Priboj). According to the representatives of the Bosniak community in Priboj, the local museum is not in keeping with the municipality's multiethnic character, given that it does not present Bosniak history and culture in an adequate manner. Priboj, Novi Pazar, Nova Varos, Prijepolje and Tutin have cultural centers. There are libraries in all six Sandzak municipalities, but none of them has the status of main library.

Bosniaks in Sandzak obviously lack institutions capable of promoting their cultural traits. As Bosniak representatives put it, the problem can be solved through establishment of a Bosniak language and culture institute, a professional regional theater and other institutions that would encourage the Bosniak community attempting to maintain its culture. In this regard, Bosniaks are looking forward to subsidies from relevant ministries.

The community members' tragic experience of ex-Yugoslavia's disintegration explains, in a way, the region's institutional deficiency and non-existent cultural model for Bosniaks' integration. In the atmosphere marked by powerful, militant nationalism, intimidation and ethnic cleansing, the very survival was by far more important than all other problems, including those of institution-building.

Right to Education

Perceiving education as a major identity-building resource, representatives of the Bosniak community in Novi Pazar and Priboj pinpoint the flaws in this domain. They are not only dissatisfied with the very network of educational institutions, but also with school curricula and the language used in the process of education. Sandzak Bosniaks are schooled in 48 elementary schools, 14 secondary schools, two higher schools, in three classes formed within Belgrade and Kragujevac universities, and at two Sandzak universities. However, unlike other minorities such as Hungarians in Vojvodina, Bosniaks students in Sandzak are neither taught in their mother tongue nor offered optional courses of training in their mother tongue and culture. The similarity between Bosniak and Serbian languages is nothing but a pretext. For, no matter how similar Serbian and Croatian languages are, Croatian students in Vojvodina enjoy the right to education in their mother tongue in several schools.

According to representatives of the Bosniak community, the situation in the domain of education is even worse than it used to be before October 5, 2000.²⁵ Not a single new school has been built since, and the state has made no investment in existing schools. Overcrowding is a pressing problem in all

²⁵ As for pre-school education, there are more kindergartens in Nis than in the entire region of Sandzak.

schools. The existing network of secondary schools is inadequate to meet the needs of Bosniak and other students alike. Their education costs more since they are forced to attend schools in other regions. Establishment of some vocational schools – such as medical and technical engineering schools, and mathematical gymnasium – could solve the problem.

The problem of school curricula, said the participants in the round table, is to be tracked down in the fact that Bosniak and Serbian students alike are not given the opportunity to learn about Bosniak culture and tradition, rather than in the fact that Bosniak students are offered lecture courses in the majority nation's history and culture only. For instance, literature classes for elementary school students include books by 221 authors. Out of this number, only 4 authors are Bosniaks. Situation is about the same when it comes to music and history. Bosniak music and history are totally ignored in school curricula.

Sandzak Bosniaks and Serbs alike speak "ijekavica" dialect. However, school authorities insist on "ekavica" dialect and grammar. Both teachers and students are thus forced to speak and write in a dialect they do not use in everyday life. Besides, school authorities insist on Cyrillic alphabet in spite of the fact that Bosniaks use Latin alphabet.

Novi Pazar has two universities. Setting up of these universities not only made academic education available to Bosniak population, but also considerably hindered brain drain. Most students who used to go to the universities outside Serbia never returned to their homes, which intellectually weakened the Bosniak community.

Appointment of effendi Muammer Zukorlic, leader of the Islamic community, deputy rector of the first private university made waves not only in Serbia, but in Sandzak as well.²⁶ The university has four faculties and 11 study groups. Most of 1,000 students are Bosniaks. They are followed by Serbs and Montenegrins.

Right to Political Organization

The first Bosniak party in Sandzak, the Party of Democratic Action (actually a branch of the Sarajevo-seated party under the same name) was formed in August 1990 in Novi Pazar. Many people joined its ranks. However, as intra-party discords grew more and more frequent, outstanding figures began to walk out and set up new parties. Today, over 10 political parties are active in the territory of Sandzak. As it seems, the very number of political

²⁶ School authorities' decision to support the establishment of the International University was labeled as unfair to local self-government. The same wording was used when republican officials paid more attention to representatives of the Islamic community than to local officials during their visit to Novi Pazar. Such attitude, said the representatives of the Bosniak community, indicates that the state "relies more on a mufti than on local self-government," which nothing but disunites the very community.

parties disadvantages Bosniaks, rather than benefits them. Firstly, it atomizes the political scene and swamps it with rivalry between and conceit of so many party leaders. Secondly, it opens the door to the official Belgrade to lure one party from Sandzak and thus weaken the political pressure from the region.

The "List for Sandzak" Coalition is the most influential of all.²⁷ The coalition dominates municipal assemblies in all places wherein Bosniaks are in the majority. In the December 2003 early parliamentary elections, two parties within the coalition joined the Democratic Party's list and thus secured two seats in the Serbian parliament. One of the two Bosniak MPs was appointed the president of the parliamentary commission for interethnic relations. In the September 2004 local elections, 4 Bosniak parties won 138 council seats in 4 municipalities.²⁸

Sandzak's political map considerably follows in the footsteps of the ethnic one. The only exception are presidential elections in which Bosniaks, as a rule, vote for the candidate they perceive as the lesser evil or the one who offers a program that at the very least corresponds with their interests. With their largely different programs, authoritarian attitudes, meager potential and human resources, Sandzak's parties, each aspiring to be the sole authentic representative of the Bosniak community, practically divide the community itself, said the Helsinki Committee's interviewees. A widening gap between Sandzak's parties is probably best illustrated by the incident that took place during the election campaign this September. In the conflict between supporters of the Party of the Democratic Action of Sandzak and the Sandzak Democratic Party two people were severely injured, while some more suffered light injuries.²⁹ Before that, representatives of the Party for Sandzak and the Sandzak Democratic Party did not attend the assembly supposed to elect the Bosniak National Council under the pretext that "the time is not ripe for such election, as there is no telling whether Montenegro will recognize the Council at the level of the State Union or will call for the Council's establishment at the republican level." Seemingly, the two parties opposed the election for all but the quoted reasons. The said assembly was preceded by a meeting gathering several Bosniak political parties, associations and NGOs, which unanimously opposed convening of the assembly. The assembly was convened in spite of all and, in early September 2003, elected the key representative body of the Bosniak community.³⁰

²⁷ The Party of Democratic Action of Sandzak, the Bosniak Democratic Party of Sandzak, the Reformist Party of Sandzak, the Social Democratic Party of Sandzak and the Socioliberal Party of Sandzak made the coalition.

²⁸ The "List for Sandzak" Coalition won 69 seats, the Sandzak Democratic Party 56, the People's Movement of Sandzak 10, and the Party for Sandzak 3 seats.

²⁹ The two parties keep accusing each other of having incited the incident.

³⁰ Dr. Sulejman Ugljanin, former president of the Bosniak/Muslim National Council of Sandzak (BNVS), was elected the president. The BNVS was formed in May 1991 with a view to represent Bosniaks and stand for their interests. When the federal

Bosniak parties' inability to reach consensus was evident in the December 2003 early parliamentary elections. Instead of sticking together, Bosniak politicians marched in two columns thus depriving the Bosniak community of the opportunity to be represented by more MPs.

III. Conclusions and Recommendations

Members of the Bosniak community face numerous problems in the exercise of their collective rights. These problems derive from the unfinished and faulty institutional framework on the one hand, and persistent nationalism that burdens the relationship between the region's two predominant communities on the other. The crimes committed against Bosniaks over the past decade make the situation even worse. The incidents referred to in this report indicate a low level of tolerance and mutual understanding.

Bearing in mind circumstances and developments described to in the chapters above, the Helsinki Committee puts forth the following recommendations:

- Bosniaks' rights to official use of their mother tongue, to education and to enjoy their culture and tradition, laid down in the Constitutional Charter and other laws, should be fully implemented. This means that local self-government authorities in Priboj and Prijepolje are obliged to introduce the Bosniak language and alphabet in official use. Not only because of the tragedy Bosniaks, particularly those in the Priboj municipality, went through, but also because they are duty bound to protect and implement individual and collective rights of national minorities, these two municipalities should establish the institution of Ombudsman under the Law on Local Self-government.

- All remarks or chapters that insult Bosniaks' religious and national feelings should be removed from school curricula. These curricula should be enlarged so as to include the subjects dealing with Bosniak history, culture and arts. Given that the Bosniak National Council is invested with some power in the domain of education, it should put forth clear-cut and innovated curricula to school authorities.

- Decentralization should be perceived as a significant contribution to integrative multiculturalism. In the case of Sandzak, decentralization is important for two key reasons: firstly, it makes it possible for local communities to be more efficient when it comes to solving local problems; secondly, it positively affects the central administration's attitude towards Sandzak that has been identified as humiliating and colonial on several occasions so far.

parliament adopted the minority law (February 2002), the BNVS tried to take over the role assigned to national councils under the law. Political parties and individuals that had never participated in the BNVS strongly protested against such attempts. The Ministry for Human Rights and National Minorities called the BNVS' attempt illegal.

- The state should assist Sandzak in the process of institution building. This refers not only to institutions engaged in empirical knowledge, but also to those dealing with research and promotion of Bosniak culture.

All people responsible for the crimes committed against Sandzak Bosniaks should be brought to justice. Unless the question of accountability of all masterminds and executioners is raised, integration of Bosniaks is unworkable.

VLACHS

I. Introduction

Role and position of Vlach national minority is a unique and specific one-but to a large extent also indicative of general problems of minorities-within the ethnicities realm in Serbia. It is interesting to note that in everyday speech in the largest part of Serbia Vlachs are called all inhabitants of areas east of river Velika Morava, adjacent to borders with Romania and Bulgaria. Before re-emergence of problems of the Vlach minority in early 90's, the term Vlach was used to denote the geographic location of all inhabitants, even Serbs, of those areas. But even in the golden age of "brotherhood and unity", the use of that name did not obliterate the locals' awareness of differences between them, and was without a negative connotation.¹ Disintegration of the common state and national homogenization of the former constituting peoples (Serbs, Croats, Slovenians...), but also of "larger" national minorities (Hungarians, Albanians...), inspired similar processes among Vlachs, ethnicities formerly resorting to ethnic mimicry (Romany), or fully assimilated minorities (notably, Bulgarians). Thus paradoxically the Serb nationalistic euphoria helped strengthen the identity of other peoples in Serbia, to which the majority people are yet to respond in a civilized way, or with understanding.

Numerous specific features in the historic development of the Vlach minority, made its members the subject-matter of diverse processes of assimilation and denial of identity. Despite major assimilating pressure brought to bear on Vlachs in East Serbia, they survived as recognizable people, though with their identity partly jeopardized, partly lost, and largely modified. Hence sudden public addressing of the "Vlach issue" in the previous decade, sent shockwaves through the majority-Serbs and minority-Romanians, other minorities, and Vlachs proper, population. Long-standing marginalization and acceptance thereof, natural assimilation, numerous differences both with respect to ancestors and contemporary fellow-countrymen, had plunged Vlachs into a kind of collective apathy and lethargy, autistic self-isolation, hence the final and unexpected tackling of their national status caused much concern, dilemmas, fear and rejection, and even conflicts in their midst. Added to that the general tension caused by wars in neighbouring countries has not contributed to the emergence of constructive and rational treatments of and

¹ Similarly used was term "Shiptari", applied for decades to Albanians and Serbs from Kosovo. In the conflict-and tension-free atmosphere such a term was not considered derogatory. However it is used today in a derogatory sense to belittle both peoples.

approaches to Vlach-related issues. Consequently all the Vlach-related initiatives and discussions for long remained the matter of some concern and interest only of some NGOs and individuals. In that period the Serb general public and domicile country-Romania showed no interest in the fate of Vlachs. The media rarely mentioned Vlachs, or for that matter, other minorities. And moreover such rare mentions were limited to branding Vlachs as one in a series of enemies and destroyers of Serbia. New approach to national minorities after the political changeover in Serbia, was stimulating for Vlachs, for it opened new prospects for them, but in parallel made them face numerous problems in an accelerated way. At play were key issues on which survival of Vlachs depended: firstly a scientifically based definition of their ethnic structure, along with the respect of the right to self-determination of the Vlach people, issues of language and alphabet, religion, domicile country, etc, all constituting the basis for further definition and institutional guarantees of numerous rights foreseen by Serb laws. Although many of those problems were handled, none was resolved fully. Different interpretations and conflicts among the very Vlach population, provided an excuse for the state to put the "Vlach issue" on the back burner, for "democratic authorities don't intend to impose to any national minority their conclusions and ready-made solutions."

Vlachs remained left to their own devices, while the state focused its attention on large and important minorities (Hungarians, Croats, Bosniaks, Romanians, Romany), and on those minorities who demonstrated enough strength to organize themselves (Ruthenians, Slovaks, Bunjevci, Ukrainians, etc.). However the job of the state and its institutions is not only to "impose" anything to national minorities, but rather to help them define their problems and find the best solutions thereof. In those terms the Ministry for National Minorities could and should have done more, though, admittedly it is the first and the only state institution dealing with Vlachs. Co-operation established in early 2001 with the Forum for Culture of Vlachs,² resulted in inclusion of their representatives in debates relating to preparations of the Act on Protection of

² Forum for Culture of Vlachs, was founded in 1992 in Bor, as an association of citizens dealing with cultural values and preservation of identity of Vlachs. By prioritizing co-operation with the state bodies and institutions within the framework of its activities, that body repeatedly filed to various ministries, and government, suggestions, initiatives, and claims relating to promotion of status of Vlach minority. The Forum delegation in the late 1997 met with the then Minister of Culture, Nada Popovic-Perisic, who invited them to take part in an annual meeting of organization "Astra" u Temisoara. She backed the Forum's idea to establish various forms of cross-border co-operation, but was adamant that priority had to be given to good relations with the state institutions, while those with domicile country (Romania) and numerous organizations of Romanian diaspora should be treated as those of secondary importance. But all the Forum's appeals and suggestions in writing forwarded to state bodies, remained unanswered. Such a practice of total disregard was discontinued when DOS coalition took power in October 2000.

Rights and Freedoms of National Minorities, in multiculturalism-themed round-tables and workshops, tolerance awareness-raising campaigns, etc. However expected and necessary assistance of experts for alphabet and language standardization, valid appraisals of some historic dilemmas, support to and assistance in overcoming internal divisions and institutional organization, failed to materialize. Ministry for National Minorities kick-started communication with Vlach organizations, albeit a low level one. The foregoing is best attested to by the First Report on Implementation of the Framework Convention on Protection of National Minorities, submitted by the Ministry to Council of Europe in late 2002. Although the report was very exhaustive (about 200 pages), only half a page consisting of very generalized and scant facts and figures was devoted to Vlachs, and the majority of provisions of the Framework Convention were not applied in case of the Vlach minority.

In response to the SRY state report, several Vlach NGOs forwarded information relating to problems of their emancipation to the Advisory Committee of Council of Europe.³ In addition to data on historic development of Vlachs and their demographic structure (along with a strong emphasis on the key thesis of common ethnic origins, language and tradition of Vlachs and Romanians), the aforementioned NGOs attached special attention to implementation of parts of the Framework Convention relating to the Vlach national minority. The said document in an adequate and succinct form quoted most salient problems of Vlach community, along with a brief conclusion underscoring non-existence of a consistent affirmative state policy on Vlachs. The former is obvious even after a fleeting analysis of status of Vlachs, while everyday and notably long-term consequences of such wanting policy become even more conspicuous after gaining insight into the situation in the field.

Thanks to its long-standing presence in the Vlach-inhabited localities and co-operation with local NGOs, Helsinki Committee has been actively monitoring development and problems of that minority. Added to wanting co-operation with relevant state institutions, of major concern are also various forms of discrimination caused by lack of standardized language and alphabet (as basic identity features), and negative mood accompanying emancipation of Vlachs. Such a mood is frequently generated by the media, and it is primarily expression of unwillingness of the majority people to accept and guarantee conditions for a full development of identities of all national minorities including the Vlach one. At the late April round-table organized by Helsinki Committee for Human Rights Vlach NGOs and several political parties,⁴ a

³ Forum for Culture of Vlachs, Vlach Cultural Initiative, Ariadnae Filum-Society for Culture of Vlachs-Romanians of Serbia, Vlach Cultural-Informative Centre and Centre for Ethnic Co-operation: "Status and operative problems of emancipation of Vlachs as a topic from the SRY state report", Bulletin of the Forum for Culture of Vlachs, Bor, 04.10.2003.

⁴ Round-table was held in the Hotel "Serbia" in Bor, 29 April 2004.

number of examples of open or hidden discrimination against Vlachs, including threats and graffiti were exposed. Notably "Death to Vlachs-Black Alach", a symbol of Serbhood drawn on the bilingual plaque at the entrance to organization "Ariadnae Filum" and the message on the glass "Leave Serbia!". Though Several media ran information on those incidents, local police and authorities failed to issue relevant statements and find out offenders. That in turn increased fear and the feeling of insecurity among population.

Judicial and police representatives denied to Helsinki Committee occurrence of any inter-ethnic incident in recent past. They also stated that there were no links between ethnicity and nature of misdemeanours, and disclaimed that poverty among a specific ethnic group was a principal cause of criminal actions and offences. Thefts, trafficking, financial swindles were caused by a very difficult financial situation in the area which equally oppressed the majority and minority population.

Long and poorly controlled border belt lying close to Romania and Bulgaria, is a cause of large number of customs offences and criminal actions, including illegal border crossings, human trafficking (involving mostly poor villagers from Romania during seasonal agricultural works in Vojvodina, the labour force from the former Soviet republics whose final destination are EU countries), drugs and arms trafficking (from the East, via Bulgaria and Serbia, towards the West) etc, carried out by well-organized, international criminal gangs with transnational interests. Though police and courts have never indicated Vlachs or Romanians as the most frequent perpetrators of the above criminal offences, several media have repeatedly flouted that thesis.

In the face of police reports indicating located trafficking channels between Serbia and Romania a Belgrade NGO went as far to maintain that Vlachs sell their women and daughters to sex traffickers organizing their transfer to the West! According to Zajecar District police head, the size and inaccessibility of the border belt terrain exacts a larger number of policemen, and their better technical capability. He also maintained that borders remained "porous" due to the aforementioned lack of massive police forces, and that trafficking was not caused by a marked propensity of Serbs or Vlachs to engage in such criminal offences. On the other hand Helsinki Committee was told by the judicial and police officials that Vlachs did not occupy management positions because of discrimination, for "Vlachs can be found among the ranks of judicial administration, lawyers, and policemen." However the problem of judicial interpreters was evident: because of differences between Vlach and Romanian languages, grave were consequences of uncompetent interpreting, and in several cases local courts banned defendants to use Romanian language during hearings and testimonies.

The aforementioned is one in the series of reasons which should compel the state to assist in standardization and unification of language spoken by Vlachs. Language is a crucial issue for the survival of the Vlach minority, hence its non-resolution casts doubt on intentions of the state and causes a justified

discontent of Vlachs. Lack of education in mother tongue and alphabet is a root-cause of any discrimination, for it prevents proper national expression and unfolding of various forms of cultural manifestations, limits religious rights, causes non-existence of minority local media, underrepresentation in weak institutions, and demonization of the Vlach political claims. Discontent is of course a root-cause of any radicalization, though Vlachs are a national minority among whom that process is still not significantly present. However the first symptoms thereof are already visible: there is a tendency to magnify some problems, to attach national hallmarks to any irregularity and injustice, a growing feeling of suppression and victimization, a higher sensitization to woes of proper people, irrational attitude towards general relations in the society, etc. Thesis about "a long-standing, orchestrated exploitation of the Bor and Majdanpek basin to the detriment of needs of Vlachs" is increasingly floated -Vlachs thus say "we are only left barren land to cultivate"- and the minority's complaints range from "They-Serbs-are intentionally polluting rivers running through Vlach villages", to "in the winter months they suspend public transport lines connecting most remote Vlach villages with regional cities.". The aforementioned stands are unfounded, and fortunately rare. Nonetheless the relevant authorities should take them as an early warning sign. The largest part of Vlach population and Vlach elite see Serbia as their homeland, and don't voice/lay separatist claims. On the contrary by their persistent activities aimed at preservation of their identity they contribute to democratization of Serbia and its efforts to join the EU integration process.

Historical and Demographical Background

One of the most controversial issues among Vlachs proper is-their origin. Though an answer to that question should be given by historians, anthropologists and ethnologists, it is mostly dealt with by various politicians, which adds confusion to already existing dilemmas and causes further fragmentation of the issue of Vlach origins. However scientific circles have a clear stand on that issue: "Continuing mistifying and obfuscation of the Vlach origins issue is clearly of political nature. Science has however established that Vlachs are descendants of or romanized original inhabitants of the Balkans-those living in the territory during the Roman Empire-and that they speak Romanian language." According to linguists a pan-Slavic and a pan-Germanic word *Vlach* (in Polish - *Wloch*, in Russian - *Voloh*) is a derivative of a pan-Germanic word *Walhos* and Old High German word *Walh*.⁵

Romanization of the Balkans began in the 3rd century before Christ, when the Romans conquered Illyric, on the east coast of Adriatic Sea. In southern part of the Balkans peninsula the Roman Empire first encompassed territory of

⁵ Encyclopaedia of Yugoslavia, volume 8, page 514, Yugoslav Lexicographic Institute, Zagreb, 1971.

the former ancient Macedonia, and then in the 1st and 2nd century spread over Moezia and Trachia to Danube. Later, Emperor Traianus expanded the Roman Empire by crossing Danube and conquering Dacia.⁶ Although population of those areas was to a large extent romanized through introduction of Roman culture and Latin language, it managed to preserve part of its customs and languages. Large-scale migrations (and mixing of population) were occasioned first by invasions of German Goth tribes and later of Slavic tribes, who called indigenous population *Vlachs* or *Vlachs* (in eastern Slavic variant- *Volokhs*). Ethnic shaping continued throughout Middle Ages, and was finalized only in mid-19th century by the founding of the currently existing states.

Romania came into being after unification of dukedoms of Vlaska and Moldavia (1859-1862). On the basis of the aforementioned ethnic genesis Vlachs consider Romania their domicile state. In encyclopaedia *Orbis Latini* Vlachs are mentioned as European people, a constituent element of population of Romania and Moldavia, and members of population groups located in areas south and west of river Danube. But there are also thesis maintaining that Vlachs are autochthonous people with a separate language and alphabet, and unrelated to Romania and Romanians. There is also a theory that Vlachs are Serbs speaking other language, or Serbs speaking a highly modified language. It bears saying that similar dilemmas and confronted stands exist in the Vlach communities in Bulgaria, Macedonia, Greece, Albania and Croatia, whereby intention of domicile states to sideline the "Vlach issue" and assimilate members of that community is conspicuous.

Unfinished national process in the majority of the aforementioned states represent a logical obstacle to affirmation of identity of Vlachs and others communities. On the other hand contemporary history of the Balkans states, marked by many wars and re-tailoring of borders, left an onerous legacy and an indelible mark on the current inter-state relations. Hence the reluctance of those states to tackle "sensitive issues" and "undo historic wrongs." The foregoing also explains the unwillingness of Romania, oft quoted by experts as a domicile state of Vlachs, to engage in their protection and assist in preservation of their identity. At the same time in visible efforts to unify its own nation, Romania is denying any specific feature of Vlachs with respect to Romanians, which compounds the emancipating efforts of the former.

Hence the issue of Vlach origins is not a hollow and senseless story of idle (quasi) intellectuals. Crucial problem of their (self)identification always impacted their survival: dispute about their origins resulted in disagreements about their names, languages, alphabet, traditional and religious customs. Hence Vlachs could become extinct unless urgent solutions to their status are devised and put in place. All the foregoing is best illustrated by pertinent

⁶ Forum for Culture of Vlach, Dragomir Dragic: "Vlachs or Romanians from East Serbia and 'the Vlach issue'-questions and answers", Helsinki Committee for Human Rights in Serbia, Belgrade, 2002.

demographic data, which clearly reflect the state policy and direct response of population.

As regards Vlachs, it is interesting to note some curious aspects of population censuses in Serbia/Yugoslavia. In the 19th century in the dukedom, and later in the Kingdom of Serbia Vlachs were qualified as-Romanians, though only dukedom of Vlachs, so-called Vlaska, and not the state of Romania, existed. After unification of Vlaska and Moldavia into Romania, Serbia returned to the use of the traditional Slavic name "Vlachs", while Romanians became a negligible statistic category. According to the historic data, the number of Romanians in Serbia was: in 1846-97,215; 1850-104,343; 1859-122,595; 1866-127,326; 1884-149,727; 1890-143,684; 1895-159,510; 1900-122,429, while in the 1921 census 142,773 inhabitants declared themselves as Vlach/Cincars.⁷ After the WW2 in Serbia and Yugoslavia population of East Serbia was officially called 'Vlachs', but oscillations in their number clearly indicated the impact of extra-demographic factors on national orientation: in 1948-102,953; 1953-36,728; 1961-9,463; 1971-21,990; 1981-32,063; 1991-17,810.⁸

According to the last, 2002 census,⁹ conducted in a much more relaxed atmosphere than the one in 1991, number of Vlachs rose by 40,054, of whom 101 were recorded in Vojvodina, and 39,953 in Central Serbia. Thus Vlachs in Central Serbia became the fourth most numerous minority, while on the level of the whole Serbia, they are the 9th- ranking minority. A total number of Romanians in Serbia was 34,576, whereby 30,419 inhabitants declared themselves as members of that minority in Vojvodina, while only 4,157 did so in Central Serbia. It was a direct result of great differences in cultural-historic legacy of Vojvodina and the rest of Serbia. Vojvodina was annexed to Serbia which already had developed conditions for cohabitation of numerous ethnic communities, while the "Prussian model" of state (one state, one people, one language) in place south of Danube, imposed smoothing over of differences to the benefit/advantage of ethnic monism. Thus Romanians in Vojvodina have preserved their identity and protected it institutionally, but understanding and support is absent in relations between the two communities. It should be noted that authorities in Serbia disregarded the appeal of some Vlach organizations and parties to introduce a unique category marked 'Vlach/Romanians', during the census. That official rejection was interpreted by part of Vlachs as a

⁷ Forum for Culture of Vlachs, Dragomir Dragic: "Vlachs or Romanians from East Serbia and 'the Vlach issue'-questions and answers", Helsinki Committee for Human Rights in Serbia, Belgrade, 2002.

⁸ Data from the Statistical Almanachs of the FPRY and SFRY relate to the whole territory of the then states, but other statistical data clearly indicate the presence of Vlachs in the area of East Serbia. For example, of 17,810 Vlachs recorded in the 1991 census, 132 lived in Vojvodina, 3 in Kosovo, 3 in Montenegro, while 17,672 lived in East Serbia.

⁹ Census in 2002 was done only in Serbia, in the territory of Vojvodina, and so-called Central Serbia, without Kosovo.

continuation of the state policy preventing their national homogenization, while the authorities justified that move of theirs by absence of an explicit stand of Vlachs, supported by the majority of the members of their community.¹⁰ Vojvodina Romanians, alike in many other similar situations, took a reserved stand.

Vlach population is largely rural and concentrated in four districts- Bor, Branicevo, Zajecar and Pomoravlje. The largest number of Vlachs live in the Bor district-16,449, of whom 10,064 (18,03% of total population) in Bor municipality, 2,817 (11,88%) in Majdanpek municipality, 3,000 (6,91%) in Negotin municipality. In Branicevo district there are 14,083 Vlachs, in Zajecar one 7,155, a in Pomoravlje 2,049 members of this ethnicity. High share of Vlachs in total populations is marked in the municipalities of Golubac (8,78%), Petrovac (10,24%), Zagubica (22,05%) and Boljevac (26,26%), and is the highest in Kucevo- 27,67% of total population of municipality. Number of Vlachs living in other parts of Serbia is negligible.

Such representation, even from a formal-legal standpoint is sufficient for implementing various mechanism enabling an adequate promotion and protection of interests of Vlachs. For example, the Act on Local Self-Rule in its Article 63 envisages an adequate promotion and protection of interests of Vlachs. For example, the Act on Local Self-Rule, in its article 63 foresees founding of a Council for Inter-Ethnic Relations in nationally mixed municipalities or those municipalities in which one national community makes up over 5% of total population, or all communities make up over 10% of population according to the last census. Municipalities also take decisions relating to introduction of mother tongue of a national minority in official use, regulate showing of symbols, names of streets, squares and other inhabited places, and other toponymes, and provide for a number of important preconditions for development and expression of a national minority.¹¹

¹⁰ Vlachs in Serbia, after reaching a national consensus between the two censuses, declared that they wanted to be treated as Bosniaks, who were introduced as a special census category in 2002. The last census retained the old category of 'Muslims', as an interim solution until a full national self-declaration of population.

¹¹ Article 11, paragraphs 1 and 2 of the Act on Protection of Rights and Freedoms of National Minorities (Off. Gaz. of FRY, no. 11/2002), reads: "In territories of local self-rule units traditionally inhabited by members of national minorities, their language and alphabet may be equitably in official use. That unit of local self-rule is duty-bound to introduce in an equitable, official use the language and alphabet of national minority if share of members of that national minority in total population in its territory reaches 15% according to results of the last census". Paragraph 5 further envisages: "In territories mentioned in paragraph 2 of this article, names of official and administrative bodies, names of self-rule units, of settlements, squares, streets and toponymes are written in the language of respective national minority, in line with its tradition, and alphabet." Municipalities in which Vlachs meet this requirement/standard are : Zagubica, Kucevo, Bor and Boljevac.

Although limitations , in case of Vlachs are most frequently justified by objective reasons (already mentioned issues of identity, language and alphabet), the state could substantially improve the status of Vlachs on municipal level, until acceptable, long-term solutions are devised.

II. Collective rights

Right to Official Use of Mother Tongue and Right to Education

Vlachs rarely exercise any of collective rights in which they were vested under the federal and republican laws. Vlach community does not have a unified stand on the origins of its language, regardless of the fact that the said issue should be dealt with by the experts. But since language is an important identification pointer and political issue alike, disputes about its standardization and use are most frequently burdened by struggle for different interests which neglect the fact that only "living languages" provide for survival and prosperity of people."

Vlach elite is split into two blocks or camps over the issue of language/mother tongue. One camp espouses the stand that the majority, standardized language is the Romanian one, while the other thinks that Vlach language is a distinct one, requiring an independent standardization apart from Romanian language. Advocates of the first stand, see Vlachs and Romanians as the common heirs of the same old legacy, indicate linguistic-phonetic rules proving identical origins of both languages, and consider some specific features of Vlach speech as archaic variants of Romanian. According to them Vlachs speak a Daco-Romanian dialect of Romanian language spoken in Romania and neighbouring countries. This dialect has 5 idioms, that is, sub-dialects, of which in East Serbia are spoken two: Banat and Munten (Olten) ones. Munten sub-dialect constitutes the basis of Romanian literary language. It bears saying that numerous Serb linguists and ethnologists also back the thesis of a common identity of Vlachs and Romanians and of 'Vlach language' being a dialect of Romanian language.¹² Accordingly Vlach alphabet should be identical to Romanian one, and the Latin one, although Latin replaced once used Cyrillic only after formation of the state of Romania. "Attempts to retain Cyrillic alphabet are tantamount to an obsolete attempt to cover up the truth about close ties between Vlach and Romanians in East Serbia or the Romanic

¹² For example, Dr. Tihomir R. Djordjevic: "Through our Romanians", Belgrade, 1906; Momcilo D. Savic: "Romania -Romania", Academy of Arts and Sciences (SANU), Belgrade, 1988.

languages family origins of 'Vlach language'.¹³ The second stand is based on the belief that Vlach and Romanian languages are quite different, hence the rejection of the Romanian language standards, despite some similarities. The second camp thinks that proclamation of Romanian literary language for a national language of Vlachs would have dire consequences, for only 2-3% of Vlach population would be able to use its spoken and written forms. At the same time it is estimated that Vlachs understand 60-70% of Romanian speech.

In any case the confronted camps have one point in common, namely they agree that Vlach spoken language is not Romanian literary language, and that Vlach people are aliterary. Everything else is a subject-matter of serious disagreements. However non-existence of standardized language is an obstacle to introduction of education in mother tongue. All Vlachs see this as a major problem, jeopardizing the survival of Vlach people. Linguistic dilemmas and stumbling blocks should not be overcome by a simple imposition of for example, Romanian language. The 2002 poll indicates that only few Vlach parents of primary school age children favour education of their offspring in Romanian language. Forum for Culture of Vlachs suggested elaboration of a "Linguistic Atlas", determining relations between Vlach spoken language with respect to Romanian dialects and literary standards. The foregoing suggestion had been already agreed upon by Forum, as a signatory of the Protocol of Co-operation with the Romanian Association for Dialects. Even if an acceptable solution is reached, the official request for introduction of classes in mother tongue should be preceded by a serious, comprehensive and positive public campaign, affirming the very language and the importance of education in mother tongue. Such a campaign should be promoted and implemented by a state, with all its institutions and at all levels. In the meantime a small number of well-off Vlachs shall continue to send their children to Vojvodina and Romanian secondary-schools and faculties, in order to have them educated in Romanian language. However such a practice is locally oft criticized, and there were even cases of professors harassing children preparing to continue their education in Romania.

Solution of problem of language and alphabet would enable the exercise of other rights, notably introduction of mother tongue in official use, information in mother tongue, cherishing of culture in mother tongue, officiating of religious services in mother tongue. As we have already mentioned, in East Serbia currently only Serb language is officially used. All names of settlements, streets, squares, and personal names are also in Serb language; communication with state bodies, administrative and court proceedings are conducted/instituted in Serb language, etc. Vlachs are hindered in use of their own language in public manifestations and in religious

¹³ Forum for Culture of Vlachs, Dragomir Dragic: "Vlachs or Romanians from East Serbia and 'the Vlach issue'-questions and answers", Helsinki Committee for Human Rights in Serbia, Belgrade, 2002.

services. As regards officiating of religious services that problem is two-fold: on the one hand, the Serb Orthodox Church does not allow services in Romanian (officiating is carried out by the SOC priests in Old Slavic language), while the Romanian Orthodox Church is openly resentful of deeply-rooted rites of Vlach for they are outside the Orthodox canons. Added to that Serb priests don't allow that children be given traditional Vlach names during christening, which vexes Vlach population very much. Rigid and assimilating attitude of the SOC towards other Orthodox churches, in this case towards the Romanian one, dates back to the 19th century. In his late 19th century travelogue ethnologist Dr Tihomir Djordjevic says: "Church managed in its intent to change the christening practice, namely children are now given only Serb names.* But in their homes Vlachs use their Vlach personal names." It also bears saying that petitions for licences and various approvals for church-building in Vlach villages are very late in coming, or totally disregarded by the SOC.

All the aforementioned speaks amply of an evident discrimination against Vlachs. But the state is doing very little to overcome such a situation. As a first step in the resolution of that problem the state could implement measures and experiences which have yielded positive results in Vojvodina. After resolving some basic Vlachs-related issues, the state could help promote their co-operation with Romanians in Vojvodina, and strengthening of their ties to the mutual benefit. Regardless of current deterioration of status of national minorities in the Province and facts and figures indicating their disinterest in exercise of some rights of theirs, some municipalities in Vojvodina have introduced Romanian language in an equitable, official use, have launched Romanian language magazines for adults and children, and Romanian language broadcasts on TV Novi Sad and several radio stations.

Right to Information and Right to Enjoy Minority Culture and Tradition

Vlachs in East Serbia are yet to resolve on institutional level their information problem. As regards the print media, since most Vlachs are aliterary, and the young ones speak and write only in Serb, emergence of Vlach (Romanian) language media is not feasible, or imminent. Democratic Movement of Romanians of Serbia due to financial hardship was compelled to discontinue publishing of a small circulation magazine "Vorba Noastra" ("Our Word"). At this moment of time it is more important for Vlachs to gain access to the electronic media, for spoken word or verbal communication is the most adequate form of communication for the majority of population. Attaching more importance to the Vlach problems and their persistent struggle for betterment of their status in the last decade brought about a major breakthrough. Vlach representatives and their various organizations were finally allowed to espouse their stands and ideas in many radio and TV

programs. Moreover management of Radio Bor positively responded to initiatives relating to a new timetable of broadcasts in Vlach language, all the while insisting on their continuity. Thus the ball was once again in the court of the Vlach community, for preparations of such broadcasts presuppose use of more or less standardized language, and in the territory of municipality of Bor alone, two Ungurjan (Banat) dialects and Caran (Munten) sub-dialect are spoken. Forum for Culture of Vlachs then suggested "a certain generalization of Vlachs dialects... which is not feasible without assistance of Departments for Romanic Languages, or for Romanian Language at faculties in Belgrade and Novi Sad."¹⁴ This possibility is still open, and written down in the Development Program of Bor Municipality. Until such an initiative is implemented, a palliative could consist of re-broadcasting radio and TV programs in Romanian from Vojvodina, whereby parts of them should address the salient issues of Vlachs in East Serbia. A breakthrough was finally achieved in the Vlach-related media coverage. Before the year 2001 unbiased or at least neutral articles about Vlachs were a rarity. The Serb media by and large ignored the "Vlach issue", and rare Vlach-related texts aimed at disparaging, relativizing or demonizing the whole people ("Svedok", "Revija 92", "Nedeljni Telegraf"...). The space devoted by other, "more serious" print media ("Danas", "Blic", "Politika"...) to interviews or statements of Vlach representatives, was too scant to alter an already negative image of Vlachs. Though situation in that regard is hardly satisfactory, efforts made by so-called "Belgrade media" to use a more moderate speech are increasingly visible, while the local media ("Borske novine", "Timocke novine" and "Mlavska zora") are in parallel devoting more space to presentation of the Vlach-related topics and stands.

Area of East Serbia is treated by scientific circles as an ethnological basin of great value, thanks to very well preserved and still "alive" customs and folklore stemming from the Vlach tradition. That is probably why the Vlach minority has a very developed right to cherishing of national culture and tradition, though they often say that the foregoing reduces them to a mere folklore category, and makes them neglect other very important minority rights. Rich and well-preserved objects of material culture (historic costumes, folk costumes, tools, weapons, everyday utensils and similar), feature in all exhibitions of local museums, and in any presentation of cultural heritage of Serbia. This also applies to ethnic music heritage, and other specific customs. Thanks to deep roots of folklore tradition there are a large number of Vlachs folk groups, dance groups, singers, and musicians who take part in various competitions and festivals on local and republican levels.

In addition to financial problems, representatives of Vlachs also complain of a perfidious discrimination lurking behind an apparent full

* A reference to the Romanian male and female names, recorded by the author during his field trips.

¹⁴ Bulletin of Forum for Culture of Vlachs, Bor, November, 2002.

representation of the Vlach culture and tradition, since during exhibitions and other presentations of folk customs of Vlachs, other geographic and historic markers/pointers, and not those denoting the Vlach identity, are used. At festivals and meetings of the Vlach associations, only use of Serb language is allowed. Photos and monuments of historic figures (in books, museums, and in public spaces) never bear a hallmark "Vlach", and municipalities rarely subsidize associations devoted to protection and promotion of the Vlach culture. Vlach representatives in cultural institutions in Bor and Zajecar disclaim the existence of discrimination by pointing out that the Vlach creative art is very well represented in all manifestations organized in local and other milieus. However in field interviews many interlocutors were not at ease while discussing the importance of the Vlach creativity and its public presentations.

Although the Serb and Vlach locals have been living for ages in harmony, it seems that the emergence of "Vlach issue" attached a negative (instead of positive) connotation to long-standing differences between them. Consequently both peoples responded with fear and misunderstanding to the foregoing. Enclosed in their narrow, national framework, both struggle for survival, whereby the Serb people overlook the fact that multiculturalism is in fact based on the wealth of diversity, and that dominance over others is both civilization-wise and historically unacceptable, and in the long-term-unacceptable. On the other hand, Vlachs and other national minorities stubbornly turn a blind eye to the fact that Serbs are also engaged in the quest for their national identity, or rebuilding it from scratch, or ruins of their own recent illusions and dearly paid errors.

Right to Political Organization

Members of the Vlach national minority also have their political parties. In 1991 the Movement of the Vlachs and Romanians of Yugoslavia was founded in Zajecar. It later changed its name to the Movement of Romanians-Vlachs of Yugoslavia, and at a later date was renamed Democratic Movement of Romanians of Serbia (DMRS). Many changes of the name of this party clearly indicate its stand on the national identity of Vlachs of East Serbia. City of Bor in 1999 saw the founding of the Vlach Democratic Union, which espouses the stand that Vlachs are a separate, autochthonous people, whose identity mustn't be linked to the Romanian heritage and hallmarks. The third political organization of Vlachs is a recently founded Vlach Democratic Party of Serbia (VDPS). Aside from a bevy of NGOs dealing with various aspects of the Vlach identity, the Vlach elite also engages in a similar task. That elite unlike the ones of other minorities, in that activity, faces many temptations and challenges. An ever-increasing number of highly educated Vlachs, in different lines of business, are engaged in a scientific work intended to contribute to clarification of origins, preservation and development of the Vlach community in East Serbia. Since the Vlach national minority is still undergoing the process of self-

identification, its status and problems still hinge on day-to-day political assessments. Hence even activities of NGOs, and cultural-artistic associations are viewed with suspicion, which in turn leads to politicization of "all things Vlach" or having links with that minority. Though the "Vlach issue" must be viewed as a political one too, if some basic dilemmas and disagreements are not solved quickly, the Vlach minority issue risks to become a daily political topic treated and discussed in all possible and-impossible ways by all and sundry. Hence that issue could lose its sense, and instead of becoming a subject-matter of serious historic, culturological and political analysis turn into a staple diet of many Serb politicians engaged in politicking and jockeying for power. Vlachs proper, alike the authorities, should be aware of the aforementioned peril, if they both have any intention to build a modern democratic state.

Political life of Vlachs is characterized by a clear line of division regarding the identity of the Vlach people. Totally different stands fuel further fragmentation of an already weak community, and make it even more susceptible to assimilation. Mutual disparagement and media-bashing (notably ample use of qualifications like "notorious pro-Romanian and Romanian organizations", "traitors of Vlach interests", "Romanian mercenaries" versus "Stalin-style snitches", "separatists", "Ketmen" etc.), are sometimes a throwback to the "golden age" of hate speech from the Milosevic era. It is interesting to note that both "fractions" are hostile to anational Vlachs, and those Vlachs active in numerous political parties existing in Serbia (DP, DHSS, LA, G17+...), and notably in pro-Serb nationalistic parties (SRP, DPS, SRM etc.). Both "fractions" resignedly note that "Vlachs must be the most fervent Serbphiles, Bulgarianphiles or Macedonianphiles in the Balkans". The edge of criticism is oft turned towards fellow-countrymen Vlachs living and working abroad,¹⁵ for according to local Vlachs "they are not supporting and assisting enough in emancipation of our people."

Advocates of Vlach/Romanian unity are disgruntled with a low engagement of their domicile country, Romania. They in fact have much more efficient and productive co-operation with Romanians in Vojvodina, than with those living in Romania. Relations between the two Romanian communities in Serbia are another painful issue among the Vlachs. Their different historic experiences and status in former Yugoslavia, and the present-day Serbia have resulted in two completely different cultural systems: in Vojvodina it is based on tradition nurtured and upheld in Romania (including close ties with the Romanian Orthodox Church), while in East Serbia it is based on preserved

¹⁵ Many locals from the area of East Serbia are economic emigrants, now living in a number of West European countries. Hence sumptuous villas and pricey cars, owned by diaspora, are a common feature in many Vlachs villages. That irrational flouting of wealth is repulsive to many of their fellow-nationals, but the Vlach diaspora is reluctant to fund any project from areas of culture, art or information in East Serbia.

traditional values, quite different from the contemporary Romanian legacy and unrecognized by the church.

Existing differences and confronted interests have culminated during the election of the National Council of Romanians, held in Vrsac on 7 December 2002. At the council's founding assembly the Alliance of Vojvodina Romanians of Yugoslavia left the coalition composed of the Community of Romanians of Yugoslavia, Democratic Movement of Romanians of Serbia, "Ariadnae filum" of Zajecar and Cultural Centre of Romanians of Brestovac. After a lengthy and stormy discussion, a representative of the Community of Romanians of Yugoslavia informed the assembly that their coalition with Vlachs shall withdraw its list of candidates. And in fact shortly afterwards 62 electors demonstratively left the assembly, but the remaining organizations and parties managed to set up the National Council of Romanians. Thus Vlachs remained outside the National Council and faced a new problem: if they set up their own national council, as recommended by representatives of the Ministry for National Minorities, they would call into question their long-standing uphill struggle for adoption of Romanian identity; but if they didn't, they risked to remain excluded from the most important institutional framework which the state had destined for national minorities.

Election of the National Council of Romanians is only one in a series of negative examples of soured relations within the minority, between national minorities, between minorities and parties in power, between minorities and domicile countries. Jon Cizmas, President of the Community of Romanians of Yugoslavia, on the occasion of the national council election stated: "We shall not recognize legitimacy of this council until it recognizes our brethren from Timocka Area. We shall set up our own national council. I deeply regret the fact that interests of some Vojvodina political parties have prevailed over interests of the Romanian national minority."¹⁶ Forum for Culture of Vlachs then resignedly stated: "Ministry for Minorities obviously does not intend to deal with our quarrels and internal strife, for that Ministry considers that the process in Vojvodina has ended, while we are yet to embark upon it. In other words, the Ministry is not interested in instrumentalization of Vlachs in quarrels between Romanians from Banat, cheered on by our fellow-countrymen in Romania.¹⁷ However that Ministry must show major interest in relations between minorities, its task is to exert influence on the government of Serbia, on all protagonists of political life and on the whole public opinion in the sense of creating a positive, constructive and relaxed mood, in which the struggle for national interests shall not be considered tantamount to calls for perishment of all others. But it seems to me that government of Serbia has not yet embarked upon such a task."

¹⁶ Daily "Dnevnik", Novi Sad, 09.12.2002.

¹⁷ Bulletin of Forum for Culture of Vlachs, Bor, October 2003.

III. Conclusions and Recommendations

With respect to other minorities in Serbia, the Vlach national minority faces a singular set of problems. Vlach historic genesis is as complicated as those of other Balkans peoples, but they have managed to preserve their identity better than the other ethnicities. Hence raising of national awareness among Vlachs is reduced to the problem of definition and necessary standardization of identity features and hallmarks and not to a belated recognition thereof or familiarization with, as many would like to suggest. In that sense the state with all its relevant institutions must urge the survival and development of the Vlach national minority.

Therefore Helsinki Committee for Human Rights in Serbia recommends the following measures:

- Rendering support and assistance to efforts for self-definition of national identity of Vlachs in terms of historic, anthropological and culturological insight into their origins and ethnic genesis;
- Kick-starting standardization of language and alphabet, in order to facilitate education in Vlach mother tongue in schools;
- In view of the length of the language standardization process relevant state bodies should come up with an interim solution enabling at least the first steps in education in mother tongue. Education being a sensitive and serious issue, it must be tackled by dint of a well-conceived and long-term strategy;
- In the meantime mechanisms and instruments facilitating a large-scale inclusion of Vlach population in social life must be put in place. In that process it is necessary to devise ways for overcoming gaps between the legally guaranteed rights and real possibilities for exercise thereof in practice;
- Representatives of Vlachs should be fully engaged in devising measures for betterment of their status;
- Vlach community should make additional efforts to enhance its homogenization, having in mind the fact that national emancipation is not an objective per se, but rather a necessary ingredient of multi-cultural identity of society.

	Republic of Serbia	%	Central Serbia	%	Vojvodina	%
Total	7,498,001	100.00	5,466,009	100.00	2,031,992	100.00
Serbs	6,212,838	82.86	4,891,031	89.48	1,321,807	65.05
Montenegri.	69,049	0.92	33,536	0.61	35,513	1.75
Yugoslavs	80,721	1.08	30,840	0.56	49,881	2.45
Albanians	61,647	0.82	59,952	1.10	1,695	0.08
Bosniaks	136,087	1.81	135,670	2.48	417	0.02
Bulgarians	20,497	0.27	18,839	0.34	1,658	0.08
Bunjevci	20,012	0.27	246	0.00	19,766	0.97
Vlachs	40,054	0.53	39,953	0.73	101	0.00
Goranci	4,581	0.06	3,975	0.07	606	0.03
Hungarians	293,299	3.91	3,029	0.06	290,207	14.28
Macedonians	25,847	0.34	14,062	0.26	11,785	0.58
Moslems	19,503	0.26	15,869	0.29	3,634	0.18
Germans	3,901	0.05	747	0.01	3,154	0.16

	Republic of Serbia	%	Central Serbia	%	Vojvodina	%
Total	7,498,001	100.00	5,466,009	100.00	2,031,992	100.00
Roma	108,193	1.44	79,136	1.45	29,057	1.43
Rumanians	34,576	0.46	4,157	0.08	30,419	1.50
Russians	2,588	0.03	1,648	0.03	940	0.05
Ruthenians	15,905	0.21	279	0.01	15,626	0.77
Slovaks	59,021	0.79	2,384	0.04	56,637	2.79
Slovenians	5,104	0.07	3,099	0.06	2,005	0.10
Ukrainians	5,354	0.07	719	0.01	4,635	0.23
Croats	70,602	0.94	14,056	0.26	56,546	2.78
Czechs	2,211	0.03	563	0.01	1,648	0.08
Others	11,711	0.16	6,400	0.12	5,311	0.26
Undeclared/undecided	107,732	1.44	52,716	0.96	55,016	2.71
Regional belonging	11,458	0.15	1,331	0.02	10,154	0.50
Unknown	75,483	1.01	51,709	0.95	23,774	1.17

Republican Statistics Bureau of Serbia: "Population of Serbia According to Nationality: the 2002 Census"

Belgrade, June 28, 2004

Mr. Rasim Ljajic
Minister of Human and Minority Rights
Belgrade

Dear Mr. Ljajic,

Tens of ethnically motivated incidents have been registered in Vojvodina in the wake of the early parliamentary election. The incidents in Sombor, Zrenjanin, Subotica, Novi Sad, Temerin and other towns clearly indicate that interethnic relations in the province have once again dangerously aggravated. The scope of the minority communities that are targets of intolerance has been extended from Hungarians, Croats, Roma and Ashkalia to Slovaks and Ruthenians. Perpetrators have been assaulting civil institutions and religious facilities of minority communities alike.

In a situation as such – that would raise the alarm in any democratic society – the authorized bodies in Serbia fail to react adequately. Perpetrators are prosecuted for offense, rather than for crime. It is only natural, therefore, that members of minority communities take leave to doubt not only that the danger to the overall society caused by such incidents has been deliberately ignored, but also that such ethnic banditry enjoys taciturn support.

In addition, one cannot but be concerned with public reaction, beyond Vojvodina in the first place. Ignoring such incidents and ethnic radicalization lead one to the conclusion that all this is about a much more serious problem – in brief, that authorities are disinterested to solve the position and future status of Vojvodina's autonomy. The Helsinki Committee for Human Rights in Serbia takes that the issue of Vojvodina's autonomy clearly illustrates whether the actual or any government to come possess the necessary reformist potential.

Unlike the official Belgrade, political and diplomatic representatives of neighboring countries were manifestly interested in and concerned over developments in the province. Prompted by growingly frequent anti-Hungarian incidents, high representatives of the Republic of Hungary displayed such concern. During her recent visit to Subotica, Hungarian Minister of the Interior Monika Lampert made no bones when saying that she would initiate an investigation before the Council of Europe, unless the authorities in Belgrade take efficient measures with a view to preventing such incidents.

The investigation as such would, for sure, erode the government's credibility and strengthen the international community's perception of Serbia as an unreliable partner. This is why the Helsinki Committee once again pinpoints that Serbian authorities are those that are the most accountable for the position of minorities and that their attitude towards violation of minority rights will determine whether Serbia will set off for democratization and normalization of neighborly relations or strike out for another isolation and inter-ethnic conflicts.

The Helsinki Committee encloses a list of ethnically motivated incidents, compiled in tandem with the Provincial Ombudsman for National Minorities. The Committee takes it is your duty - under the Law on Minorities and the obligations this country has undertaken when admitted to the membership of the Council of Europe - to take necessary steps to ensure that all perpetrators are tracked down and adequately tried. Only full concern for the maintenance of Vojvodina's multi-ethnicity can stand in the way of new and dangerous divisions.

Sincerely yours,

Sonja Biserko,
Chairperson of the Helsinki Committee

Cc:

- Mr. Nenad Canak, president of the Vojvodina Assembly
- Office of the Council of Europe
- Delegation of the European Commission
- OSCE Mission
- Embassy of the United States of America
- Embassy of the United Kingdom
- Embassy of the Federal Republic of Germany

Ethnically Motivated Incidents - since December 2003 elections - ¹

- 27 December 2003 - Sombor, windows of the Croat Community Centre were broken.
- 28 December 2003 - Tavankut, bust of Matija Gubac in the school-yard of the namesake primary school was pulled down.
- 31 December 2003 - Tavankut, bust of Matija Gubac in the school-yard of the namesake school pulled down for the second time.
- 4 January 2004 - Mala Bosna, busted and pulled down the roadside Djukicev Cross (Subotica-Sombor road).
- 13 January 2004 - Subotica, two death threats by phone issued to the staff of the Publishing House "Hrvatska rijec"
- 14 January 2004 - Subotica, the staff of "Hrvatska rijec" received three more death threats by phone.
- 24 January 2004 - Subotica, Kersko cemetery was desecrated, 36 crosses were dug out and thrown around, and a stone family grave was badly damaged.
- 25 January 2004 - Novi Sad, the only Croat language program of TV Novi Sad was banned because of the incidents-related feature.
- In February 2004 - Subotica, a window of the Franciscan Monastery was broken.
- In February 2004 - Consul General of the Republic of Croatia in Subotica Dr. Jasmina Kovacevic Cavlovic and other consular personnel received repeated death threats by phone.
- Editors and journalists of "Gradjanski list", a Novi Sad daily, were accused by anonymous caller of being "an Ustashi daily" and "a pro-Croat daily"
- Ninety-six crosses and monuments at the Catholic Kersko cemetery, predominantly Croat burial site, were desecrated.
- Laslo Tot, a TV Novi Sad journalist, was banned from filming a ceremony of wreath-laying on the monument dedicated to the victims of the Fascist raid in Curuga, on river Tisa (6 January).

¹ Information about ethnically motivated incidents was provided by representatives of some minority communities and gathered from the print media. The information presented here, therefore, cannot be taken as definite in the above-mentioned period.

- Desecration of cemeteries' monuments and roadside crosses was continued, in Temerin (18 January), and then of:
 - the Catholic cemetery in Novi Sad, 19 January,
 - the Reformist church in Sombor, 19 January,
 - the cemetery in the Upper Town in Senta, 18 March, several granite monuments were broken.
- A bi-lingual plaque on the homeland museum in Temerin was broken on 4 February, after 30 years, and on the museum's doors letters „SRS"-acronym for the Serbian Radical Party - were written.
- Hungarian language inscriptions (on a bi-lingual plaque) at the entry to Kanjiza (13 February), Rusko Selo (15 February), Doroslov (16 February) were erased.
- Graffiti "Serbia up to Tokyo" was written on the Cultural Centre wall in the village of Doroslov (16 February).
- In late February chauvinistic graffiti appeared on several buildings in Kikinda. On the wall of the Barbul (of Romany descent) family house a 3 metre-long message "Out with Romanies - Skinheads" was written. On the wall of the city bakery the following graffiti were written: "Serbia to Serbs!" and "Death to Jewish Occupiers!" On the wall of the building housing a Chinese shop someone wrote: "Out with Chinamen!" while the wall of patisserie "Specijal" (owned by a Turkish family from Macedonia) was covered with the following words: "Out with Shiptari!"
- The following graffiti was written on the city cemetery in Novi Sad: "I wish that all non-Serbs were dead by the end of 2004."
- In early February MP Milorad Mircic qualified daily "Gradjanski list" as a "Ustashi paper".
- Graffiti "Leave Serbia! This is our country, you are not welcome here," was written in Coka on the screen of the Hungarian Musical Festival (8 March), and several days later a graffiti "Get out of Serbia! Serbia up to Tokyo" was drawn on a secondary school wall.
- According to the local police in Vojvodina in only four days, from 17-21 March, there were 40 attacks on the property owned by Albanians and Muslims. Among other things, windows of the Islamic Religious Community's prayer house were smashed in Novi Sad. Majority of the attacks happened in the municipalities of Sombor (14) and Novi Sad (13). Similar incidents took place in other towns throughout Serbia as well.²

² For instance, the Bajrakli Mosque in Belgrade was set on fire on March 17. Several days later, two shehit shooting bunkers were destroyed in the Kalemegdan park in Belgrade. In Zajecar, entry door of the hamburger joint "Kraljevica", owned by Bedri Ademiju, was busted, while the owner and his mother were insulted, and called by a derogatory name of "Shiptars"; In late evening of March the 18th, in the village of Zlot, a poster with the message "Get Lost" was affixed to patisserie "Bondeno" owned by Daim Serif; According to daily "Kurir", 20 March issue, in Nis, a house inhabited by members

- In the small hours of March the 17th, demonstrators in Novi Sad broke windows of bakeries "Klas" and "Stari grad" and of a patisserie facing them. Bakery "Violeta" on Boulevard of King Peter the First was torched.
- In Sombor, in the wee hours of March the 17th, windows of the bakery "Tri brata" (owned by Marko Katezi) were broken, as were windows of the bakery "Dva brata," while the pancake shop, owned by brothers Korhani, was set on fire. Luckily, the fire was immediately extinguished. Windows were smashed also on a hamburger joint on Stapani road.
- On 18 March, after midnight, about 30 demonstrators raided the Ashkalia and Romany settlement Veliki Rit. Calling the locals "Shiptars," demonstrators broke the fences and smashed cars and windows.
- In Novi Sad windows of the Hungarian language theatre were broken. (18 March).
- In late evening hours of 18 March in Subotica, shop-window of bakery "Prolece" was smashed. Out of fear not a single Albanian shopowner dared appear at the Subotica flea market.
- At four o' clock in the morning on March the 21st, in Novi Sad, two Molotov cocktails were thrown into the bakery owned by Krajik Bari.
- Because of the statement by Atanasije Jeftic, dignitary of the Serbian Orthodox Church, in the Celije monastery on 7 April ("Some people really smell foul... poor Muslims, it because of their grease-eating habits"), head of the Islamic Community sent a protest letter to Patriarch Pavle.
- In Backa Palanka (28 March) entrance to the Slovak Cultural Centre and the Slovak Evangelical Church as well as some windows in the hall of the first building, were broken.
- In Djurdjevo (at the same time) graffiti "Ruthenians, Move Out" was written, several bi-lingual street names inscriptions were removed, façade of the building housing Cultural-Artistic Association "Taras Sevcenko" was marred by spray scrawls, and several windows of the houses owned by Ruthenians were broken.
- In the first half of March, Jozef Kasa, leader of the Alliance of Vojvodina Hungarians, and Nenad Canak, President of the Assembly of Vojvodina, got a message that they were sentenced to death by the Diaspora Court-Martial and that the said sentence would be carried out by the end of 2004.
- In Temerin (31 March) vulgar Hungarian and Albanian-bashing graffiti were written.
- In Subotica (2 April) anti-Hungarian slogans were written on several buildings. On the façade of the Cathedral Saint Therese of Avila - "Death to Hungarians!" "We shall kill Hungarians!" inscription was found on

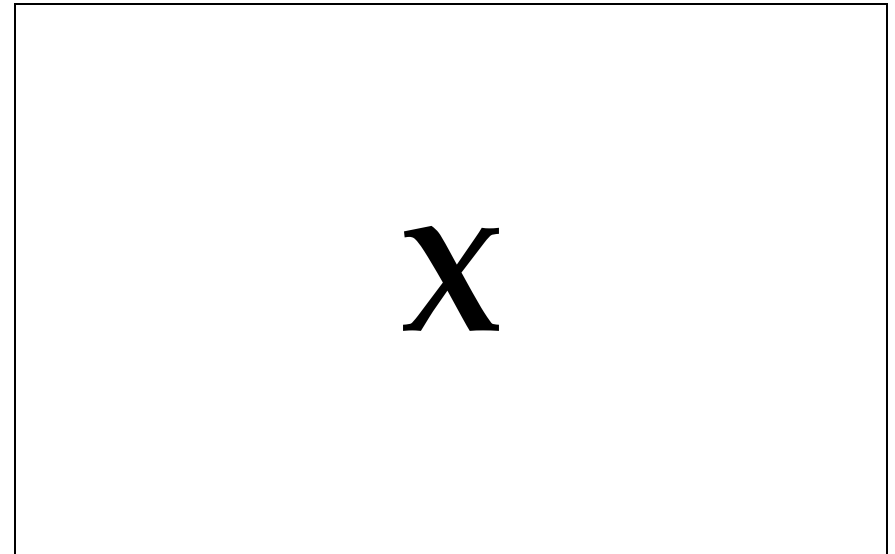
of the Mormon sect, US citizens, was set on fire. According to the police, a Molotov cocktail was probably thrown through a window, etc.

the wall of the Hungarian Cultural Centre "Nepker" and on the facade of the Sports Hall.

- Graffiti "Death to Hungarians!" and "This is Serbia," appeared on 3 April in Senta and in Backo Gradiste (9 April). On the railway bridge in Novi Sad graffiti "We shall kill Hungarians!" was written.
- A fight between the Ziska family and a settler (refugee), Radenko Panic, in Apatin broke out on grounds of long-standing, unresolved co-ownership relations. No protection was provided for the Ziska family.
- Faced with death threats, Corba Beli, Vice President of Democratic Alliance of Vojvodina Hungarians (Temerin) asked for police protection (9 April).
- At the railway bridge in Novi Sadu a graffiti "Death to Shiptars!" appeared.
- In the late evening hours of 23 April, a group of Romanies was barred to enter the café ZAM on the Temerin road. They were denied access allegedly on grounds of a private party being staged therein. Romanies were obviously discriminated against.
- In the small hours of 1 May, 21 monuments were torn down or completely destroyed at both Catholic and Eastern Orthodox cemeteries in Novi Becej.
- On the night of 3 May, Ljubisa Stajic and Zoltana Pastor, priests of Adventist Church in Novi Sad were attacked by three youths in the premises of that religious community. The attack was staged after the mass, along with messages "We should banish you all, you, sectarians, we should torch your premises and bust up all your belongings!"
- An unidentified perpetrator or several vandals tore down part of the Monument to Victims of Holocaust 1941-1945 at the Jewish cemetery in Kanjiza. Pulled down was one of the two marble plaques with names of Jews perished in the WWII, and two decorative concrete balls. Excrements of vandals were found on the broken off plaque. (Dnevnik, 4 May 2004)
- In Torda, on 16 May, at 01.30 a.m., several Serb youths, tried to gatecrash a closed disco club in which several Hungarian youths were still present. When their attempt was foiled, they started threatening that they would kill all Hungarians, torch their houses and smash all Venetian blinds.
- On 21 May in downtown Temerin a group of Serb youths without any apparent reason attacked and roughed up three young Hungarians. Police detained the attackers, and one of them was punished for having committed a misdemeanor.
- In late May, three Hungarian youths were beaten up in Subotica. After midnight they were attacked by 8 Serb youths. Two days earlier, in downtown Subotica, a group of Serb schoolboys attacked their Hungarian peers. The case, due to parents' fear, was not reported to the local police, but the media duly covered the incident.

- On 29 June, 10-odd youngsters stoned several houses in the Veliki Rit settlement. The assault took place in small hours. One person was hurt and several houses were damaged. The Ashkalia Mainstream Organization requested that the police should patrol the settlement round the clock.
- On May the 27th priest of the Zrenjanin Catholic church, Jene Tica, was seriously injured while trying to prevent a robbery in the parish.
- In the small hours of Saturday, May the 29th, in Stara Pazova, on houses of members of Slovak minorities, on the car owned by a Croat, as well as on the temples of Jehovah's Witnesses and the Christian Nazarene Community, swastikas, the letter U, pentagrams and desultory messages, like "Go to Germany!", "Ustashi", "Sects", "We shall not renounce Gypsies", and a graffiti with a symbol of the Belgrade-based radio B92 with a swastika and the letter U, were drawn. Editor of the Radio Stara Pazova, who broke the news about the graffiti, received a phone threat while at home to the effect that "you could share the fate of that Montenegrin".
- In early July, 17 tombstones were demolished in the Sombor Catholic Graveyard.
- In mid-July, anti-gay graffiti were made in Zrenjanin, saying, "For a Serbia without gays" and "Gays are not human beings!"
- Gezi Kucari, mayor of Subotica, found a message on his answering machine, whereby an anonymous caller invited him to join the Serbian Radical Party and sing Chetnik songs.
- In the small hours of 25 July in Temerin, unknown perpetrators set on fire the banners of the Republic of Serbia, the local community and the Hungarian national minority.
- In the small hours of 22 August, Denis Setet and a friend of his were stopped by a group of youngsters. When one of them cried, "They are Hungarians, let's beat them up!" the others begun to hit them with their feet.
- In mid-September, Laslo Setet's family emigrated to Hungary. Someone used red spray to write a threat on their house, saying, "You'll kick the bucket, Hungarians!" A graffiti "Death" was made on their entrance door, pierced by a 35-cm. knife.
- In the small hours of 24 September in Novi Sad, a graffiti "Death to Hungarians!" and the Serbian "four S" cross were drawn the house owned by a Hungarian family.
- On 25 September, in the TV Indjija's commercial slot paid by the Serbian Radical Party, writer Momir Lazic accused Rasim Ljajic of secessionism in Sandzak, and Jozef Kassa and Nenad Canak of wanting to secede Vojvodina from Serbia. He also accused Wallachians of planning to join Vojvodina with Rumania. Lazic said, "These days, Shiptars are buying farmland in Vojvodina. These days, several hundreds of Albanian women delivered babies in Novi Sad. They do not give birth in Prishtina, but here, as they follow their orders." Lazic accused President Tadic of having destroyed the army and brought in Al Khaida.

- On 25 September, an unknown perpetrator took off plates from the car belonging to Catholic priest Dinko Kalman and pasted a two-headed eagle instead.
- On 28 September, a Hungarian secondary school student was beaten up in the bus on his way to school in Backa Topola.
- On 28 September in Temerin, a Hungarian student was badly beaten up in the fistfight between two groups of students of the Technical Engineering School.



Education: From "Relaxation" To Clericalization

A very special role in building the new Serbian identity is the one played by the educational institutions, primarily the university. The largest step made by Prime minister Djindjic's government was precisely in education reform. The reform was appraised as liberal and Serbia joined the European process of higher education reforms, based on the Bologna Declaration. However, Vojislav Kostunica's government stopped the educational effort of its predecessor, invoking numerous objections to the effect that it was "excessively pro-western and threatened to destroy the identity of the Serbian nation".

"Reform's Reform"

Before the new government was formed the outgoing minister of education and sports Gaso Knezevic in an interview stated that "substantial changes in the education system could be forthcoming only if a Serbian Radical party member came to the head of the Ministry of Education. That is because other parties do not object the concept of education reform." He went on to explain: "I think that the Democratic Party of Serbia is absolutely aware of the quality of changes; anyway, the DSS representatives in the Committee for Education did not have conceptual objectives to the reform of education, but requested its postponement for a year, assuming that the new elections will be scheduled at that time."¹ However, as soon as its minority government was formed, the DSS stopped the education reform, despite the reactions of the public.

The new minister of education Ljiljana Colic in the first statement she made revealed her attitude towards the reforms of the previous government by saying that the new one would "relax the situation in this sphere a bit".² Soon after, she declared the "launch of intensive activities to change the existing legal solutions and, in a short time, propose to the Serbian parliament a new draft legislation establishing the bases of a system for education and upbringing,

¹ *Danas*, 12 January 2004.

² *Vreme*, 4 March 2004.

which should 'help us to correct the reform moves made so far, and also to re-channel the reform and point it in the direction we consider the best'.³ She admitted that "what's to be done in next school year is yet to be decided" but that they would not "reveal their plans, in view of the strong opposition of the former ministry and certain NGOs".⁴ Ljubomir Protic, assistant to the minister concerned with the strategy of pre-school, elementary and secondary education, confessed that they had not "managed to review the work already done", and did not have a complete insight into the "realization of introduced educational novelties".⁵

Essentially, the new government mostly objected the liberal and pro-European orientation of the education reform endangering the identity of the Serbian nation. The stopping of the reforms and annihilation of efforts of the previous government - especially the Ministry of Education - were intended to pave the way for the clericalization of education. Appearing in Radio B92 *Kaziprst* program, Ljubomir Protic explained: "Who said that it is discontinued, stopped? How can we stop a reform if it does not really exist?"⁶

The new government avoided to consult with the team previously engaged in the education reform⁷ and immediately mounted an anti-reform media campaign. Articles which started appearing in the press already during 2003, heralded the policy of the new government. Most prominent among their authors were Zoran Avramovic, research fellow of the Institute for Pedagogical Research in Belgrade, Milorad Desic, professor at the Faculty of Philology in Belgrade, Aleksandar Lipkovski, dean of the Faculty of Mathematics in Belgrade⁸ and Emil Kamenov, professor of pedagogy at the Faculty of Philosophy in Novi Sad. The Committee for Serbian Language Standardization also spoke up prompted by the "impermissible disregard of the national language" in schools.⁹ A number of Serbian academicians and representatives

³ *Vreme*, 1 April 2004.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

⁷ A paragraph from the article "Decision without Arguments", actually an interview with the former education minister Gaso Knezevic, reads: "People in the current makeup of the Ministry of Education refuse any cooperation with us, but I believe that no one should be allowed to stop the reform processes without a previous professional analysis and evaluation of the started reforms." *Politika*, 26 March 2004.

⁸ Lipkovski in his articles invites the suspension of the Law on the Bases of the System of Education, and the replacement of members of the Educational Council, as well as the "disbanding and 'lustration'" of all engaged by this ministry". He calls all, from the prime minister to the MPs, to account to the "nation and history" for the moves made in the education reform, since "the quality and tradition of Serbian education" must be preserved". *Ogledalo*, 31 March 2004.

⁹ *Blic*, 30 January 2004.

of the Serbian Orthodox Church were also actively involved.¹⁰ In addition to daily papers where articles of this kind were printed, the clearest messages of all were found in the weekly *Ogledalo*.

Assistant to the minister of education, professor Ljubomir Protic explained that the government's criticism of reforms was based on the facts that it had been initiated only in some segments, without organizing experimental classes or a public debate, and that a national consensus went missing. He pointed out that the positive impressions of individual educators and parents about the reforms were subjective, since numerous associations, such as the *Society of Mathematicians of the Faculty of Mathematics* and the *Society for Serbian Language and Letters*, opposed the reduction of the number of classes of Serbian language and mathematics.

The Ministry of Education also announced the cancellation of all seminars for educational workers, although the financial assets for participation in these seminars were provided by the EU. Assistant minister Protic claimed that the project included the total of "280 seminars, both good and bad". However, under the pressure of the educational community Protic announced

¹⁰ *Vreme* journalist Slobodanka Ast, reviewed a special brochure of the Serbian Orthodox Church "The Truth about School Reform" and summarized some of the above-mentioned conclusions:

"A few months ago a special edition of 'Truth' appeared devoted to the school reform. The edition was sold in churches. A little unusual bearing in mind that 'Truth' (*Istina*) deals with 'totalitarian and destructive sects and various forms of psychomanipulation'. The publication addressing the school reform states that Gaso Knezevic and psychologists and pedagogues of his kind pursue a reform of schooling based on 'different kinds of manipulation and deceits aimed at deconstructing the traditional school in our parts and its transformation into an American state school, with semi-literate graduates. The strike aimed at destroying schooling is a strike at the entire people...'

Istina in the manner of *Obraz* attacks all novelties of the new school: from depoliticization to descriptive marks and rejection of central plans and programs, summer camps, teaching of national history, new ABCs... 'The Truth about Reform' brings a number of echoes and reactions from well known addresses: The Department for the Serbian Language of the Faculty of Philology, asking increased number of classes of the Serbian language and literature (six to nine a week), director of the Mathematical Secondary School, demanding more mathematics, academician Nikola Milosevic criticising the winking of St. Sava ('an aspiration to phase out the national belonging'), and numerous letters from the Holy Synod of the Serbian orthodox Church, an epistle explaining the Orthodox believers why religious instructions should be attended and an accusation of the Writers' association that the purpose of the schooling reform is to 'undo the child as a child and man as a man'... Almost all these texts attack the reformers 'Europeanizing the Serbian education'.

'The Truth about the Reform' was distributed in churches and is pervaded with the spirit resembling that of the new Ministry of Education. The signatories of some of the texts published in it include the new assistant to the minister of education, professor Lj. Protic..." *Vreme*, 1 April 2004.

that "firm international obligations, even if considered inferior, will have to be implemented".¹¹ Protic found the composition of the Educational Council elected during the tenure of the previous ministry "doubtlessly low-grade". All the things so promptly announced by the new government, indicated that whatever the previous one had accomplished in the educational reform will be annulled.

The media, denied the possibility to contact the Ministry of Education throughout April 2004, had to wait until the next month for a concrete answer about the continuation of the reforms and the curricula for the pupils of the reformed second and seventh grades of elementary school. The fact that the media were finally able to ask their questions had nothing to do with the Ministry's wishes, but rather with the fact that the former minister Knezevic somehow acquired a copy of the "Proposed Amendments to the Law Governing the Bases of the System of Education and Upbringing", wherein the new ministry announced the invalidation of all education reforms of the previous government.

In that context the education minister gave a few interviews directly accusing the previous ministry of creating a "chaos", spending the money for reforms and delaying the new curricula for the reformed classes. The government's intentions to "reform the reform" of education provoked fierce reactions of part of the public, which made Ljiljana Colic state that "... there have been many manipulations in the public that we intend to stop the reforms. Of course not, they are what Serbian schooling needs. But a lot of attention has been paid to implementation, while the objective was neglected. Naturally, changes are necessary in learning methods as well as in the approach of teachers and professors to their pupils and students..."¹²

Minister Colic announced that in the next school year "children enrolled in the first grade will attend reformed instructions. At least we'll try for that." She also said that "the reform will not be identical to what the previous team has planned and envisaged. Our priority will be to re-examine and change the curricula, thus what children learn, rather than how they do it, which seems to have been crucial for the previous ministry. The two cannot go one without the other, but curriculum comes first. The main objective of the reform is to adjust the educational System in Serbia to our social needs, while respecting the European standards."¹³

The Educational Council strongly reacted to the proposed amendments since, "contrary to the law, the Ministry failed to consult it both concerning the legal amendments and the contents of possible changes and additions. Neither the ministry nor any other body sought the Council's participation in preparing the changes and additions and moreover, did not solicit its view on the

¹¹ *Danas*, 1 April 2004.

¹² *Balkan*, 10, 11 and 12 April 2004.

¹³ *Politika*, 10, 22 and 12 April 2004.

proposed text of the amendments.¹⁴ Ljiljana Colic explained that the "Educational Council was not consulted due to the lack of time and also because it is a large question whether the people there are really experts. Thus, for instance, the Council does not include an expert in the Serbian language, which is thoughtless."¹⁵

The adoption of the proposed amendments to the law on the educational system annulled the reform efforts of the previous government. The amendments were immediately effective for the school year 2004/5, and a "reformed program" was applied (the first, second and seventh grades of elementary school). Thus, e.g., foreign language, anticipated to be taught in the first grade of elementary school,¹⁶ became an elective subject, with an explanation that two thirds of schools do not have the required personnel; a child will have to repeat a year if he/she had three, instead of four failing marks; elementary school is organized in cycles of 4+4,¹⁷ lasting 8 years for those already enrolled, and a preparatory grade is introduced and made obligatory, although in the absence of changes precisely in the manner of teaching, it will amount to no more than a fictitious extension of elementary schooling to 9 years. Religious and civic instructions remained elective subjects with the proviso that the option once made cannot be changed. However, the choice of one is obligatory.¹⁸ A change of provisions governing the licensing of educational workers was also announced: "Licenses shall be permanent, i.e. they will not have a specified duration, and will be granted by the department for the professional development of employees attached to the newly formed Institute for the Promotion of Education and Upbringing."¹⁹

¹⁴ *Balkan*, 27 April 2004.

¹⁵ *Politika*, 18 May 2004.

¹⁶ After the announcement that the teaching of the first foreign language will be moved back from the first to higher grades of elementary school, a public polemic developed. The Ministry successively produced new argumentation required for the purpose. Those who supported the Ministry justified the need to make this move by the fact that the beginners should first learn their own language and that the learning of a foreign language would endanger the Cyrillic alphabet. The Ministry then said that two-thirds of schools do not have the staff to teach this subject. Finally, the minister used the argument of inadequate qualifications of the existing staff. An action, or at least a proposal, to deal with the problem of qualifying a sufficient number of teachers went missing, revealing that the true reasons for this move were the "preservation of the national language and culture". The members of the former ministry denied the existence of the personnel problem, since only 23 out of 1800 schools in Serbia lacked the required teaching staff, and were given a year to deal with it.

¹⁷ The previous government started the reform whereby elementary education would be extended to 9 years in 3+3+3 cycles. This move of the new government practically prevents any change.

¹⁸ As quoted in *Politika*, 27 April 2004.

¹⁹ *Novosti*, 27 April 2004.

Minister Colic stated that the "plans and curricula for the... zero grade, as well as the entire reform, will be developed by a future National Educational Council of 38 members elected from the ranks of the Serbian Academy of Sciences and Arts, university professors, teachers, professional associations, Community of Secondary Schools, representative trade unions, Serbian Orthodox and other churches".²⁰ The Council has not been formed yet.

Public debate on the proposed changes went missing. The proposal to amend the law was drafted in complete secrecy. A round table discussion on the amendments was organized at the Faculty of Mathematics on May 11, 2004, but the representatives of the previous ministry of education were not officially invited. The Serbian government adopted the proposed amendments to the law, without discussion, on May 14, 2004.²¹ The Serbian parliament's adoption of the amendments on May 28, 2004 was preceded by a lively discussion, which generally contested the work of the previous ministry.

On the occasion of the Government's 100 days, Colic referred to the adoption of the amendments as a success of her ministry.²² She also stated that the ministry "inherited a 484-million dinar debt". A part of the debt is attributable to donors, i.e. the outstanding payments, while the balance is due to the Ministry's financial obligations "under the contracts for reconstruction and repair work in certain schools". Financial operations of this kind resulted in "233 lawsuits against the Ministry" the new team had to deal with. Colic added that "new charges for default on financial obligations are instituted on daily basis".

Commenting on the plan for the reform of high education, pursued under the Bologna Declaration, Colic said: "The Bologna Declaration is a fluid text, not a holy scripture. Thus, Europe today speaks about a Bologna process. Our doubtless objective is to usher Serbia into the European higher education space. We shall proceed in that direction as fast as we can, but we must know that numerous universities in developed European states have not yet reached the finish line."²³

The ministries of education and religions acted in close cooperation, as best illustrated by their joint action to obtain the schools' decisions on the subject of religious instructions. Minister Colic and the minister of religions Milan Radulovic addressed the schools in Serbia with a letter concerning the manner of choosing between two elective subjects. They, among other things, wrote: "... before the decision about religious instructions is made, elementary schools are obliged to distribute the relevant booklet signed by the Ministry of

Under the previous law the license had to be renewed in 5-year intervals, which required permanent education of teachers.

²⁰ *Politika*, 30 April 2004.

²¹ *Politika*, 14 May 2004.

²² *Balkan*, 11 June 2004.

²³ *Svedok*, 15 June 2004.

Religions and Ministry of Education to all first-grade pupils and their parents". The letter continued: "The schools must enable religious teachers to hold a class in order to present their subject to the pupils of secondary schools, i.e. elementary school children and their parents". Possibilities of this kind have not been anticipated for classes of civic education. The letter also anticipated that "the decision must be made in the presence of the teacher, i.e. class-master, religious and civic education tutors. Furthermore, "teachers, i.e. class-masters should not teach civic education in their respective classes, since they would thus indirectly influence the option of their pupils." Any departures from the prescribed procedure would render the pupil's choice invalid and would have to be repeated as instructed.²⁴

In addition to favoring religious instructions, the Ministry of Education informed the schools that it lacked the funds for civic education, i.e. that education of lecturers for that subject would have to be made at the expense of the schools, although it was well known that the schools could ill afford it.

The Ministry of Education also passed a decision to disband all classes in first and second grades of elementary school with less than 25 pupils and place these children in other classes. The Decree aimed at rationalizing the number of employees in education and elicited the reaction of the teachers' trade unions.²⁵

The most striking example of the Ministry's conservatism was its decision to drop the lessons about Darwin's theory from the curricula. This provoked stormy reactions of the public and the Ministry was forced to revise its decision: "Although the Ministry of Education and Sports removed the topic of the origins and evolution of the human specie from the curricula for the eight grade, it remained in the textbook and is accessible to the pupils. The Ministry has not prohibited the teachers to lecture on Darwin's theory. The claim, attributed to Charles Darwin, proposes that in the distant past the primates were the joint predecessors of anthropoid apes and man. Scientific knowledge on the origins and theoretical evolution of man is still full of blanks." Darwin's theory of evolution was after all restored to the biology curricula for the eight grade of elementary school. Deputy minister of education Milan Brdar appearing at a press conference said "he came to confirm that Charles Darwin still lives".²⁶

Ideas of this kind are no novelty and were already broached by Nikolaj Velimirovic, certain academicians and the Serbian Church officials.²⁷ Minister

²⁴ *Helsinki Charter*, no. 77-78, August-September 2004.

²⁵ *Balkan*, 31 August 2004.

²⁶ *Danas*, 10 September 2004.

²⁷ Olivera Milosavljevic, in her article, explains why Nikolaj Velimirovic referred to Darwin as one of the "three fatal spirits of the European civilization" and the "proponent of the fatal scientific theory", who (along with Nietzsche and Marx) "brought the entire world to the brink of an abyss". He says that Europe "shamelessly calls an ape its forefather, replacing Christ with biology and prescribes the words "we know now that we are descendents, not yours and not of your heavenly father, but of an orangutan and

Colic obviously only wanted to thus leave her own "imprint", and had previously obtained agreement to that effect.

Minister Colic had come up with a few more "gems" of this kind before she was relieved. Thus the subject "From a Toy to a Computer" taught in the first grade of elementary school, instead of an elective became an optional subject. The Ministry explained that "for medical reasons it is not good to expose seven-year-olds to computer radiation".²⁸ This was damaging for the publishing house "Nijansa", which had already printed 10 thousand copies of the relevant textbook. The children were, instead, given a new elective subject – "calligraphy".²⁹ The year 2004 was marked by numerous problems with textbook publishing, since the publishers were confused.

Despite the above-mentioned lack of foreign language teachers, at the beginning of the school year the Ministry set out to dismiss those with the so-called B2 teaching certificate. The decision elicited stormy reactions of the Social Democracy's Youth and the Civic Youth Alliance.³⁰ Radmila Dodic of the Forum of Belgrade Elementary Schools announced the Forum's intention to "apply to international organizations for the protections of children's rights with a request to enable the teachers with B2 qualification to continue teaching foreign languages to the youngest school children". The teachers concerned graduated from one of teachers' faculties and passed B2 exam (the European standard for English language teachers), allowing them to teach foreign language in lower classes all over the world.³¹

Minister Colic also disbanded the network of expert teams for psychological interventions in crises,³² which may arise in schools, e.g. situations when children are seriously injured or wounded, traffic accidents, suicides and murders. Teams of psychologists, essentially formed to cope with increasingly frequent suicides and aggressive behavior among school children, attended a series of training seminars. The seminars, too, were discontinued

gorilla – an ape". As for the thoughts of the followers of the "spiritual father" who stand on the bulwarks of Serbiandom defending it from Europe, Milosavljevic writes: "Since in his view the 18th century represented a 'rebellion against the Church' and the 19th a 'rebellion against God', while the 20th amounted to 'an alliance with the devil', it is quite clear that the 'ruin' of Europe was due to its science whose 'oppressing smelling gasses' poisoned the air, and for a thousand years now it has been asking its philosophers, politicians, writers and 'all other ignoramus and fortune tellers' to show her the way. All scientific achievements are for Velimirovic but 'petty knowledge' for which human reason would suffice, which is why the European universities have turned into "grocery and thrift shops" and the European school, by taking all power from Christ became a 'poison house'. But, Velimirovic warns, 'one does not play with God' and when people cross the limit 'punishment as a warning must follow'." *Reporter*, 15 September 2004.

²⁸ *Blic*, 15 September 2004.

²⁹ *Reporter*, 8 September 2004.

³⁰ *Blic*, 15 September 2004.

³¹ *Ibid.*

³² The network was established in 2001.

and, according to Jelena Vlajkovic, professor at the Faculty of Philosophy and one of the creators of these teams, the Ministry showed no wish to at least meet them.³³

Minister Colic, furthermore, replaced a number of people heading various educational institutions in Serbia. She e.g. removed the rector of the University of Prishtina seated in Kosovska Mitrovica, professor Gojko Savic, and once again appointed controversial professor Radivoje Papovic. She explained she was "concerned that all connection with Serbia shall be severed and, moreover, the University's statute's made no reference to Serbia, despite the fact that it is financed from the republic's budget". She went on to say that Savic was a "rector without a mandate" and that "certain irregularities in financial operations were noted, such as expenditures for other than appropriated purposes, illegal investments and payment of teachers' salaries..." The new rector was appointed allegedly on the recommendation of professors in Kosovska Mitrovica.³⁴ However, Rade Grbic of the University of Prishtina's Medical Faculty gave the real explanation. Namely, "a statute was prepared whereby the university would join the educational system of Kosovo", which is why the Ministry had to react and prevent that, since, according to Grbic, it wanted to keep the university in the educational system of Serbia, rather than let it operate under UNMIK. Gojko Savic was accused of "scheming" with Harri Holkeri, UNMIK head at that time, and of allegedly asking his protection. Kosovo government requested prompt replacement of rector Papovic for "violating human rights while he was rector of Prishtina University". At his meeting with Vojislav Kostunica Holkeri demanded Papovic's removal.³⁵ The same request was made by the International Helsinki Federation and regional committees, also invoking human rights violations. Papovic, on his part, immediately replaced the deans,³⁶ saying it was "important to know that we have started changing things of special interest for the people and the state, and have the government's backing".³⁷ On October 1, 2004, UNMIK cancelled the accreditation of the University of Prishtina. UNMIK representatives "consider Papovic's appointment illegal and think that the election of the rector of the University of Prishtina must observe the UN Security Council resolution, rather than Serbian laws". The Federation of Universities of Serbia also pointed out that the "minister of education is not entitled to remove and appoint rectors, that being within the competence of the University Council".³⁸

Before she resigned, minister Colic signed decisions relieving most headmasters of schools in Kosovsko Pomoravlje, and appointing acting

³³ *Balkan*, 3 October 2004.

³⁴ *Novosti*, 30 April 2004.

³⁵ *Glas javnosti*, 9 May 2004.

³⁶ *Kurir*, 14 May 2004.

³⁷ *Nedeljni telegraf*, 26 May 2004.

³⁸ *Novosti*, 18 September 2004.

directors and school boards. Serbs from these parts claimed that these bodies no longer included the majority of people proposed by parents and the schools' staff.³⁹ This particular action has been discontinued following the talks the representatives of these schools had with the acting minister of education Milan Brdar.⁴⁰

Indicative in this respect is the reaction of the Serbian political elite to an initiative of a Dutch NGO ATA. Namely, ATA had, for four years organized a Summer University in Pristina (before that in Tuzla, and recently in Kabul and Orhid), for the purpose of bringing students from Europe to multiethnic environments. Participation of students from Serbia was condemned by the Youth Democratic Association of Kosovo and Metohija and the Student Alliance of the University in Novi Sad, as well as the Student Alliance of the University in Kosovska Mitrovica and the youth of political parties such as the NDS, DS, DSS, New Serbia and the SPO. They, among other things, explain that "despite the fact that not one criminal (Albanian) has been brought to justice, no NGO or Association of Albanian students from Kosovo and Metohija participating in this academic meeting condemned the crimes, although their perpetrators may be free and walking the streets of Pristina".⁴¹ It is not known whether the above-mentioned organizations have ever protested the failure to arrest criminals in Serbia. The Students Union of Serbia expressed its hope that "the project may offer a chance for the students to revive the idea of co-existence".⁴²

Minister Colic's resignation was forced by the public and, among others, requested by the Social Democratic Union, Civic Alliance of Serbia, the Center for Children's Rights, Women in Black, Reform Educational Circles, Institute for Biological Research and other institutions and professional public. The Forum of Belgrade Elementary Schools demanded both the resignation of Minister Colic and abrogation of all decisions taken by her ministry.

The replaced minister Ljiljana Colic, in an interview given a few months after, said that, given the chance, she would not do it differently.⁴³ Among other things she said that she cancelled the teaching of the theory of evolution only in the eight grade where one class is dedicated to lecturing and the other to repetition of the material. And moreover, the lecture has to do with an anthropoid ape, i.e. our direct predecessor, although the fact has not been proved to this date. That is the last, but not the only missing link in Darwin's chain of evolution. "I am a deeply religious person, and according to official statistics, over 90 per cent of Serbian citizens form an army of believers. Incidentally, I would do that again. In my system of values, religion is not

³⁹ *Politika*, 17 September 2004.

⁴⁰ *Danas*, 18-19 September 2004.

⁴¹ *Balkan*, 20 July 2004.

⁴² *Ibid.*

⁴³ *Danas*, 31 December 2004-3 January 2005.

something that is served with supper." She added, "The most important thing for me in this whole story is that I have started people thinking and that is my personal imprint. Anyway isn't everything we do our personal mark, if we have the capacity to leave some at all. I have publicly stated my deep moral conviction and thus opposed all who advocated Darwin's' theory of evolution. And its advocates, among others, include Karl Marx, Friedrich Engels, Vladimir Ilyich Lenin, Adolph Hitler, Mao Zedong... thus many of those who used that theory for evil purposes and created a lot of trouble to this world."

As for the cancellation of foreign languages teaching in the first and second grades of elementary school, Colic says: "As a holder of a Ph.D. in philology I stand firm that foreign languages cannot be taught to children by people trained to do that at language courses and, generally, those without the required education. Adults with health problems primarily refer to a general practitioner, while children are taken to a specialist – a pediatrician. The same applies to learning a foreign language – the lower the age the more important it is for the teacher to have appropriate professional qualifications." The teaching of the English language was not abolished, but a decision was made to make it optional in the first and second grades of elementary school. "If a school has the qualified staff to teach English to first and second grades of elementary school it may do so, but if it doesn't there is no obligation to do that," says Colic and adds: "No one was willing to reveal that a large number of schools in Serbia do not have the sufficient number of teachers with the required professional qualifications. I understand the parents' ambitions, but their children will not become intellectuals by starting to learn English and sitting at a computer at the age of seven." Already in May 2004, Colic stated that the obligation to learn foreign languages from the first grade of elementary school "was in a way imposed on us", which is not the case in EU countries, and continued, "...but it is not the condition for entry of the EU or wider international integrations. Our interest to join Europe must not be opposed to the national interest to remain what we are. If we ourselves do not observe our specific characteristics, how can we expect Europe to appreciate that we may in some ways be different from it?"⁴⁴

Change at the Head of Education Ministry

Slobodan Vuksanovic was elected the new education minister in October 2004. Speaking about Ljiljana Colic, he said that "... all the minister did was contrary to the interests of pupils and professors". He announced the continuation of schooling reforms, but not of "experiments". The Bulletin of Reform Educational Circles, among other things, reads: "Although the professors and parents welcome Vuksanovic's announced turn from the policy

⁴⁴ *Novosti*, 22 May 2004.

launched by the former minister Ljiljana Colic, they do warn that frequent changes in the system of education are confusing. Personal imprints in educational policy are also indicative of the Serbian government's lack of any idea concerning the direction this strategic area should take. Regardless of the qualifications he used, the initial statements of the new education minister announcing that the policy of his predecessor will be discontinued, pleased the professors and parents. The plans of the new minister include the restoration of the professors' social reputation, as well as a reduction of the volume of material the children should learn, 'so that they will have fewer subjects and less material but a more stable and lasting knowledge, A book, a ball and a PC - that will be the main slogan of our efforts'.⁴⁵ Vuksanovic revoked numerous decisions taken by his predecessor, and thus dealt with the damage she created. His statements, moreover, favored the opening of the Ministry towards the schools, NGOs, trade unions and other actors in the sphere of education.

Vuksanovic criticized Colic's decision to drop Darwin's theory from the curricula, and said that his first move would be the establishment of a National Educational Council.⁴⁶ He announced that a Law on Higher and High Education would soon be passed,⁴⁷ as well as the necessary changes to once again make the English language an obligatory subject.⁴⁸ The minister said that on December 1, 2004 seminars for 5 thousand teachers in Serbia would begin, organized in cooperation with the Federation of Teachers of Serbia "depending on the teachers' requests and the topics they propose to cover".⁴⁹ Soon after, Vuksanovic noted that he was not sure when the National Educational Council would be formed. He pointed out that certain "institutions have not yet proposed their members", saying it was his obligation to "remind them once again that the deadline has long expired".⁵⁰ In early December 2004, the first of the promised seminars for teachers was held, and Vuksanovic announced the Preliminary Draft of the new Law on Textbooks and a public debate about it. Accused by some of the publishers of passing the law in secret without the public even knowing who is working on it, Vuksanovic said that the "law was drafted by the people in the Ministry of Education whose job it is", adding that "it is no secret. I cannot have secrets from the publishers, because I am the only one who gathered them to make an agreement, so that everybody will be satisfied."⁵¹ Towards the end of the year Vuksanovic declared that, in addition to restoring English as an obligatory subject, the same was done with the

⁴⁵ www.reformaobrazovanja.com

⁴⁶ This statement elicited the reaction of the former education minister Gaso Knezevic who says that Vuksanovic "even if he wanted to could not form the national Educational Council, because it is a job for the parliament". *Danas*, 25 October 2004.

⁴⁷ *Danas*, 25 October 2004.

⁴⁸ *Danas*, 6-7 November 2004.

⁴⁹ *Danas*, 9 November 2004.

⁵⁰ *Danas*, 13-14 November 2004.

⁵¹ *Danas*, 2 December 2004.

subject "From a Toy to a Computer" and that all optional subjects were now made elective. The curriculum was unburdened, as well as the number of classes, which do not exceed 20.⁵²

One of the usual stereotypes when education in Serbia is concerned is the efficiency of "our students" in the world. Individual merits are generally assigned to the educational system in Serbia. However, the results of a PISA study covering 250,000 pupils in 41 countries of the world, including 4,500 secondary school pupils in Serbia (November 2004), revealed that the 15-year-olds in Serbia take the penultimate place in terms of their functional knowledge. These results did not provoke a discussion on the quality of education and possible educational reforms. Instead, Vuksanovic accused those who carried out the research of failure to inform him about the questions in the test and the schools which participated in the testing. Still, he concluded that "our pupils" did well and were intelligent.

Speaking on the occasion of the first anniversary of the Government on February 1, 2005, the education minister stated that he "seeks to bring education and upbringing closer to European standards" and that in future "parents will attend entry tests for secondary schools", "a recent novelty... in line with European practice". The public was informed that a Regulation governing the examination for teachers' licenses was adopted; that two foreign languages will be taught from the first and fifth grades of elementary school; that experimental classes were formed with bilingual teaching so that part of the lectures are held in French, i.e. Italian language; that sport was introduced as an elective subject; that an additional manual for Civic Education was approved; that the ministry started its activities to mark the *Decade of the Roma*; that efforts were made to improve education of children with special needs; that regular cooperation was established with the Council for National Minorities; that conclusion of new contracts was under way with foreign and domestic donors willing to assist Serbian education; that a new Law on the Bases of the System of Education was passed; that the Law on High Education was in parliamentary procedure; that the laws on manuals, pupils and students' standard, pre-school institutions, students' organization and the Law on Sports were in the final stage of elaboration.⁵³

Criticism of the Ministry of Education

On February 5, 2004 the representatives of the Ministry of Education in the previous government promoted three books about their three-year performance with basic guidelines for the next period, actually instructions for the continuation of reforms they wanted to leave their successors. The team

⁵² *Blic*, 26 December 2004.

⁵³ www.mps.sr.gov.yu

who worked for the previous government continued devising and implementing the education reform throughout 2004. In addition to reacting to every single move of the Ministry of Education, its members also formed the *Reform Educational Circles* (ROK), and went on addressing the issues of education reform, for the purpose of protecting and preserving the results of three-year's work.

Gaso Knezevic pointed out that it was necessary to "reorganize and optimize the network of schools and nurseries, establish a new way of financing education and increase the percentage of funds appropriated for that purpose, as well as define the role of local and regional authorities in administering the system of education". Tinde Kovac Cerovic believed that the transformation cycle of the education system usually takes 6 to 12 years, while Srbijanka Turajlic stated that the reform of high education was impossible without the consensus of the academic public.

Reacting to the moves of the Education Ministry Gaso Knezevic said: "They can skim the cream from the results of our long-time efforts, but it seems that they will do the opposite – spill the can of milk".⁵⁴

The previous team of experts regularly stated its views on the actions of the succeeding minister of education. A group of experts from the Faculty of Philosophy approached Ljiljana Colic and the public with an open letter reacting to her increasingly frequent criticism of the previous government's work: "... those concerned may only wonder how well the leading people in the Ministry are informed about the accomplishments of the reform so far; to what extent is their attitude to reforms based on the knowledge and understanding of education and the related science; and whether their relation towards the reforms is predominantly determined by political or professional reasons". The letter ends: "What we have in common is: 1) the belief that the reform of education must have professional bases and 2) the need to draw the attention of the public to the dangers and negative consequences of unprofessional management in the education sector".⁵⁵

The 2004 award of the City of Belgrade for the "New School" project was given to Tinde Kovac Cerovic, Ljiljana Levkov, Borislava Maksimovic, Snezana Klasnja and Aleksandar Baucal, members of the team of the Ministry of Education headed by Gaso Knezevic, as representatives of numerous other people (between 400 and 500) engaged in the reform of education.

In an article which appeared in the daily *Danas*, Tinde Kovac Cerovic stated her objections to the announced amendments to the Education Law, emphasizing that the changes were substantial rather than "cosmetic". She believed that the intention was to erase everything the previous ministry did in three-year's time and claimed that the current minister did not even read many of its documents, or even tried to understand it. She also noted that it was a

⁵⁴ *Reporter*, 20 April 2004.

⁵⁵ *Danas*, 3-4 April 2004.

clash of different concepts i.e. traditionalism ("...although one must bear in mind that 'traditional education' is equivalent to 'traditional medicine' or 'traditional transport'") and modernism - nationalism and globalism. She thought that it was also a political struggle and said: "All this and a lot more may naturally be the means of a political struggle. Perhaps there is more to come, but it does have an end. A political decision implies political responsibility".⁵⁶

A round table "Educational Policy and Management System", organized by the Reform Educational Circles noted the need for a "public, national agreement on the strategy of education, reached by all parliamentary parties, expert groups and associations, leading national institutions, religious organizations, trade unions and NGOs" in order to overcome the crisis of education. The agreement should be "signed for a period of more than ten years and bind the political parties to accept the strategic objectives, so as to prevent the entry of daily politics into schools". The participants supported the abolishment of all disputable decisions made by Ljiljana Colic and the replacement of the Ministry's collegium, and urged the establishment of institutions independent from the state to deal with the issues of evaluation, standardization and accreditation.⁵⁷

The Reform Educational Circles continued their promotion of a modern educational policy; exchange of good practices in education; contributing to professional and public debates on topics relevant for education; informing the public at large about the values of modern education; monitoring events in the sphere of education and reacting to the steps of their actors; and providing assistance and support to all those concerned with improving the educational process. The functioning of this group is defined in the following way: "The Reform Educational Circles shall act as a communication and coordination center for programs and initiatives of reform-oriented professionals, teachers, parents and pupils, as well as their associations; it shall provide logistic support to their initiatives; observe the principles of initiative, democratic dialogue, openness and professionalism; and work in teams, on project principle".⁵⁸

Reform of Higher Education

At the beginning of 2004, before the new government was formed, a polemic broke out between Srbijanka Turajlic, deputy minister of education in charge of higher education, and Marija Bogdanovic, rector of the University of Belgrade. The ministry pointed to the resistance to the reform centered at the University. Bogdanovic stated that she would not accept "bulldozer" methods

⁵⁶ *Danas*, 19, 20. and 21 May 2004.

⁵⁷ *Danas*, 22 September 2004.

⁵⁸ www.reformaobrazovanja.com

in the reform,⁵⁹ and then, after the University representatives had been outvoted on several occasions, requested personnel changes in the Council for High Education. She promised to ask the newly appointed minister Colic to undertake a radical change in that respect "so the University is not disavowed and perpetually outvoted".⁶⁰

The budget adopted after the change in power was insufficient to cover the material costs and elicited protests from the university. Minister Colic said that the previous ministry was to blame, because her team "based its work on the inherited draft budget", adding that the new government was "forced by the law to adopt the budget as soon as possible, and the one of the previous government would have been much worse". Gaso Knezevic denied this, stating that former minister Djelic trimmed the funds in his draft budget which never "saw the light of the day".⁶¹ Marija Bogdanovic maintained that it was impossible to hold lectures with funds amounting to 30 per cent of the last year's budget, small as it was," and found it unbelievable that "a decision of that kind could be taken".⁶² The Federation of Serbian Universities sent a protest letter with explicitly demanded budget revision. Ljiljana Colic responded that she "will use her influence to increase the amount of the budget appropriated for university institutions".⁶³ The new finance minister Mladjan Dinkic said it was an oversight, but also explained the government's problems with the budget.

The reform of higher education and the new law became topical once again with the approaching of the deadline for obligations deriving from the accession to the Bologna process (Serbia and Montenegro signed the Bologna Declaration in September 2003). The initial obligations were due to be fulfilled in May 2005 and the new minister Slobodan Vuksanovic announced the vote for the law at that time. Until the next meeting scheduled to take place in Bergen, Norway, it was necessary to introduce the system of 2-tier degree studies, external evaluation and the European credit system (ECTS). Bearing in mind that the university is traditionally conservative, the resistance to these changes was large. Representatives of the University of Belgrade declaratively accepted the university reform and the Bologna declaration, saying individual faculties had already done a lot along these lines, but shifted the responsibilities to the authorities which, they said, were supposed to do their part of the job. The vice-rector for teaching Zarko Spasic noted that the Accreditation Commission was a job for the state as he had already told the Ministry of

⁵⁹ *Glas javnosti*, 9 February 2004.

⁶⁰ *Danas*, 13-14 March 2004.

⁶¹ *Danas*, 6 April 2004.

⁶² *Danas*, 7 April 2004.

⁶³ *Politika*, 7 April 2004.

Education and that he was hoping the ministry would "undertake intensive measures to that end".⁶⁴

Professor Ljubisa Rajic, member of the Accreditation Commission, believes that the accreditation process should not apply only to private faculties seeking a license, but also the state ones. However, the procedure is implemented slowly and is occasionally even bypassed, which is why there are faculties whose temporary licenses have already expired. State faculties, on the other hand, open their branches without any procedure at all.⁶⁵

On October 1, 2004, Professor Dejan Popovic from the Faculty of Law, became the rector of the University of Belgrade, replacing Marija Bogdanovic.

The drafting of the Law on High Education, its submission to the parliament and the establishment of the Accreditation Commission all took place after Slobodan Vuksanovic took over as education minister. The mandate to draft the law was given to the BU and its rector Dejan Popovic.⁶⁶ During the drafting and the public debate the issue which was the bone of contention between the representatives of the former ministry and the BU once again came to the fore. This time, an agreement was reached that the faculties should retain the status of legal persons, if they so wished, although not the BU where the situation would, "for a while" remain unchanged.⁶⁷ The largest resistance to the strengthening of the university was mounted at the Faculty of Law in Belgrade. The draft of the new law proposed that the status of the legal person should be given to both the faculties and universities, and transferred quite a few competences to the University, but left the faculties financially independent.⁶⁸ Ljubisa Rajic found the Preliminary Draft of the Law a "compromise between the need for an essentially reform legislation, which would thoroughly change the institution of the university, and the lack of the government's political will, i.e. the university's wish to enter so sharp a reform."⁶⁹ Srbijanka Turajlic thought the Preliminary Draft should be supported since it was "a reform law, which left sufficient freedom for different institutions to organize in a manner they find most appropriate". She noted that about 85% of the text was identical to the preliminary draft offered by the Ministry of Education in the autumn of 2003. The essential difference between the two texts had to do with the concept of the university itself, Turajlic believed.⁷⁰ Despite the numerous objections to the Preliminary Draft, the deputy to the minister in charge of high education Snezana Pantelic-Vujanic said "the most important thing is to adopt the law by March next year and many things will be changed along the way".⁷¹

⁶⁴ *Blic News*, 21 April 2004.

⁶⁵ *Novosti*, 21 September 2004.

⁶⁶ *Danas*, 26 October 2004.

⁶⁷ *Politika*, 6 November 2004.

⁶⁸ *Danas*, 4-5 December 2004.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

⁷¹ *Danas*, 16 December 2004.

In early 2005, the first meeting of the team for the promotion of the Bologna process was held, headed by Professor Snezana Pantelic-Vujanic. The team even prepared a presentation. Unfortunately, its messages were not entirely transparent, which gives the impression that neither the Ministry, nor the university have the will for change and generally believe that the existing system is quite good and requires only minimum corrections.⁷²

The CoE representative for South-East Europe, concerned with high education, Sjur Bergan, on March 4, 2005 sent a letter to the Ministry of Education stating that at the first preparatory meeting for Bergen he submitted a positive report on the activities of the Ministry of Education and Sports related to the Bologna process.⁷³ The adoption of the law is expected so the Ministry of Education could present it at the Bergen meeting. However, the reform of the faculties' programs, transfer to a different evaluation system and the introduction of two-tier degree studies (professional and scientific) have not gained momentum.

The Serbian Orthodox Church and the University

On January 9, 2004, the previous government passed a Decree Canceling the Decision of the Government of the People's Republic of Serbia, dated February 15, 1952, to abolish the theological faculty of the Serbian Orthodox Church "as a state institution and remove it from the University of Belgrade". The initiative for the decision came from the republic minister of religions

⁷² The presentation includes a number of disputable things: speaking about the obstacles to achieving the objectives, it refers to systemic limitations: "political, economic and the third sector – NGO". This doubtlessly means that the NGO sector, among others, obstructs the Bologna process. The question Why is responded as follows: "In order to be a part of a single European educational space, because we belong in Europe; we have a developed educational system; we have substantial potential; we have to change a lot, but we also have a lot to offer". In addition to grammatical errors this fails to explain why the process is being joined, since the main impression is that the idea originates from Serbia. As for the response to the question How, it says: "By re-examining our own positions and experience and that of others; by perceiving the weaknesses and noting the advantages; by an acceptable reform; by formulating acceptable arguments: by a meaningful rationalization." Therefore, it is clear that the will for change does not exist, and the belief that the system is quite good and needs only minimum adjustments prevails. Unfortunately, the reform is impossible if it is expected to be acceptable to all, and it is therefore important who is implementing it. If the ultimate objectives of the reform are not accepted, those who undertook to make it meaningful and carry it through are not sincere. The question When is answered: "Yesterday, today, tomorrow at the latest." Quoted from the presentation at www.mps.sr.gov.yu

⁷³ www.mps.sr.gov.yu

Vojislav Milovanovic. The Church, on its part, made repeated requests to "redress this half a century long injustice".⁷⁴

However, it remains unknown which of the faculties agreed with that, in what way, and whether the new "decision about a decision" has the "force of law".⁷⁵ Marija Bogdanovic, the BU rector at that time stated: "We are surprised, astonished and confused. It is a political decision which cancels the autonomy of the University." Srbijanka Turajlic shared that opinion and added: "An injustice done by a political decision cannot be made right by another political decision."⁷⁶

The return of the Theological Faculty under the wing of the University implies the adjustment of its curriculum, plans and manner of election of its professors, as well as the BU Rectorate's takeover of competence over the faculty from the Church Synod. Mirko Djordjevic also sees a problem in "a certain threat to the independence of the Theological Faculty itself, both in methodological and formal terms, since it will now have two tutors – the church and the state". He believes that the overlapping of the secular and church systems may cause too many problems, and that the Church is anyway much too close to the state. A professor at the Department of Sociology of the Philosophical Faculty in Belgrade, Aljosa Mimica recalls that in France, Italy and Poland theological faculties built their reputation as independent institutions and adds: "We still have a centralist view of things, and wish to put everything, even the incompatible, under one hat".⁷⁷

Professor at the Theological Faculty Dimitrije Kalezic rejects the objection that it is a faculty which advocates only the orthodox faith, since "the Faculty of Philology also deals with languages an individual, rather than general phenomena and educates experts in Serbian, German, French... language." He adds that the profession of a "theologian" was formally acknowledged the very moment the Ministry of Education revealed the need for religious teachers.⁷⁸ Everybody agrees that the decision was taken in a rush. Gaso Knezevic denies that it had to do with "the scoring of political points", since "after the scheduling of extraordinary parliamentary elections, this government had no need for any political marketing. That was, in a deeply unjust way, done for it by others". On the other hand, Mirko Djordjevic says: "If the decision of 1952 was ideologically motivated, the present one is a case of political marketing. It is well known that the Church has been a powerful social institution in these parts and that all parties take its views seriously into account." Dimitrije Kalezic notes: "Haste or bypassing, I am at a loss to define it differently. The decision was taken hastily, and in a form of an order, because it

⁷⁴ *Vecernje novosti*, 10 January 2004.

⁷⁵ *Reporter*, 20 January 2004.

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

was adopted by the government, instead of letting the parliament to declare the previous decision unconstitutional."

In January 2004 the polemic about the compatibility of a religious and the so-called lay scientific institutions continued. The Republic minister of religions claimed that the decision of the Serbian Government "annulled the legal consequences of the decree passed half a century ago," and that the initiative was supported by the Belgrade Faculty of Philosophy, "although the public gets the impression that the strongest opposition to the decision comes precisely from those quarters". The Theological Faculty's vice-dean for teaching matters Radovan Bigovic maintains that "it is a wrong impression that the Faculty has a violent wish to return to the state university by means of an imposed political decision". He is convinced that, now that the legal assumptions for that existed, the Theological Faculty and the BU Rectorate will find the "best solution for the future status of the Theological Faculty as a high education institution equal to other academic institutions, all the more because, although some claim differently, there are no differences in the system of studies, election of teaching staff and acquisition of scientific titles compared with other faculties within the composition of the BU". Explaining the procedure at this Faculty, by way of proving that it is no different from the "lay" ones, Bigovic concludes: "... and since the Faculty is an institution of the church, this selection (of teachers) is formally confirmed by the Holy Synod of the Serbian Orthodox Church".⁷⁹

The bishop of Nis Irinej says that this decision of the Serbian government is only the first step in resolving the relations between the Theological Faculty and the university, and that they have yet to "agree on the numerous 'specifics' of their functioning". That is because "the decision in itself, abolishes nothing and establishes nothing, quite simply, it opens a possibility to start the talks about setting the standards for the relations which for over half a century retained a 'large distance'".⁸⁰ This comment only indicates the determination of this religious institution to see to it that there is nothing implied in the "return" of the Theological Faculty into the company of "the secular", including in the first place the law regulating the functioning of universities in Serbia.

There are other indicators of the Theological Faculty's "breakthrough" into the university. For a few years now one of the professors of the Theological Faculty has been teaching the History of the State and Law, at the Faculty of Law. Another example of this kind is the Department of Philosophy where the presence of lecturers of "civic" orientation is reduced to minimum. The History of Philosophy is taught by the dean of the Theological Faculty in Belgrade Vladan Perisic, and his lectures cover the period of Enlightenment and Rationalism of the 18th century.

⁷⁹ *Politika*, 23 January 2004.

⁸⁰ *Danas*, 7-8 February 2004.

A few months after the Faculty of Theology was incorporated into the BU the minister of education Ljiljana Colic said that the two institutions "reached an agreement and that no departures from it are possible". Ljubisa Rajic, member of the Accreditation Commission of the Republic Council for the Development of High Education says that the Theological Faculty, in the first place, must adjust its Statute with the one of the university. He warns that, e.g. it demands that the students are of orthodox faith which is incompatible with the Law on High Education and the Constitution, where no limitations of that kind exist. He points out that instructions at all faculties must be objective and unburdened by the personal views of professors, and that the lecturers must go through verification commissions like professors at all other faculties in order to obtain full and associate professorship. The Holy Synod should not be allowed to interfere in the teaching, all programs must be within the competence of the university, and no decision may be subject to the Synod's approval. Professor at the Faculty of Law Budimir Kosutic says that the BU must observe the decision of the Serbian Government and that it is not for it to say whether it will accept the Theological Faculty or not, because "the Theological Faculty has never been outside the BU". He explains this view by saying that "The BU Council cannot now decide whether to accept the government's decision or not. It may resort to certain legal remedies to challenge the decision. There was a possibility to institute an administrative dispute, but the deadline for that has expired. Now, it can institute proceedings before the Constitutional Court."⁸¹

The new BU rector Dejan Popovic says: "The Theological Faculty should be regulated in the way other central European countries had done it. We know what was done in Zagreb, Ljubljana, Budapest, Prague. All universities there accepted Theological Faculties into their composition, and we should only take a look at the ways they employed in the process. I only wish to be guided by the principles the problem was resolved in our surroundings and to see that the BU acts in a civilized manner".⁸² He also stated the fact that the faculty has changed its registration and is no longer called the Theological Faculty of the Serbian Orthodox Church but the Theological Faculty of the University of Belgrade.

Religious Instruction

As concerning religious instructions in schools, the dominant reports in the press speak about the ways it is implemented, the reactions of children, parents and teachers. The intention of these reports is to influence the public into easier acceptance of what may yet come. Only on such occasions are the

⁸¹ *Vecernje novosti*, 11 June 2004.

⁸² *Glas javnosti*, 7 June 2004.

experiences of others mentioned, primarily those of West European states where religious instructions are part of compulsory school curricula, but no one specifies that these are as a rule private schools. The Institute for Textbooks and Teaching Aids published "St. Sava's Reader", edited by professor Miodrag Maticki and intended not only for religious instructions but also for "members of all generations educated after the abolishment of religious teaching in 1950s". The book comprises the legends of St. Sava along with "artistic prose and poetry" authored by Vasko Popa, Matija Beckovic, Slobodan Rakitic and others. The Reader opens with St. Sava's Hymn and follows with chapters dedicated to occasional orations, church, Chilandari, the Nemanjic family and others. Speaking at the launch of this book Maticki said that its "theological part is covered by the texts of Vladeta Jerotic and Nikolaj Velimirovic. Whose words... stand out with a breadth unusual even for Nikolaj himself".⁸³

The Holy Synod of the Serbian Orthodox Church proclaimed a children's magazine "St. Sava's Bell" an accessory in religious instructions and its distribution in the Serbian schools was organized in the autumn of 2004. Radmila Misev, editor-in-chief of this magazine, stated that it would supplement the "officially established plan and curricula for religious instructions and civic education". The publisher of the "Orthodox children's magazine" is the Information institute of the Serbian Orthodox Church presided by metropolitan Amfilohije and his deputy bishop Irinej.⁸⁴

The web page of the Ministry of Education underwent substantial changes during the terms of office of the present government. The discrepancy between the modern design used by the previous ministry and the present one testifies, among other things, to the differences in their approach to the system of education, attitudes towards the reform and modernization of schooling. The abundance of information on the work of the previous ministry, organized by topics, has been removed and replaced by incoherent accounts on the activities of the current ministry. The presentation has been redesigned and the title page is dominated by the icon of St. Sava as the only symbol. In February 2005, the total of 12 news were presented on the ministry's activities in 2004, along with two from January 2005 (one had to do with the meeting Vuksanovic and the patriarch had with religious teachers, and the other with the promotion of the Bologna process). In March 2005, the number of news increased, but the ones from 2004 are gone. Furthermore, it is now impossible to access a single legal document. On the basis of this presentation one may conclude that the Ministry of Education, after its constitution in march 2004 until February 2005, had the total of 12 (+2) activities to report to the public and did almost nothing about the presentation, except to erase the traces of its predecessor's work.

⁸³ *Danas*, 23 January 2004.

⁸⁴ *Politika*, 15 July 2004.

Youth Schools of the Helsinki Committee for Human Rights in Serbia As a Form of Education on the Recent Past (Evaluation)

1.0. Subject – Matter of the Evaluation

Over the past five years, the Helsinki Committee for Human Rights in Serbia has been considerably focused on providing alternative education to young people, especially relating to the recent past as an imperativ for profiling Serbia as European and pro-reform oriented state.

This research encompassed schools organized by the Helsinki Committee for Human Rights in Serbia in July 2001 – July 2004 period. In the said period 10 schools, each lasting, 9 working days, were staged.

Our schools were attended by 197 pupils/enrollees, 104 females and 93 males. As the attendance criteria were not related to national, religious or any other basis, this work made no statistical mention of the latter. Enrollees hailed from 24 cities in Serbia.¹

Topics of the lectures may be divided into several closely linked groups: *human rights-related topics* (theory and history of development of human rights; protection mechanisms at international and national levels; rights of the child; how to distinguish between wishes, needs and rights; rights of marginalized groups; the right to diversity; rights of national minorities; multi-ethnic tolerance; multicultural and multi-ethnic societies; interculturality; human trafficking and protection of victims); *communication-related topics* (non-violent communication and non-violent conflict resolution; ways of listening to what we are told; active listening); *history-related topics* (development of history as a science; history and myth; role of historical myths in priming of wars; misuse of history; revision of history; building of historical mind-set through historical textbooks; national stereotypes; failed modernizations in Serbia; conservative and liberal thinking in Serbia); *war- war crimes- facing- and responsibility-related topics* (mandate and the role of the ICTY; the issue of guilt, facing the war

¹ See Attachments, Table no. 1

crimes); *activism-related topics* (civilian society; NGOs and their roles; links between activism and the facing process in Serbia; how to act as a citizen). Sporadically we dealt with the following topics: impact of the media on fanning of national hatred; impact of art and culture; construction and deconstruction of gender.

2.0. Analysis of Work of Youth Schools

2.1. FOREKNOWLEDGE AND STANDPOINTS OF ENROLLEES OF YOUTH SCHOOLS

Insight into foreknowledge and standpoints of youth schools enrollees was based on their replies and commentaries marked down during school. Despite danger of generalizing evaluation of their knowledge and standpoints, we attached to this work the prevailing positions and knowledge of the vast majority or our enrollees, and sporadically cited all shades of their answers to relevant questions.

It oft happened that some pupils avoided discussions, were willingly on the sidelines, in fear of expressing publicly their stands. But on the basis of our total insight into their activities during school, it was possible to form an impression on the nature of their knowledge and stands. In those terms our pupils were divided into several groups: some had some foreknowledge of our themes, but deemed it insufficient for taking an active part in relevant discussions, hence their wish to learn as much as possible; those belonging to the second group lacked self-confidence to express vocally their stands; pupils from the third group considered their arguments insufficient for their active engagement in discussions.

In any case during discussions between enrollees proper the paucity of their arguments, that is the strength of their stereotypical thinking, fully emerged. In view of the prevailing public discourse, which affects also young people, and even the unlike-minded youths, those active in NGOs and political parties, notably in the Civic Association of Serbia, it was noticeable that many belonging to the group of NGO and political parties activists were nonetheless bereft of arguments to prop up their stands. Moreover their stands seemed like a lesson learnt by heart. Added to that we noticed that many rationally "embraced" such liberal stands for they enabled them to leave their local milieus, meet for the first time their peers, fraternize with them, and have fun. After completing our school they moreover get a reference, which facilitates their employment in the NGO sector, local media, etc.

Our insight into knowledge and standpoints of our enrollees was indirectly influenced by the fact that their selection had not been made on the basis of their national, religious or other identity. However that identity during

school became manifest: among Serb pupils it surfaced whenever the ICTY or war crimes were dealt with, among Bosniak pupils sporadically when the issue of religious tolerance was raised, among Albanians, in most cases, tacitly, when the issue of mutual confidence was touched on. Albanian pupils were most attentive listeners, but the least ready to take part in discussions. For other pupils they were the first Albanians they met in person, and they openly acknowledged that they had negative opinions of them, and even hated them. Thus, admittedly, their first experience in fraternizing with Albanians was by and large a positive one.

A. *Foreknowledge of and Standpoints on Yugoslavia*

Generations of youngsters covered by our schools in the past four years demonstrated knowledge about Yugoslavia and its origins based on texts from history textbooks for primary and secondary schools, textbooks already mentioned in this work. Those textbooks provide very little information about unification in 1918 and the pre-WW2 period, while totally disregarding the period preceding disintegration of second Yugoslavia. According to the given Interpretation of disintegration of the Yugoslav state Vatican, Germany and the US masterminded the break-up of the second Yugoslavia. The 1974 Constitution, which placed Serbia in a disadvantageous position – namely that supreme act granted status of republics to the two Serbia's provinces – is cited as an internal reason for the country's break-up.

Indirect insight into knowledge and standpoints of enrollees indicated that they were under influence of "extra school" indoctrination (the media, family and political factors). Theory of conspiracy left an indelible mark on them because of their lack of knowledge about the formation and collapse of the first Yugoslavia, its revival during the WW2 on the federal basis, on Yugoslavism and national ideologies. Our pupils were unaware of different interpretations and perceptions of Yugoslavia, on the one hand of perception of Yugoslavia as a Serb state populated also by Croats and Slovenians, and on the other hand of perception of Yugoslavia as a community of peoples. Hence many pupils were convinced that the rights of other peoples endangered achievements of the Serb people. In those terms, noticeable was an emotional approach, and not a rational stand that it was in the interest of Serb people to make Yugoslavia a state equally acceptable for all peoples and national minorities.

B. *Foreknowledge about and standpoints on the character of wars*

Knowledge of enrollees about the 90's wars, the years of their coming of age, was heavily impacted by the dominant policy in Serbia, that is the mood created by propaganda and disseminated principally by parents and teachers. In any case the image of wars was mostly one-sided and biased. Rational

pondering of diverse interests of Yugoslav peoples, and linkage between foreign and domestic policy, was non-existent.

For example, some pupils visibly resented the lecture on causes of disintegration of the Yugoslav state for it dispelled a simplified picture created by propaganda. They tended to quote as causes of disintegration of Yugoslavia: separatism of Slovenia and Croatia, Islamic fundamentalism of Muslims in Bosnia and Herzegovina, and secession-minded Albanians in Kosovo.

The second causes of disintegration of the Yugoslav state most often quoted by our pupils were interests of big powers to break up Yugoslavia in order to establish colonialism in the Balkans. For many the main culprit was Germany, that is, its interest to gain access to the Adriatic Sea and gain a foothold in the East. Some also underscored that the US had been long bent on stationing their soldiers in the Balkans, which they succeeded in doing in Kosovo in the aftermath of NATO 1999 intervention.

As regards the war in Croatia, our pupils were under the impression that it was tantamount to resistance to revival of the Ustashi-style Independent State of Croatia, that is to a repeat of genocide against the Serb people. They saw the war in Bosnia and Herzegovina as a civil, or rather, a religious war. According to them the war in Kosovo was caused by Tirana-backed aspirations of Kosovar Albanians to create Greater Albania.

C. Foreknowledge about and Standpoints on Accountability of Serbia for Disintegration of the Yugoslav State

The aforementioned perception of Yugoslavia as a Serb state made Serbs consider any federalization or confederalization-gearred constitutional reform in 1953-1974 as an attempt at weakening of its unity. As the factors of the Yugoslav unity weakened – demise of Josip Broz Tito and the end of monopoly of the League of Communists of Yugoslavia – the force embodied in the Yugoslav Peoples' Army, composed mostly of Serb officers, gained on strength. Thus Serbia had on its side armed forces and did not hesitate to use them first in order to establish its dominance over Yugoslavia, and, later, in the face of resistance of other peoples, to create the Serb national state encompassing all territories inhabited (in line with ethnic and historical principles) by the Serb people.

By and large our enrollees blamed Slobodan Milosevic for recent wars. According to them he was an authoritarian leader who damaged, mostly, Serb people. They however thought that wars were inevitable due to threats to survival of Serbs, and blamed Slobodan Milosevic for "the loss of Serb countries."

On the other hand, our pupils thought that Slovenia and Croatia were the main culprits for the break up of Yugoslavia. According to them those two republics were bent on secession, while Serbia tried hard to preserve Yugoslavia. They also mentioned a negative role of the international

community, that is, interests of big powers to carve up Yugoslavia. According to them the foregoing was best attested to by "an early" international recognition of the newly-emerged states.

D. Foreknowledge About and Standpoints on War Crimes

Majority of our pupils have heard about crimes committed during wars in Croatia, Bosnia and Herzegovina and Kosovo. According to their reactions to that knowledge they may be divided into two groups. In the first groups are those who believe in veracity of the claim about war crimes, but are reluctant to discuss that issue due to its very serious nature, and their modest knowledge. In the second, larger group, are those who still have their doubts about veracity of information relating to the war crimes and their massive nature. Both groups disbelieve that war crimes were widespread and massive, and insist on apportionment of the blame, that is, believe that all the sides in the wars are to be equally blamed for the war crimes. Consequently they espouse the stand that all sides should be equally held accountable, or that scores are settled and the past should be best forgotten.

E. Foreknowledge About and Standpoints on the ICTY

Some pupils espouse widely held opinion that the Hague Tribunal is a political tribunal. According to them it is an anti-Serb tribunal, for it tries only Serbs. Moreover they think that the ICTY is an important vehicle in the anti-Serb and anti-Orthodox religion conspiracy. Our pupils add that the Tribunal is writing its own history about disintegration of the Yugoslav state, and about responsibility of Serbia for the wars. The other group of enrollees, notably those delegated by NGOs and some political parties, are of opinion that the ICTY should exist and that Serbia must co-operate with that Tribunal. But the stands of theirs often sound hollow or like lessons learnt by heart, and lack arguments. During any ICTY-related discussion our pupils asked many questions, and also kept looking for arguments among the media-offered stereotypes to rebut any new truth about the Tribunal. Their crown argument, and the last-ditch one too, is that the US doesn't recognize the International Court of Justice.

* * *

On the basis of information relating to our pupils' knowledge about and standpoints on those issues considered important for their understanding of recent past, we got the impression that their pre-school knowledge was insufficient and that their stands were not firm. Moreover we noticed that they were not interested in the least in past developments. They do not see connection between their status and future, and recent developments. Their mental indolence makes them accept without any reservations or skepticism

the widely propagated stereotypes. They are not interested in checking on what they hear. They openly say that they do not want to make any effort to learn anything. That means that they readily accept the first interpretation offered to them, which makes them an easy prey to anyone interested in dominating them mentally.

Young people underscore their right to freedom of opinion, but think that the foregoing does not bind them to a disciplined work in building of their stances. They do not strive towards dialogue as a form of re-assessment of their stands. Their self-confidence, reflected in intolerance, does not stem from their age, but rather from lack of political culture in their milieu, from spiritual mood characterized by simplification, cruelty and brutality.

Even enrollees with more rational stands lacked arguments for their opinions. Since they are growing up in a milieu, which prevents them from gaining insight into the context of developments, most of them declined to openly expose their stands. They talked about them only "when we saw that the others shared them." Once given the insight into a contemporary context they got a clearer picture of developments and began understanding them better.

Those espousing stereotypical stands, once faced with different opinions, become confused and puzzled. But both those who need arguments to prop up their stands, and those who need to alter them, must be transferred new the newly obtained information. As shown by the end-school evaluation that transfer could not be completed during our school.

2.2. ENROLLEES' INITIAL AND FINAL ASSESSMENTS OF YOUTH SCHOOLS

Analysis of some answers from evaluation forms relating to school assessments provided us with a more complete picture of changes in the knowledge about and standpoints of enrollees on the previously mentioned topics.

During our project "Human Rights School" I kept changing the objective of the concept. According to the original, linchpin idea the school was to provide enrollees with human rights-related information and a decade-long work and pertinent activities of a host of domestic and international NGOs in former Yugoslavia. Such information should have filled up "the void" characteristic of official educational institutions. Obviously the bulk of information was to be related to recent wars. It was considered necessary to impart to young people knowledge about contemporary topics, notably from the angle of the ongoing Euro-Atlantic integrations.

However, as early as after the first school, we realized that it was necessary to introduce themes related to disintegration of Yugoslavia and recent wars. That conclusion was drawn on the basis of comments made by enrollees in their evaluations. Also the regional school co-ordinators concluded

that human rights themes were less convincing if separated from most conspicuous examples of their gross violations, still fresh in the enrollees' memories. That at the same time reduced the danger of making the "Human Rights School" similar to "classical schools"².

As we gained insight into knowledge and standpoints of enrollees, so we altered the thematic framework of school. The breadth of prevailing stereotypes demanded coverage of thematic areas contributing to taking of a critical tack to the past.

"Human Rights Schools" organized in Serbia thus were added lectures on disintegration of Yugoslavia, wars, inter-ethnic conflicts, war crimes, the ICTY, history.

Every new school of ours had a different objective. On the basis of pupils' evaluations our ambition grew to make our pupils reach more comprehensive conclusions through pertinent lectures. But that difficult objective is yet to be attained. One of principal hurdles on that road is short duration of our schools, and the problem of multidisciplinary tack in putting up a complete picture of a complex event, namely disintegration of the state. In any case we introduced historical thematic wholes, through which we tried to explain the causes of Yugoslavia's disintegration, and reasons behind the present-day broad and staunch refusal to face up to the war crimes.

As we have already mentioned, evaluations were done by pupils proper. Initially they described their expectations, while at the end of schools they were provided with an opportunity to expose their stands on human rights, to evaluate the school work, express their personal impressions, and give some recommendations.³ We changed our manner of evaluation during the eighth school. Namely at the request of donors and wishes of co-ordinators to learn as much as possible about the school performance, an expert team from Zagreb elaborated new evaluation questionnaires relating to the initial expectations regarding youth schools; evaluation of pupils' stands; evaluation of personalities; day-to-day evaluation of work of lecturers and head of workshops and of topics of lectures; final evaluation of standpoints of our enrollees relating to lecturers and total work of school. The idea was to garner important statistical data on the school's impact on possible changes in enrollees' standpoints.

Of entire documentation composed of 10 evaluations of "School of Human Rights", in this work we shall present only those evaluations having a bearing on appraisal of school effects. It is noteworthy that evaluation leaflets did not include explicit questions about individual topics of lectures, that is,

² In their evaluations enrollees oft stressed that they liked the school because it was different from their, "classical schools". According to them the best features of the school were: relaxed moot, interesting themes "linked to life", method of work, possibility to ask questions, to "espouse their opinions", open-minded lecturers, etc.

³ See, attachments, Evaluation questionnaire.

were devoid of questions relating to final examination of their knowledge about and standpoints on the aforementioned themes: disintegration of Yugoslavia, character of wars, responsibility of Serbia, war crimes and the ICTY. But enrollees' general appraisal of the entire work of school⁴, their singling out of some lectures, mention of excluded topics, mention of themes which according to them merited more attention-amply indicated changes in standpoints of our enrollees.

A. Initial Expectations of Enrollees

When enrollees arrive in the locality in which our school is held, they start getting to know each other. Our principle is to separate participants from the same city, that is, to put them in hotel rooms with pupils from other places. First such experiences for the majority of them are usually stressful, but after being given an adequate explanation, most of them accept and adhere to that rule. After a joint lunch and a short break, a brief afternoon program of active familiarization starts. Workshops designed to boost that familiarization on the first-name basis also help enrollees to relax. Then our pupils are in detail communicated the school program, which they had received in written form upon their arrival.

The project of "Human Rights School envisages an early or initial evaluation process. Thus enrollees fill in their list of "expectations" consisting of three questions: "My expectations regarding this school"; "Expected upsides during school" and "Expected downsides during school".

Thereafter we draw up the school rules jointly with enrollees. Judging by experience of 10 schools held to date, the number of "mandatory" rules tended to increase with each new school.

B. Expectations Relating to School Work

Analysis of replies to expectations-related questions produced valuable indicators, notably of prejudices of our future pupils regarding our school, and also interesting data on the current state of the Serb society.

Majority of enrollees said that they expected our school to provide them with new and useful information: on human rights, on their rights, on problems in the society, and ways of resolution thereof, new skills.⁵ Those replies, which

⁴ Importance attached to staging of such schools, underlined by enrollees in their recommendations, at the same time represents evaluation of selection of topics, and indicates enrollees' assessments.

⁵ These were the most common expectations of enrollees: "I came to learn something, for I am aware of existence of many problems"; "I came to learn something new, which could be useful for all of us"; "I want us all to dispel our prejudices and learn to stop discriminating people from our milieu"; "To enrich database on recent developments with new info providing me, if possible, with a most comprehensive

could be considered optimistic from the standpoint of school organization and objectives, were combined with other answers and comments given by the same pupils. Not many pupils expressed their wish or curiosity to learn more. Only few of them in those comments expressed their awareness of onerous problems burdening the Serb society, or indicated that some lectures had provided them with explanation of those problems. In any case before coming to our school, enrollees expected only the topic of human rights, and not its diversification, that is, historical interpretations, war crimes, and the ICTY. Once they learnt about the breadth of that topic, at the very outset of evaluation, enrollees tended to sincerely espouse their stances on offered themes.

At the next level are replies indicating prejudices of our enrollees, but also their self-confidence. Namely those replies hint at their readiness to defend their stances, as well as their hopes that they would be allowed to do that, and that no stands would be imposed on them.⁶ Enrollees recognize salient issues of their society, but have been taught that they are members of the long-suffering and unjustly punished people. Any other opinion is interpreted as continuation of that injustice and they are ready to reject any opinion explaining the whys and wherefores of that "injustice" on the basis of their stereotype-riddled arguments learnt by heart. In the final school evaluations however we found their admissions that before school their parents and teachers had warned them that they would be exposed to "anti-Serb stances."

Enrollees were convinced that their stands were right and expected to "hone them to a fine edge" through dialogue. It was obvious that they deemed their right to their own opinion, oft invoked during school, their most important right. Regardless of their lack of readiness to correct their opinions⁷, they stressed their expectations relating to the right to express freely their opinions during school.

Some replies indicated that the young expected the Human Rights School to provide them with fun, fraternization, getting to know new people, a

insight into causes and consequences of recent policies and directions of the current one"; "My expectations are not high, but I nonetheless hope to obtain new knowledge and skills"; "To learn more about the ICTY". Documentation of the Helsinki Committee for Human Rights in Serbia.

⁶ When asked what they expected from school, some gave the following replies: "I hope to be given enough time and space to express my opinion..."; "I wish that educators and participants took objective, unbiased stands, for if we continue to perceive things from only one angle, we shall achieve very little. Admittedly it shall be difficult, but we should all do our utmost to make the school succeed. It means that our initial stand should not be very critical, in terms of bashing Serbia for everything, for it is not true that everything in Serbia is bad or bleak!!!" Idem.

⁷ "If my opinion is wrong I would like someone to correct it and show me the right way". Such comments are very rare, and indicate aloplasticity of majority of young people. Idem.

lot of "light" lectures and workshops. That adjective "light" was most often mentioned in evaluations.

It is obvious that those young people did not receive firm moral messages and instructions from their parents and schools, the institutions tasked with that job. Due to widespread nationalistic hysteria, wars, penury, burden of crimes, hypocrisy of church and indifference, the previous system of values has been turned upside down in the society. Under such conditions any moral message had to be denied by reality, and thus the circle was closed.

C. *Expected Upsides During School Work*

When asked what they would like to experience during school, the majority of enrollees prioritized contents unrelated to the school program. The wish to meet new and interesting people and to keep in touch with them after the completion of school was dominant. They also frequently mentioned their wish to have fun and engage in sports. The fact that the young wanted to meet different people, from other milieus and cultures indicated a rebellion typical for adolescents against the imposed stands, entailing the ban on fraternization with people from different milieus and cultures. Intuitively the young in a very short time tended to discover many common traits with their new friends hailing from other cultures, religious and national customs and traits.

D. *Expected Downsides During School Work*

There was one very indicative reply to the question what they would not like to experience in school: namely most of them feared potential conflicts and squabbles regarding their stands – the basis of that fear was previously explained – and even fights and sporadically mentioned "even worse situations"⁸. Fear of such outcome of discussions may be linked to the dominant aggressive mood in the society.

Aggressiveness has been a prevailing model of conduct and problem-resolution for 15 years now, during which time no relevant condemnation thereof has ever been voiced. There were no serious, expert studies on perils and unprecedented spread of such dangerous conduct. If the foregoing was

⁸ Here are their most conspicuous replies: "I would not like strong disagreements and conflicts"; "I would detest unpleasant situations, notably exclusion from school, or rows"; "I would not like any discrimination"; "I would not like anyone to interrupt the school program"; "I would not like us to get embroiled in the story of who threatens whom in this country (in fact we are all threatened) and to see fallings-out on the religious or national grounds. I would not like us to hate each other for the rest of our lives. Past is painful (Turks, Austro-Hungarians) and we should not dwell on it, but rather build a stable and more secure future"; "I fear different quarrels, conflicts"; "I would dislike Inter-ethnic and inter-religious, tearful conflicts"; "I fear totally divergent opinions"; "I would not like the conflicts to evolve into something worse". Idem.

understandable in Milosevic era, notably during war, absence of condemnation of such conduct in the changeover period is indeed alarming. Due to the foregoing aggressiveness became the most common form of conduct, notably among the young. Fights and brawls as a mode of resolution of conflicts and disagreements are on the rise, notably in multi-ethnic milieus (Sandzak and Vojvodina).

A form of social pathology, much studied in Western Europe, namely the aggressive conduct of sports fans, gained momentum in the Serb society. Sponsors of aggressive fans are usually fascism- or Orthodox faith- minded organizations.

Fear of our enrollees that disagreements could end in fights can be accounted for by the prevailing mood of belligerence in which they are growing up.

There were replies, which could be considered as the most direct response to the school system. What the young people did not want in the human rights school was a repeat of things that they most detested in their formal, regular education.⁹

E. *Final Analysis of Enrolees' Responses*

At the end of school enrollees were provided with an opportunity to personally evaluate the school, underscore topics which most impressed them, say which topics they disliked, and to evaluate every single lecturer. They were also in the position to assess the need for that kind of education, and give their suggestions to that end.

All pupils agreed that the school was useful, and were openly enthusiastic over several aspects of our school.

Firstly they were impressed with the level of imparted information. Then their fear of possible disagreements ultimately evolving into physical showdowns disappeared. They underscored the new knowledge and skills relating to non-violent communication, conversation modes, active listening method, and discussions on painful issues of the society. Thus, for example, we witnessed open and violent ICTY-, war crimes- and responsibility-related discussions. Enrollees bent on defending their pre-school stands, did not feel any "official" restraint to express them, but quickly enough understood that they in actual fact were not in possession of any information on relevant developments. Moreover thanks to lectures on national stereotypes and myths,

⁹ "I would not like this school to represent only one more obligation to be fulfilled"; "I would not like to be questioned"; "I would detest classical school lectures and fielding of questions"; "I would not like to repent for having lost 10 days". Idem,

misuse of history, etc., they opened up in their final statements in final evaluations.¹⁰

Responses to school in the final evaluation ranged from very optimistic stand that with thus acquired knowledge and skills they had to immediately do something¹¹, to pessimistic ones that positive changes in society were impossible.¹²

¹⁰ When asked about their benefits from school, they wrote down: "New knowledge I was imparted by far exceeded the one expected. I think that such education independent from the school system, that is the state authorities, should be spread among the youth and entire population with a view to developing their critical stands."; "Thus the state gets cleverer and more democracy-minded young men"; "It made me dispel some personal prejudices"; "I am better informed now, my prejudices towards minority peoples were dispelled, I learnt to view historical "facts" from several angles, and I understood the possibility for the combat for our rights"; "I changed my opinion about many issues"; "I did not expect any personal changes, but they nonetheless happened"; "I changed my stands"; "I experienced a drastic, positive change in terms of my way of thinking and stands"; "My opinions and stand on some topics were totally transformed. My views were expanded and the confusion which I had in talks on the past (thank God) completely disappeared"; "I thought I would not change (and I was wrong)"; "I face new topics to ponder, some of my stands were shaken up, some of my stands were consolidated, my wish to learn more about some topics relating to recent past and wars in former Yugoslavia increased"; "I learnt more about the Serb history and crimes in former Yugoslavia"; "The most challenging was my facing up to my own prejudices, after admitting their existence and their impressive size"; "Lectures on discrimination helped me get rid of the bulk of my prejudices"; "I started viewing things differently, that is, critically. School dispelled my stands which I considered rock solid." For one enrollee the most exciting moment was the meeting with peoples of different ethnicities: "It was a beautiful feeling and I was proud of myself for not having prejudices about races and nations like other people, and happy for having met many good and interesting people". Idem.

¹¹ When asked how the newly acquired knowledge could help them personally or socially, enrollees stated: "I shall more easily fit into and understand the political scene in this state"; "They could help me attain some personal rights and teach me how to become an activist"; "I shall have better contact with people"; "I acquired knowledge which can explain my personal convictions and I can impart that knowledge to other people"; "I managed to explain to myself why I think something and in which way"; "I shall be a better person"; "I shall be able to better understand and explain some things in my regular school. As I now know my rights and respond to violations thereof"; "I understood that some things which used to bother me may make my voice more important"; "Data on the ICTY, 'white slaves', the truth about wars, our ups and downs, and efforts (as a nation)"; "I am ready to change and to search the truth"; "I now have the wish to effect changes"; "I shall better understand the news"; "I liked very much all the lectures and am glad about meeting people of other religions". Idem.

¹² When asked in which way the young in local milieus of our enrollees could be educated, we got the following replies: "In no way. They are not interested in anything"; "That would be a very difficult process, prejudices are deeply rooted"; "We should organize very frequently similar schools to initiate changes, but the young must be

Positive assessments are unanimous. They indicate that our pupils understood the depth of problems in the society, intuited their causes, and realized the need to learn more, in other words, that the prevailing mind-set was very conservative and that massive concerted efforts were needed to change it. Enrollees are particularly conscious of ignorance of their peers in their places of origins, for their pre-school stands were also riddled with stereotypes and misinformation. Hence their statement that such schools should exist, be held more frequently, and have a large attendance. They have grown aware of resistance to changes in the society, as indicated by their replies in which they talked about the need to launch similar educational form in their milieus. Moreover they promise to personally launch actions to that end and to impart to others or share with them the newly-acquired knowledge.¹³

When we compare enrollees' initial expectations and their final responses, one aspect is sticking out. Namely enrollees were overtly hopeful that the "Human Rights School" would not be boring or tiring, that they would be able to voice their opinions during lectures, and pose questions to make, in the least, those lectures interesting. They mostly expected formal atmosphere,

encouraged and animated to understand that they have power to change something. They are very apathetic"; "Similar knowledge should be imparted by regular schools, but we know that is impossible"; "In my locality nothing can be done, for the resistance is very great, as soon as someone excels in something, the others try to put him down." Idem.

¹³ "Schools like this one are indeed extraordinary and should be organized more frequently, for they enable not only education relating to human rights but also fraternization and acquisition of new experiences"; "I think that this is the right way to educate the young... once the school is organized, it should be promoted to attract the attention of the young... to make the potential enrollees familiar with its programs... or regular schools should have a mandatory education on human rights. Older people-if possible-should be educated too, for many transfer their ignorance to their children"; "... TV programs with young participants discussing various topics or taking part in public debates should be launched too"; "Human rights as an optional subject-matter should be introduced into schools"; "I think that some week-end lectures on relevant topics could be organized in order to raise the interest of the young. We, graduates of the human rights school, could also take part in them, for many of us would like to share our newly-acquired knowledge"; "Here discussed topics should be introduced into textbooks... key changes in education of children, in the set of values, should be introduced"; "This kind of education is indeed excellent, if not the best. First, education must be effected in line with certain customs and cultures of our people, and only then legal awareness of citizens may be raised by dint of liberal ideas (the facing process, emphasis on diversity, etc...)"; "Experts should hold their lectures in schools, classes should be composed of pupils of different ethnicities, to make them realize that all the people are equal regardless of their national identity..."; "Human rights subject-matter should be introduced, for the pertinent awareness should be raised and developed at the tender age of pupils, to prevent the repeat of current problems in the future"; "It is important to get the young interested in human rights. They must be provoked, jolted out of their apathy into the real life..." Idem.

with rigid and serious lecturers, distanced from pupils; they feared that rigid disciplinary rules would be put in place and that lecturers would deliver their lectures in a monotonous way.

However, at the end of school they stated that they were pleasantly surprised with the atmosphere during school, and very open tack of lecturers and heads of workshops, all of which enabled them to adjust to the program easily and as easily establish communication both with their fellow-pupils and lecturers. Although some enrollees were critical of the program, considered to be to exhaustive, with too brief breaks, with very little time for fraternization, or too lengthy lectures affecting their concentration, most of them had only words of praise for the new experience and their newly-acquired knowledge.¹⁴

There were inverse assessments of manner of lecture presentation. They were due to two reasons: a group of enrollees found the lectures monotonous and boring because of physical fatigue which they felt, and criticized the lack of activity aimed at maintaining their concentration; the other group resented "single-mindedness" of lecturers, since the contents of lectures did not fit into the prevalent stands of enrollees.¹⁵

¹⁴ Those were the comments of our pupils: "Thank you for proving that things in life may function in a different way, and that not everything is so bleak. My whole life I have been encountering prejudices and suffering injustice because of them. In this school I felt for the first time full-scale tolerance, sincerity..."; "I am really glad to have met the two Albanians, and some Hungarians-that made me take different views on many things"; "It was a wonderful idea to organize this school. We met new people, different stands, and learnt to respect differences and overcome them"; "Now I can say that I have got rid of too many prejudices, and wrong beliefs, which I lived with for too long time. Everything was very useful and good for us! Thank you!"; "For me is important my new realization that there are people who can tell you the other side of the story, that there are schools which provide you not only with fun and fraternization, but also with important truths"; "I would be difficult to do anything in my local milieu for the two national groups, spearheaded with their die-hard nationalists, (ratio 53:40%) are at loggerheads... and there are many conflicts and fights between them. Perhaps such conflicts could be lessened if both sides agreed to take part in such seminars"; "I thought that the school program would be tiring, but I was wrong"; "I expected distant lecturers, but they were in fact very gregarious"; "I thought that we would have every day the same lecturers, and be imparted less, and not so diversified knowledge"; "I expected more formal relations." Idem.

¹⁵ When asked what they did not like, enrollees replied: "Some lecturers failed to reply to our questions"; "Some lecturers failed to give us room for expressing our opinions, but imposed on us their own opinions"; "Some lecturers in their replies tended to voice their personal stands in line with their political orientations"; "Markedly categorical stands of some lecturers, impossibility to voice my own opinion (in the face of much talk about freedom of expression). However, such stands of theirs, in view of our initial tack to problems, was the only way to achieve some results"; "Perhaps a subjective and firm stand of the majority of lecturers on some topics, which they tried to impose onto us." Idem.

Replies relating to the missed topics, indicated overall needs of our pupils. School topics and the mode of their presentation frequently encouraged our pupils to remember all those topics with which the media bombarded them, but about which they admittedly had very little knowledge. Thus their need arose to hear more about sects, refugees and their rights, family relations, schooling, etc.¹⁶ Their choice of missed topics indicated their line of thinking and responses to information obtained through lectures. Some responses suggested critical stands on recent lectures.¹⁷

2.3. ACQUIRED KNOWLEDGE

Now we shall present the processed replies of enrollees in evaluations, divided into three groups: disintegration of the Yugoslav state and conflicts; the Hague Tribunal, war crimes, the facing process, responsibility; history.

All those topics were covered by our schools, but not even once together, by a single program during one school. Data obtained from those statements indicate the effects of lectures, and also serve to formulate programs of future schools in order to enhance them, and thus attain our objectives to the largest possible extent.

A. *Disintegration of State and Conflicts*

Enrollees' responses to the topic of disintegration of the Yugoslav state and the ensuing armed conflicts indicate their near total acceptance of what they have heard at lectures. But these responses have several levels.

¹⁶ When asked which topics they had missed, our pupils, inter alia, replied: "The rights of sects and the conclusion that sects threatened human rights"; "Much more should be said about the refugees rights, for due to their status they have already lost much, so I am interested in knowing whether they have lost the right to live normal life too." Idem.

¹⁷ "I think that more attention should have been devoted to our feelings, psyche and conduct, for those prerequisites must be met in order to talk about human rights... only a mentally sound man is able to take care of his own rights and those of others and to accept what is happening around him. Only then we could talk about the facts"; "Story about lesser forms of discrimination (conflicts between different sports teams, people living in different parts of city) and the general moral awareness of adolsecents"; "Topics about inter-ethnic relations, and treatment of minorities, but with concrete examples. Very little was said about the US role in the international politics and fundamental political laws of conduct"; "I missed a broader discussion on war crimes and human rights which should have been respected even during the state of war, so that people would not have understood the war as a mass shambles, but rather as a state during which certain rules had to be respected"; "I missed topics concerning other wars, and not only those in the Balkans"; "Perhaps countries in a similar situation as our country could have been dealt with... namely their efforts to overcome their problems". Idem.

At the first level we noted total acceptance of the contents of lectures: enrollees considered that they had received enough data to accept the offered version of events. Contents of lectures constituted a veritable "revelation" for them. Admittedly they heard some things for the first time. In parallel many of them thought that it was extremely important to convey their newly-acquired knowledge to as many people as possible in the face of obvious hurdles in that process.¹⁸ Delivering of those contents caused a lively post-lecture debate. There was only one serious verbal conflict on the religious (national) grounds. That conflict was smoothed over, but the question remained whether it would have lasting consequences.¹⁹ Though we expected similar conflicts in view of initial stands of enrollees, we noted with satisfaction that our pupils swiftly became tolerant towards their mutual differences. In fact the wish to have fun and to familiarize with their peers prevailed over national, religious and linguistic differences.

The second group of replies belonged to "skeptics" who heard all the lectures, took more or less part in the post-lectures discussions by asking "provocative" questions, and accepted with some reservations²⁰ what they had heard. Their skepticism was also manifest in their replies to questions from evaluation questionnaire. The assumption was that many other enrollees also remained skeptical vis a vis the imparted data, but were reluctant to disclose that skepticism in their replies.

¹⁸ "The most challenging topics were 'national, religious and racial conflicts', for they are much-discussed topics in our country and only few of my peers have the necessary tolerance towards any group (national, religious, and racial minorities). But at this seminar, that topic, in my mind, was more challenging outside lectures (that is within groups), than during very lectures"; "Inter-ethnic, religious, and racial conflicts in former Yugoslavia for they made us realize the extent of the media role in shaping of opinions regarding people of different ethnicities and religions"; "They are most challenging for in my milieu they constitute near taboo topics"; "Topic on the course of developments in Bosnia, for those atrocities happened in our neighborhood...but 99% of children don't know anything about it, let alone the truth"; "The body of conflicts happening in the former SFRY was caused by ignorance. I personally think that everything was and is linked to human rights. I used to hate Albanians before this school, but since I met Erdet and Bibi I realized that they were human beings too. Everyone is entitled to live freely and to be able to talk freely." Idem.

¹⁹ "I was most impressed, in a negative sense, by a conflict – and the whole group probably knows about it – between 'Christian' and 'Muslim' enrollees. That conflict split the group apart. That event changed my views on this country and its people and confirmed my stand that we are entirely to be blamed for what befell us in the past 12 years." Idem.

²⁰ "The very structure of that topic merits to be thoroughly analyzed from A to Z. People expelled from Croatia and Bosnia merit to expand 'that' experience with local people..."; "More time should have been devoted to conflicts in the SFRY territory or with a new lecturer, though Ilic was excellent. Why? Because that topic deserves more time and space!". Idem.

B. *The ICTY, War Crimes, the Facing Process, Responsibility*

Our enrollees, both individually and as a group underlined that they were most impressed by the ICTY- and war crimes-themed lectures. Lectures on disintegration of Yugoslavia and other historical topics did not provoke as strong emotions as discussions on war crimes and the ICTY did.

Lecture on the Hague Tribunal was held at the very end of school, in order to make the pupils first familiarize with causes and consequences of recent developments. It was necessary to bring up contents of previous lectures because our enrollees with a negative stance on the Hague Tribunal regularly resorted to all stereotypes advocated in the public discourse. The most frequent prejudice was that the Hague Tribunal tried only Serb war crime suspects. Also widespread was the prejudice that the ICTY was established in an unlawful way by Americans.

There were many protests and dissenting voices during discussion on war crimes and punishment of war criminals, because many pupils tended to apportion the blame equally among all the warring sides and blame them equally for committing war crimes.

The main and principal argument of many enrollees was the 1999 NATO intervention, and the US role as the "world policeman". It is very difficult to explain an event outside the entire context to those enrollees who refuse to view the problem in all its complexity. On the other hand explanation of the context exacts more time, hence it cannot be covered in its entirety. All that caused many enrollees to level criticism at lecturers' positions.²¹ We tried to explain to our pupils the notion of international politics, the emergence of policy of international interventionism, the need to punish the war criminals, and individualize the war responsibility. That aspect should be in the future prioritized in the school program.

After detailed explanation about the decisions relating to establishment of the Hague Tribunal and after the screening,²² enrollees stated that they had received relevant data unbeknown to them before the school.²³ Once acquainted

²¹ When asked which topic he missed, one enrollee replied: "The issue of NATO bombardment of Yugoslavia. That campaign endangered the fundamental human right of all of us, the right to life. To put it simply, we must know more details about that campaign, for it was a very serious situation for us all." Idem.

²² "Justice at work" introduction to the work of the International Criminal Tribunal for Former Yugoslavia, the film was directed by Gert-Jan Gerlach, and produced by the ICTY in 2001.

²³ When asked which situation was the most challenging one, one enrollee replied: "When we watched the ICTY video tape on the testimony of a man who had survived genocide. At the end of his testimony he stated: 'In the name of all the victims, I forgive the perpetrators, for they were compelled to do what they did.' That video tapce made me change my stand on 'crimes', and on those who had ordered them." Documentation of the Helsinki Committee for Human Rights in Serbia.

with the material from the Hague court-rooms and statistical data on the number of war suspects and their nationalities, enrollees began understanding that information previously at their disposal were, in the least, insufficient.

To sum it up arguments of enrollees were riddled with stereotypes about century-long suffering, perennial defense wars, threats to the Orthodox faith, international conspiracy of powerful states, etc. Final responses to those lectures were diverse, but one can nonetheless conclude that our young pupils by and large understood how poorly informed about the work of the ICTY they had been and perceived the necessity for punishment of war crimes perpetrators.²⁴

Only few in their evaluations leaflets stated that they disliked the ICTY-related lecture. They moreover made it clear the lecture was "boring" and "unappealing". And those few who voiced such an opinion were passive, disinterested, and prone to rash judgments during lectures.

Our pupils responded emotionally to topics of war and war crimes. The pertinent workshop succeeded in rousing emotions of enrollees. Whenever that workshop was organized our enrollees underscored that they were strongly impacted by its contents and that the workshop helped them realize the true meaning of the war. Importance of that workshop was frequently underscored, and responses to it were always positive.²⁵ By explaining to pupils the position

²⁴ When asked which lecture was the most challenging one, or how their stands changed after school, our pupils replied: "The issue of responsibility. The Hague Tribunal. Because they are a stark reality"; "Interview with Mathias Hellman (former representative of the Office of the Hague Tribunal in Belgrade - N.T.) who told me many things and convinced me that it was mindless to fear for those people who are on 'broader' indictments"; "As many people have prejudices regarding war crimes, the facing process was very challenging. Similarly challenging was the topic about spreading of intolerance and hatred through the media-which cannot be easily opposed. In fact one gets to know oneself - that is - the way to to dispel prejudices"; "I am a very realistic person, and I perceive errors of my people, but injustice really hurts. I got rid of some prejudices about the Hague Tribunal, but I still think that it must be closed down as soon as possible"; "The most challenging was discussion on gay population and the ICTY, for many don't know anything about those issues or have prejudices about them"; "... due to the fact that the public in the FRY is poorly informed about the role and mandate of that tribunal"; "I learnt many new things, which made me wonder how any person can act so cruelly and commit such crimes"; "... for we talked about crimes which happened in this country, about crimes previously unbeknown to us (discovered mass graves)"; "I understood that the Hague Tribunal was not created to hurt our country but in order to help it overcome the crisis, and to punish all those who contributed to mass killings in the Bosnian war"; "Most impressive was the lecture by Mathias Hellman on the ICTY role and by Natasa Novakovic on the real picture of the Serb people and situation in the country. During those lectures I lost all illusions and became aware of the past, present and future of my nation." Idem.

²⁵ "For me the most challenging was the topic of 'the issue of guilt'. In order to be rid of unfounded chauvinism and national poverty we must face up to our deeds, that is

of the victim, we succeeded in explaining to them the need for punishment of perpetrators. In order to indicate a possible level of personal guilt of every contemporary of the war, we resorted to Carl Jaspers' theory.²⁶ In that way enrollees were enabled to personally experience recent developments, that is, to make a transfer from an emotional response to a rational judgment, and thus to embrace the pertinent explanation of those developments and take a position on them.²⁷

To make them more familiar with the topic of personal responsibility, enrollees were shown the film "Blue-Eyed"²⁸. During the post-screening discussion enrollees reacted emotionally and violently, but drew the right conclusions, for they were all enabled to see themselves, either in the roles of discriminated persons or in the roles of persons who enacted that discrimination.²⁹

assume responsibility regardless of external factors. On the contrary, our ruin shall be accelerated and in the near future we might again see the dominance of the 'pro-fascist' or rather chauvinistic systems of rule in the political scene, and that would mean that we had come full circle"; "Janja Bec (author of the book on crimes in Bosnia and Herzegovina, "Shattering of Soul" - N.T.) explained to us the problem of war crimes in a systematic way." Idem.

²⁶ Carl Jaspers, *The Issue of Guilt*, Samizdat Free B92, Belgrade, 1999.

²⁷ "The most challenging topic was the one floated by Jaspers, precisely because the issue of responsibility is one of many which we should face"; "... at issue were kinds of responsibilities which led us to the resolution of dilemma whether responsibility could be only the collective one or also an individual one, in theory, but in practice the real story about Hida could make us conclude that many of us, large part of this society, are politically responsible for what befell us in recent years." (Hida is a refugee from Bosnia and Herzegovina interviewed by Dr. Janja Bec. That interview was published in the book *Shattering of Soul*, Helsinki Committee for Human Rights in Serbia, Radio B92, Belgrade, 1997 - N. T.). Documentation of the Helsinki Committee for Human Rights in Serbia.

²⁸ "Plavooki" (Blue-eyed), Denkmal filmproduction, Claus Strigel and Bertram Verhaag Production (Germany, 1996, directed by Bertram Verhaag).

That documentary showed the work method of an American teacher, anti-racism activist. Namely she used to place the white men in the position of black men in the American society. The early 70's film about showed her experiment with her lower-grade pupils. Namely she divided them into groups, in line with the colour of their eyes, and proclaimed such a division the criterium for racial distinction between the "more progressive" and "more retrograde people." That polemical experiment was sharply condemned by the American society, and she and her family were isolated by their racism-minded milieu.

²⁹ "Perhaps the most interesting topic was the one about diverse forms of discrimination (notably on racism - the film "Blue-Eyed"). The reason thereof is a completely new tack to that theme. People accept established or pre-set norms of conduct, without much forethought and healthy skepticism. Racism as a phenomenon has repeatedly (notably during fascism) wreaked havoc among the mankind..."; "... That topic helped me view some things from another angle, it shook me up, and made me

C. History

At history lectures we tried to explain how many myths and stereotypes used currently to account for recent events, are in fact attempts to misuse or misinterpret history. Our pupils were thus explained the notion of critical history and development of that science, whose origins were linked to myths. Myths exist still today, but they are not related to history, though average stands of Serb population are an admixture of a mythological perception of past and contemporary trends in civilized world. In that way our enrollees get a thoroughly new insight in history proper as a science and also into possibility of its use.

Special purpose of those lectures is to explain nationalism and its role. National stereotypes, as a prevailing line of thinking of young people, are a major hurdle to understanding of contemporary world, and to establishment of normal communications with neighbors. Responses of some enrollees indicated their realization of the above truth.³⁰

Enrollees were often shocked upon hearing that some historical events were omitted, some only partially covered, and some totally distorted in history textbooks for primary and secondary schools. When individual historical events, about which our enrollees learnt at school, were taken as an example and placed in the context of other developments in that period, and notably when all other relevant developments occasioning the said phenomena or events were explicated, a completely new picture of those events emerged. That increased their interest in history and made them call into question many mythology-riddled historical "facts" they had been imparted in their schools. Consequently they were compelled to question for the first time their way of thinking riddled with stereotypes. Those in turn made them realize that they were victims of educational abuse. Finally many concluded that they had learnt

think. And I think the same thing happened to the rest of the group." Documentation of the Helsinki Committee for Human Rights.

³⁰ One enrollee thus described his response to national stereotypes: "When shall we eliminate conservatism and backwardness? Man is a man, and not a label on which his name and origins are written..., a man should not be thus classified. All persons are equal and deserve the same rights. Diversity is an advantage and not a drawback. It should be used in a positive sense."

When asked what he disliked during school, one enrollee wrote down: "I did not like the fact that some of my peers, even after all those lectures were still convinced in 'Serbhood' and when I asked them why, they could not give me a plausible explanation."

When asked which topic he missed, one enrollee noted: "I think that a lecture on peoples who lived and intermingled in this territory should have been delivered, at least for the sake of making us see that the likelihood of existence of a large number of "pure Serbs" was just an illusion." Idem.

a lot, that "their eyes were opened", that they have heard for the first time some important facts.³¹

It was however noticeable that data imparted at the lectures were more easily accepted if in the whole picture of slavish devotion to myths were included relevant facts about other peoples and their national stereotypes. Though the foregoing is understandable from psychological standpoint we tried to explain that, from individual standpoint, efforts had to be made to avoid becoming a victim of prejudices, and to view objectively the collective whose identity was cherished.³² Comparative method is a must in the scientific study of social phenomena. That method facilitates the transfer of knowledge that is, understanding. However, it is very important to avoid the following

³¹ Our pupils thus explained why the history lecture was the most challenging one: "We were indicated many errors in our educational system and reasons thereof"; "The most challenging topic was manipulation of history, because that science should not serve the attainment of personal interests... it was also interesting to learn that many people tend to think wrongly and erroneously"; "Like any other little Serb I was taught in school that Serbs are 'heavenly people', stronger than the fate, untouchable..."; "I was taught to think that the big powers or other peoples - Croats, Albanians, Bosniaks, were to be blamed for what was happening to us..."; "All the lectures helped me broaden my horizons and take the stand which this time around would be propped up exclusively by facts, and not by legends, lies, and myths"; "What kind of textbooks they used to feed us their lies!!!"; "I heard for the first time that Yugoslavia was not imposed on different peoples, but rather willingly created by them... I am yet to digest the lie about 'imposition"; "That lecture taught us that in Sloba Milosevic's period they tried to turn us into little 'zombies', while now the new authorities are turning us into young nationalists"; "That topic was challenging, even ironic for it demonstrated how in a banal way by changing or adding some words or parts of sentences the mind-set of people could be influenced"; "In this school I learnt how history existing in our textbooks was not true, but rather tailored to suit the needs of authorities, heading our country at a historical moment of our country."; "I learnt about some historic untruths. I understood that I was wrong, that I had illusions. I changed my opinion about the facts cited in textbooks and realized that the seminar was a priceless experience"; "I was shocked to learn that 50% of historical facts were not correct, and that history was misused by the textbook authors to make us more aggressive towards peoples with whom we waged wars"; "... It was an incredible realization, I mean the one that our history was not correct or accurate - it meant in fact that everything we learnt was wrong... in fact the goal of the previous regime was to make people belligerent, to turn people into killers." Idem.

³² "... I love history and am interested in learning histories of other people with whom we intermingled in the past. I like to hear different opinions and about histories of other peoples. However, our life, and lives of other peoples perhaps in 50 years time shall be unfortunately 'false', due to misuse of history"; "I found most challenging the lecture on different interpretations of the same historical event by the Balkans peoples and history textbooks." According to an enrollee the most exciting moment for the group was the following: "Our workshop with Enver (Djuliman)... It was very dangerous for we faced our prejudices about Albanians, Muslims and Serbs. And someone had a more vocal, open, and difficult facing." Idem.

trap: to justify some negative phenomena occurring in one's own milieu by underlining their occurrence in other societies.

Negligible is the number of enrollees with negative responses to those topics, but like in the case of war crimes and the ICTY, explanations for such responses are not given. Such lectures are considered boring and monotonous. Hence our assumption that history was not a favorite subject-matter of our pupils. Also, as many said that they were poorly concentrated because of their fatigue, it may be assumed that history lectures were negatively assessed due to the foregoing. But on the other hand, despite their feeling of fatigue, some enrollees thought that history topics were the most interesting ones.

In combination with lectures, fraternization and getting acquainted with enrollees from different places, was the most precious experience for many. Getting together with enrollees from other cities dispels a narrow-minded picture of "others" and "different" which is inculcated into children since their early age.³³ Effect of that fraternization is very strong. In view of the fact that our enrollees usually try to keep in touch after completion of youth schools, it is to be expected that the transfer of that experience would help the transfer of knowledge acquired in school.

3.0. CONCLUSIONS

"Human Rights Schools" organized by the Helsinki Committee for Human Rights in Serbia are part of a broader project of the Norwegian Helsinki Committee for Human Rights. In the meantime, as their concept grew more complex, those schools became the mainstay of activities of Helsinki Committee for Human Rights in Serbia. Namely, within the body of our activities, and notably those of research-analytical character, those schools gradually evolved

³³ "My family is very nationalistic, they think that only Serbs exist, that only Serbs are important. But thanks to contacts with my new friends in school I understand how different reality is from what my family has been telling me. People of other faiths and cultures can love and respect just like we do, their emotions are similar to ours"; "I shall never forget our farewell party... When I realized how close we grew I also understood that only through great efforts we might build a multi-ethnic society in which all people would live in harmony"; "I hate politics and all things related to political life. But these last days of our camaraderie made me understand that I did not have to love politics in order to participate in creation of my future"; "I am happy to have met many new persons, notably persons of diverse nationalities and religions in a place in which we all behaved as equals, irrespective of our nationality and faith. Perhaps I have had earlier prejudices about people of other nationalities, because of various stories I have heard, films I have seen, or books I have read. Now I have lost those prejudices, because of persons I have fraternized with, talked to... I have become aware of my earlier misjudgement"; "... Let me just say that it is very important to make friends with children of other religions." Idem.

into the project unifying all objectives of Helsinki Committee. Consequently our organization reached a principled conclusion that one of our most sensible activities is - education of young people.

Such an education presupposes familiarization of young people with civilized achievements of the modern world, embodied in principles of respect of human rights and democracy. However, during its decade-long work Helsinki Committee monitored the status of human rights in Serbia, analyzed social situation, and engaged in an extensive publishing activity, with a view to creating a body of critical history books, an area totally sidelined in Serbia. On the basis of an established, comprehensive insight into specific problems of this society, we reached the conclusion that in order to effect the necessary modernization of Serbia it is necessary to educate young people, enable them to get an insight into relevant issues, and make them understand the need for the facing process. In view of a prevailing resistance to modernization, put up by representatives of elite, Helsinki Committee opted for an alternative education.

Through "Human Rights Schools" we learnt more about the mind-set of young people in Serbia. By getting to know their foreknowledge and standpoints, acquired in schools, family, via the media and in everyday social contacts, we realized how alarming their situation was. Into young people has been inculcated knowledge about recent past, rife with stereotypes and they use myths as arguments for their stands. Their critical opinion is not developed, and they have very fragile moral principles. They lack the will-power to make efforts to acquire knowledge, to learn more, have prejudices about "others: and "different". With such characteristics they are unlikely to effect modernization of society.

The foregoing is due to circumstances under which young people grew up. They were born on the eve of disintegration of the state, during wars, amid nationalistic hysteria, total devastation, suffering, loss of values, in penury, which affected their families, parents, and educators. They grew up in a decade when existential problems prevailed over the commitment to teach young people some moral lessons, and impart them some knowledge. They attended schools in a decade in which knowledge was the least important value on the scale of socially acceptable ones. With restricted travel possibilities and consequently next to none opportunities to get to know other peoples, different cultures, national and religious identities, they were given a very narrow picture of the world. That picture reflects terrible ignorance, is riddled with stereotypes and fear, denies and opposes diversity and is characterized by a near slavish devotion to myths.

However even the 2000 political changeover in Serbia did not produce key social changes. A clean break with policy of Slobodan Milosevic, wars and nationalism was not done. A retrograde trend is also visible in educational system. Attempts to effect a fundamental overhaul of education, that is to modernize it, were stopped on 12th March 2003 when the pro-reform Prime Minister Zoran Djindjic was assassinated. In the aftermath of that terrible event

all other reform attempts were foiled. Currently the incumbent Education Minister is bent on introducing English as a foreign language subject-matter only in the fourth grade, suspending lessons on Darwin's evolution theory, and proclaiming the subject-matter of computer science as a facultative one due to "screen radiation damaging effects." Such conservatism is tantamount to translating into reality ideas of Nikolaj Velimirovic. Thus conservative, uncritical and nationalistic contents in the school curricula would be finally ideologically and "theoretically" entrenched.

Data on foreknowledge and standpoints of enrollees of "Human Rights School" were obtained during school on the basis of observation and note-taking. Additional information were garnered through final evaluations in which pupils assessed the school work, and topics presented and dealt with.

Some enrollees were pro-active in our work and discussions while others tended to keep a low profile. But we obtained relevant data on their knowledge and stands on the basis of their total participation in the school work. In a later stage of the project implementation we decided that our target group should be composed of secondary-school pupils engaged in the NGO sector or in some political parties. But we then realized that even those youngsters, despite their refusal of the prevailing public discourse, lacked arguments for the defence of their stands, which were tantamount to a repeat of lessons learnt by heart. In our school attendance criteria we did not require explicit national, religious or other identities. But these identities were nonetheless manifested during lectures and workshops, though they did not impact our final conclusion that the youth in Serbia lacked critical thinking and were slaves to stereotypes.

Their foreknowledge about Yugoslavia is scant and based on info presented in history textbooks. In that regard they also seem to be heavily indoctrinated by the prevailing public discourse. They know nothing about the idea of Yugoslavism which emerged in early 20th century. Their knowledge of the character of recent wars is the one created by official propaganda, and subsequently conveyed by parents and educators. Our enrollees lacked the ability to see the complete picture of the past developments, to understand the chain of causes and consequences. Hence they felt vulnerable in discussions, and in defence of their stands they frequently resorted to diverse, rather tenacious, but nonetheless easily exhausted stereotype-style explanations. As regards responsibility of Serbia for disintegration of the Yugoslav state, enrollees blamed only Slobodan Milosevic for the foregoing, that is, mostly for the damage and suffering he inflicted on the Serb people. On the other hand they did not think that the wars were avoidable. Many of them have heard about war crimes, but doubt the veracity of such information. And finally they think that all the sides in the wars are equally responsible for atrocities, and should be equally held accountable for the past crimes. Majority of them think that the ICTY is not a regular tribunal, in fact, they espouse the stand that is a US-controlled tribunal, a political tribunal, which only tries the Serbs.

Majority of enrollees are disinterested in current affairs and political topics and issues, and to lazy to try to get any info about them. Due to such mental and spiritual indolence they easily accept stereotypes. Lack of skepticism entailed lack of critical attitudes. They see no connection between their status/their future and the past events. They are manifestly not ready to make efforts to learn anything new, which make them an easy prey to those who want to mentally control them.

In the process of monitoring of enrollees' foreknowledge and standpoints we altered the thematic framework of school. In fact it was essentially broadened for the principal idea was to dispel the bulk of ingrained stereotypes. Alas 9 days were oft too short to cover all the lectures whose multidisciplinary character and interesting presentation could have helped us attain that goal.

Data on changes in knowledge and standpoints of enrollees were obtained by dint of evaluation questionnaires filled up by our enrollees at the beginning and end of schools.

To get a more complete picture on the impact of those schools on enrollees and also on the extent of changes in their stands and knowledge, we included in our analysis their replies to the following questions: What do you expect from this school, what would you like to experience during school, what you would not like to experience during school, plus answers from the final evaluations relating to their total assessment of school, benefits from knowledge obtained, the ways the young could be in the future educated about themes presented during school, and general comments.

In their initial replies relating to their expectations, our enrollees expressed their hope that they would finally learn something new and useful about human rights and problems of this society, that the school would be totally different from the state-run ones, that it would be less formal, and with interesting lectures. They also emphasized their hope that they would not repent for their attendance, that the school would not be boring and that they would have enough time for fun and fraternization. Added to that they were hopeful of having ample opportunities to express their stands, and not being compelled to accept different stands. They would loathe any major conflict with grave consequences, but envisage clashing opinions, for they are aware of the fact that the presented themes cause aggressive reactions during discussions. In other words, calm discussions and non-violent communications are beyond their experience. The prevailing model of aggressive conduct, being the only model of conduct they know, has a major impact on them. Hence their prediction of a repeat of such a model.

All enrollees unanimously agreed that the school was useful. Close relations established with their lecturers, and possibility to espouse their stands during discussions pleasantly surprised them. Sometimes they leveled criticism at lecturers "for imposing onto them their stands." However they accepted the fact that their stands could be only checked against other people's positions.

They also declared that they were impressed with all the lectures, but pointed out that the most exciting ones were those with the most intriguing data, notably the lectures during which most stereotypes were voiced, and which were followed by stormy discussions. Topics of those highly praised lectures were war crimes, disintegration of Yugoslavia, armed conflicts, the ICTY and historical themes. Majority of enrollees admitted that they had changed their stances, got rid of their prejudices, which they finally recognized as such. They promised that they would use their knowledge also by conveying it to others, and some were even manifestly impatient to do that as soon as possible. They thought that changes in society were possible only if a large number of the young were included in this kind of education and were to learn what they had learnt. They were skeptical with respect to the engagement of the young, for: "they are disinterested as much as we used to be". They thought that it was necessary to organize as many, similar, human rights schools as possible, and expressed many ideas as to the manner of putting in place of such schools. Our school enrollees were mostly aware of the depth of problems in this society, understood the importance of the facing up to the recent past, and the linkage between the facing process and the future of the society and their own future. They knew that they should engage in social processes and through such engagement possibly bring about the necessary changes. Topics expressly missed by enrollees indicated their line of thinking and the need to have lecturers espousing different stands. And finally our pupils underlined the invaluable experience of fraternization with people from diverse milieus, cultures, of different nationalities and faiths.

Though our questionnaires did not include instruments for gauging changes in stands and knowledge, notably the key ones relating to Yugoslavia, character of war, responsibility of Serbia for disintegration of the Yugoslav state, war crimes and the ICTY, we garnered relevant data by processing enrollees' responses to some evaluation questions. Thus obtained results were divided into the following thematic groupings: disintegration of state and armed conflicts, the ICTY, war crimes, the facing, responsibility, and historical topics.

As regarded disintegration of state and armed conflicts our enrollees accepted data which they had heard, and understood that in the pre-school period they had very scant and one-sided information. Many enthused over the newly acquired data, and thought that they should be conveyed to other people. However they were aware of many hurdles in such an enterprise. Some enrollees were skeptical with regard to data heard during lectures, and wanted to confront them with other views.

Due to their topicality in the public discourse, the ICTY, war crimes, the facing, responsibility, lectures on those themes, left an indelible mark on our enrollees. They gave rise to most heated discussions, questions, and protests, though the ICTY-themed lecture was always delivered at the end of school. But transfer of the previously acquired knowledge and stands is yet to be

completed. Hence during presentation of that topic, the lecturer was compelled to invoke previously drawn conclusions. The foregoing indicated the tenacity of ingrained stereotypes, notably when the most painful topic was touched on: punishment of crimes and distinction between the notions of individual and collective guilt. Enrollees were surprised with the abundance of new data and info, which they had been imparted during school. According to them war criminals should be punished. Our enrollees learnt to distinguish between victims and criminals, and to see differences between their previous stands and the newly acquired info. And most importantly they began to fully realize the nature of their own stands on the imparted information.

Historical topics: aside from rare enrollees who negatively assessed history-related lectures due to their long-standing dislike of that subject-matter and the feeling of fatigue, all other pupils expressed their delight at having learnt valuable new info and facts from that area. Moreover they expressed their surprise at the disclosure that info from history textbooks was manipulated. They deemed very important info related to critical history, or myths and their use. They understood the system of misuse of history and reasons thereof. They understood the emergence of national stereotypes, and knew who their masterminds were. Consequently they assessed that existence of those stereotypes was the cause of many conflicts, disintegration of Yugoslavia, wars and crimes. They understood the need for an urgent modernization of the society, but were also aware of all difficulties standing on that road, and the official reluctance to effect it.

We may draw a general conclusion that thus conceived schools contributed to change of knowledge and standpoints of enrollees. In view of a specific gravity of issues dealt with in these schools, it may be concluded that its results are – extraordinary. In view of the prevailing social mood and circumstances, the size and strength of stereotypes "attacked", the very idea of putting in place such schools is very ambitious. We hope that we can help young people once their curiosity and interest are awakened. Only when we dispel those ingrained prejudices, we face a magic possibility of reaching their mind-set and – changing it. Thanks to their tender age, characterized by skepticism and rebel-like attitudes, our themes managed to stimulate their ability for a sound and critical thinking, which, at a later stage, they used to call into question the social conventions.

In order to enhance and increase the school efficiency and on the basis of our long-standing experience, we realize that the following should be done: subsequent evaluations of enrollees in order to establish whether their stands have been changed for good and their knowledge preserved; inclusion of our enrollees into other educational activities of this kind via permanent exchange of information; include in our school and train a certain number of young people from the same places in order to enable them to effect in an organized way, at a local level, further education and to set up a network of thus formed youth groups.

ANNEX

Helsinki Committee for Human Rights in Serbia: Activities in 2004

Round Tables, Panels, Press Conferences, etc.

- "Croats: Between Denial and Recognition," a round table held in Subotica on January 24, 2004;
- "National Minorities and Vojvodina's Regional Identity," a round table held in Novi Sad on February 28, 2004;
- "Minority Rights and Education in South East Europe," a panel organized in tandem with the Vojvodina Center for Human Rights in Novi Sad on April 4, 2004;
- "Wallachians: Between Assimilation and Emancipation," a round table held in Bor on April 29, 2004;
- "Human Rights and Accountability," a press conference to promote the Committee's annual report for the year 2003, held in Belgrade on April 22, 2004;
- "Human Rights and Accountability," a press conference to promote the Committee's annual report for the year 2003, held in Novi Sad on May 5, 2004;
- "A Chronicle of a Vain Resistance" by Slobodan Beljanski, a book launch held in Novi Sad on May 25, 2004;
- "Serbia in the Orient" by Sonja Biserko, a book launch held in Novi Sad on June 15, 2004;
- "Position of and Problems Faced by the Hungarian Minority Community," a round table held in Subotica on June 19, 2004;
- "Demilitarization of Consciousness and Demilitarization of the Exit Festival," a press conference organized in tandem with the Vojvodina Center for Human Rights in Novi Sad on June 30, 2004;
- "Demilitarization of Consciousness," a panel organized in tandem with the Vojvodina Center for Human Rights in Novi Sad on July 4, 2004;
- "From Ethnic Community to National Minority," a round table held in Nis on July 23, 2004;
- "The Last Instance" by Srdja Popovic, a book launch held in Sabac on October 28, 2004;

- "Kosovo and Regional Stability," the first panel held under the project "Belgrade-Prishtina: Steps to Build Confidence and Understanding," Prishtina, November 6, 2004;
- "Civilize the State," a press conference organized in tandem with the Vojvodina Center for Human Rights in Novi Sad on December 10, 2004;
- A celebration to mark the 10th anniversary of the Helsinki Committee for Human Rights in Serbia, Belgrade, December 10, 2004;
- "Kosovo and Decentralization," the second panel held under the project "Belgrade-Prishtina: Steps to Build Confidence and Understanding," Prishtina, January 19, 2005;
- "Position of Minorities and International Standards in Kosovo," the second panel held under the project "Belgrade-Prishtina: Steps to Build Confidence and Understanding," Prishtina, March 1, 2005.

Projects

"Building up Democracy and Good Governance in Multiethnic Communities"

In December 2004, 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 Commission under the European Initiative for Democracy and Human Rights' program of supporting democratization, good governance and the rule of law.

The project is implemented on four locations – in Belgrade, Novi Sad, Kragujevac and Novi Pazar.

The activities carried out in 2004 were as follows:

- "Schools of Democracy" – twelve 5-day courses were organized in Kragujevac (starting June 28, November 11 and November 24), Novi Sad (starting April 10, October 18, November 15), Novi Pazar (starting September 9, October 23, November 27) and Belgrade (starting May 10, June 28, November 22);
- Seminars "Life and Living in Multiethnic Environments" – eight 3-day seminars were organized in Kragujevac (starting May 3, November 5), Novi Sad (starting February 26, June 4), Novi Pazar (starting June 5, December 4) and Belgrade (starting May 28, November 29);
- The planned essay-writing competition resulted in the bilingual edition titled "Selected Essays by Young Authors" (Vol. I). Awards shall be bestowed upon 20 short-listed candidates in early 2005;
- The book "Altar and Crown" came out of print. The other two editions planned for the first year of the project's implementation will be published by mid-2005;
- Two analytical studies relevant to courses/seminars curricula were written and circulated: "Serbia in 2004: Interethnic Relations" and "The Media as A Factor in Politics."

In 2004, the number of beneficiaries included in only two segments of the project's overall activities totaled 493 young people ages 16-25.

*"Belgrade-Prishtina:
Steps to Build Confidence and Understanding"*

As of June 1, 2004, the Helsinki Committee for Human Rights in Serbia has been implementing the one-year project under the title "Belgrade-Prishtina: Steps to Build Confidence and Understanding." The project is realized thanks to the assistance of the United States Institute of Peace (USIP).

Through public debates, a scholarly conference resulting in a book of proceedings, and a capturing book on Serbian and Albanian "sides" of the Kosovo story, the project paves the way for mutual understanding, reconciliation, breaking ethnic stereotypes and disclosing the fatal nature of nationalistic or extremist trends, as well as raises awareness about unavoidable neighborly relations to be funnelled through a good-will dialogue at official level.

Apart from the three panels held in Prishtina and referred to in the paragraphs above, the Helsinki Committee will organized the last, fourth panel in the series, dealing with the "facing up the past" issue in mid-April 2005. The scholarly conference is planned for June 2005.

*"Prevention of Torture in the Closed Institutions
of Central and Eastern Europe"*

The year 2004 was the second year of the implementation of this three-year regional project realized thanks to the assistance of the European Commission - EIDHR. The Helsinki Committee is a partner organization in this composite project that encompasses Helsinki committees of Bulgaria, Greece, Macedonia, Hungary, Poland and Russia, as well as the International Helsinki Federation.

In the period April 2004 - April 2005, the Helsinki Committee's team - composed of two jurists, a physician and a special pedagogue - paid fact-finding missions to 9 district prisons, 4 penitentiaries-reformatories and one juvenile reformatory throughout Serbia. The team carefully examined conditions and quality of life, dimensions pertinent to social rehabilitation of persons deprived of their liberty and other relevant aspects indicating possible incompatibilities with or departures from the Law on Execution of Criminal Sanctions, the European Prison Rules and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment Standards, as well as put forth recommendations for the attention of the authorities.

"Minority Protection Counseling and Monitoring"

The project was carried out in the period October 1, 2003 - September 30, 2004 thanks to the assistance of the Open Society Institute.

With a view to learning more about the problems facing the Roma, Ashkalia, Macedonians, Bosniaks, Croats, Germans, Jews, Rumanians and Wallachians, the Helsinki Committee's branch office in Novi Sad actively communicated with representatives of these communities, national councils established under the minority law, local self-government officials and other authorities.

The branch office backed the initiative of the Ukrainian community to have a desk in the Ukrainian language set up within the Radio & Television Novi Sad. For this purpose, requests were addressed to this public broadcaster and the Provincial Secretariat of Information.

The Helsinki Committee, i.e. the Novi Sad-seated office, initiated meetings with officials from the Provincial Secretariat of Administration, Regulations and National Minorities, the President of Vojvodina Legislature's Commission on Interethnic Relations and the Deputy Provincial Ombudsman for National Minorities. The purpose of these meetings was to keep these officials informed about the Committee's experience in tackling the minority issue, as well as about the problems identified as the most pressing over the office's "counseling" activity. Further, in the letters addressed to the Parliamentary Committee on Interethnic Relations and some national councils, the Committee's Novi Sad office demanded a parliamentary initiative that would lead to passing of an anti-discriminatory law. Bearing in mind the uncertain future of the newly created State Union of Serbia and Montenegro, the Committee proposed enactment of a Serbian minority law and forming of a ministry of minority rights at the republican level.

Prompted by ever more frequent ethnically motivated incidents in late 2003 and early 2004, the Helsinki Committee and its Novi Sad branch office kept alerting the general public, as well as domestic and international institutions about increasing xenophobia and intolerance through press releases and bylined articles.

For the purpose of conducting 2-day fact-finding missions to each of the five minority communities (Hungarian, Bosniak, Wallachian, Croat and Roma) defined by the project, the Helsinki Committee set up a three-member team and identified most representative minority organizations - civilian, political, secular and religious - as well as local and other officials and minority experts for interviews and pertinent exchange of views.

On the grounds of the fact-finding missions and the rounds tables referred to in the paragraphs above, as well as its regular scrutiny of the minority issue, the Helsinki Committee produced an over 100-page analytical study titled "Minorities in Serbia in 2004: In Conflict with the State's Ethnic Identity."

"Print Media in Serbia and Radicalization of the Society"

The project was carried out in the period March 1 – August 31, 2004 thanks to the support of the Heinrich Böll Foundation.

The project was so designed to serve as constructive criticism on which media people, scholars, governmental officials and general public may ground their own perception of Serbia' media landscape and the extent to which the print media, over the period of six months, managed to rise above the role of partisan mouthpieces or succumbed to the influence of old/newly emerged centers of political/economic power. The objective of such analytical overview of the print media reporting was, among other things, to disclose the patterns of impermissible propaganda, defamation of political opponents, dissemination of unchecked information, spreading of false news or conspiracy theories, anti-reformist policies and radicalization of the readership, as well as to lay bare the Serbian print media in their true light. The project was also aimed at encouraging media professionalism, inciting soul-searching and strengthening the sense of responsibility of a true professional working on a news story.

Apart from producing a comprehensive analytical study (in Serbian and in English) under the title "The Media As a Part of Anti-European Front – The Press: An Unchanged Matrix," the project's activities included a panel discussion focused on its topics and organized to bring the study in the public eye.

"Schools of Human Rights for the Young"

In 2004, thanks to the assistance of the Norwegian Helsinki Committee and the Westminster Foundation, the Helsinki Committee continued the longstanding project under the common title "Schools of Human Rights for the Young."

This was about 10-day workshops that followed the model established by the Norwegian Helsinki Committee and were, among other things, focused on multiculturalism and thus on assembling, inasmuch as possible, young people coming from different ethnic communities.

All the "schools" took place in Kragujevac and were organized in the following order:

- January 31 – February 8, 2004;
- June 19 – 29, 2004;
- July 6 – 16, 2004; and
- July 7 – 15, 2004.

"I Want to go Home"

Three key activities marked 2004 in terms of refugees' repatriation - the return and restoration of their property, housing and renewal of the status of permanent residents. Faced with grim political and economic realities, refugees - ranging among the poorest strata in Serbia - are more and more eager to return to their homelands.

In 2004, the same as in previous years, the Helsinki Committee' project "I Want To Go Home" was also focused on helping refugees to overcome the "standard" problems implied in the returnee status. This mostly relates to certificates of Croatian citizenship, Croatian passports, legal advice, etc.

According to various sources, about 5,000 refugees applied for restorations of their homes in the second term the Republic of Croatia has prolonged till September 30, 2004. The statistics compiled by the non-governmental sector in Serbia and Montenegro show that around 30,000 such applications have been submitted since 2001 which was the deadline of the first term.

As it seems, the process of return and restoration of property has been sped up. However, the pace in itself is still inadequate for the owners to reconstitute their property.

Many refugees complain of the obstacles they meet with when demanding restoration of their property. This primarily refers to the people who used to enjoy "tenant's rights" or those whose houses have been demolished during the war or in its aftermath. The second group has not been included in the reconstruction program, given that the people in this category had not been registered at their respective addresses. As for the first group, "tenant's rights" cannot be resumed under the Croatian legislation. Further, the law provides that the number of a family members returning to Croatia preconditions the number of square meters of a family house to be renewed. Thus, refugees are concerned that the rest of their houses will be doomed to ruin.

Out of 18,500 houses appropriated under the law on temporary confiscation to accommodate Croatian refugees from Bosnia-Herzegovina, 1,200 are still to be returned to their legal owners. No deadlines are set when it comes to the return of property. However, problems arise when legal owners, possessing necessary documents, attempt to move in their homes. Tenants simply refuse to move out and lodge complaints against procedural or other flaws of the decisions ordering them to leave. Practically, legal owners thus come up against a blank wall. On the other hand, before moving out, some tenants demand the owners to compensate them for the investments they have made in houses, such as sanitary facilities and the like. Unless compensated, they would dismantle such facilities, they say.

Given that refugees are not allowed to return to the apartments they used to live in under "tenant's rights," the Croatian government offered a model for housing the refugees eager to return, but unable to solve their housing problem in some other manner.

The deadline for application was open throughout 2004, and then prolonged till June 2005. Around 1,200 refugees submitted their applications by January 2005. This mostly refers to the refugees accommodated in the so-called collective centers. Those living in rented apartments they can no longer afford – and, therefore, see return to Croatia as their only way out – are fewer.

The lack of clear-cut and detailed information considerably hinders the process of repatriation. Many refugees who have applied for return believed their "tenant's rights" would be restored. The staff engaged in "I Want To Go Home" project did their best to explain "housing arrangements" to refugees and provide information about the authorized representatives to whom they could turn to.

The staff visited scores of refugees throughout Serbia. Many of those the staff interviewed said they would gladly return to Croatia if their "tenant's rights" could be restored. They have no other place to return to but to their previous apartments, they said.

The refugees who lived in Croatia till 1991 mostly want to obtain the status of permanent residents that may secure them Croatian citizenship in foreseeable future.

The year 2004 saw no major change in the situation of refugees in Serbia and Montenegro. Apparently, refugees are still subject to political manipulation. For instance, whenever a political party wants to advertize its "refugee concerns," it uses some "favorable loans" and "tenders for housing credits" as a trump card. Once the anyway poor refugees give their last penny on various certificates and statements, the "credits" practically vanish into thin air. For, "credits" as such imply that they have to give up their refugee status and take the citizenship of Serbia & Montenegro, which, in return, deprives them of any assistance they are entitled to as refugees. The authorities just write them off – once they become citizens of Serbia and Montenegro, they are no longer the state's responsibility.

The situation of the refugees who had returned to Croatia, but failed to reconstitute their property and have been forced, therefore, to come back to Serbia and Montenegro is particularly hard. They have not only lost their refugee status, but also the right to healthcare or any social assistance. The authorities of Serbia and Montenegro use such case to reprimand Croatia, in spite of the fact that they themselves have done nothing to facilitate their return or integration into local communities.

In late 2004, the Commissariat for Refugees conducted yet another census of the refugee population. According to unofficial sources, around 120,000 refugees responded to the census that was prolonged till January 25, 2005. Prior to the census, however, the authorities undermined refugees'

attempts to sign out. Namely, as of June 2005 the relevant procedure, taking several months (though it could be over in a week at the most) stuck refugees and thus augmented the number of those registered in the census. Once the number of the refugees who have been granted the status of returnees is determined and compared with the number of those who have obtained the citizenship of Serbia and Montenegro (which in itself has not solved their problems) and thus lost the status of refugees, the number of "real" refugees will, to all appearances, amount to less than 30,000 people.

In 2004, the project "I Want To Go Home" initiated around 1,500 procedures for the assessment of Croatian citizenship, circulated about the same number of information about the outcomes of these procedures, managed to secure about 2,000 Croatian passports and provided legal aid to some 5,000 people (status, property, return, documents, pensions, various authorizations, etc.).

Ever since its launch in 1998, the project "I Want To Go Home" has provided over 250,000 services to refugees.

In 2004, the project has obtained a grant from the IOCC (the International Eastern Orthodox Relief Organization), supporting various forms of legal aid to refugees. As of October 20, 2004, the project has been cooperating with the CRS (the Catholic Relief Service) in the distribution of small grants and monitoring their implementation. Sixty refugee families throughout Serbia have obtained grants amounting up to \$US 2,000.

The project will adjust its future activities to refugees' needs and constraints – both in the domains of reintegration and the exercise of their rights.

Youth Groups of the Helsinki Committee For Human Rights in Serbia

Over the past five years, the Helsinki Committee for Human Rights in Serbia has been considerably focused on providing alternative education to young people. Covering a variety of thematic contexts and curricula, these activities are aimed not only at bringing together young people coming from different ethnic communities, social strata or religious beliefs, but also at forming nucleuses of new, reformist elites able to cope with modern world's trends and standards.

In the past four years and under the Norwegian Helsinki Committee's project, the Helsinki Committee for Human Rights in Serbia organized 8 "Schools of Human Rights for the Young." Another two schools of the same type, assembling young people from all over Serbia, were organized thanks to the assistance of the Westminster Foundation for Democracy. The findings of the evaluation of those 10 courses (enclosed as *Conclusions*) mirror the situation of young people in today's Serbia, reveal their stands about a variety of issues, indicate the topics they should be specifically instructed in, and show the changes in their perceptions effectuated by the courses.

Within the EU-supported three-year project "Building up Democracy and Good Governance in Multiethnic Communities," the Helsinki Committee organized 12 "Schools of Democracy" and 8 seminars under the common title "Life and Living in Multiethnic Environments" in four towns in Serbia in the course of the first year of the project's implementation.

Many young trainees of those courses and seminars not only displayed interest in continuing such education, but also volunteered for other activities pursued by the Helsinki Committee. Therefore, youth groups have been established under the auspices of Novi Sad and Kragujevac-based branch offices. Young people who joined the groups have already started to plan projects of their own. Some of their projects are already underway. The Helsinki Committee takes such creative approach of a number of young people most welcome in terms of having them capacitated for future leaders and promoters of a modern society. Here the Helsinki Committee particularly bears in mind the impact of "peer communication," i.e. multiplying effects of the programs developed by young people and focused on their needs and constraints.

A DOCUMENTARY SERIAL PRODUCED BY THE
HELSINKI COMMITTEE
FOR HUMAN RIGHTS IN SERBIA

A Look into the Past Serbia 1965-1991

AUTHOR:
Izabela Kisic

SCRIPT CONSULTANT:
Sonja Biserko

CAMERAMEN:
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.

Publishing Activities

Edition	Title	Author(s)	Year
	Hate Speech as Freedom of Speech (in English only)		1995
	In the Name of Humanity (in English only)	Collect. 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 and Albanian)	Milenko Markovic ed.	1998
<i>Documents</i>	Kosovo: Law and Politics - 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 (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 and Collective Identity

	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
	Human Rights and Accountability - Serbia 2003 (in Serbian and English)	Annual Report	2004
<i>Documents</i>	Military Secret - Vol. I and II (in Serbian only)	Vladan Vljakovic	2004
	Kosovo - A Chain of Causes (1225 B.C. - 1991) and Consequences (1991-1999) (in English, Albanian and Serbian)	FAMA International Team	2004
	Seclected Essays (1) (in Serbian and English)	Young authors	2004
	In Quest for Civic Identity - Published to mark the 10th Aniversary of the Helsinki Committee for Human Rights in Serbia (in Serbian and only)	Group of authors	2004
	Report on Antipersonnel Mines in Serbia and Montenegro (in Serbian and English)	YU Campaign to Ban Land Mines	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 nd 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>	Unlearnt 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	Kuljic, Milosavljevic, Manojlovic	2002

	(in Serbian and English)		
<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 nd 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 Stanislavjevic	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	Collect. 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
<i>Testimonies 19</i>	Between Arrogance and Humility	Zivorad Kovacevic	2004
<i>Testimonies 20</i>	Milosevic vs. Yugoslavia	Collect. of documents	2004
<i>Testimonies 21</i>	Refugees: Victims of Ethnic Engineering	Group of authors	2004
<i>Testimonies 22</i>	Srebrenica: From Denial to Confession	Collect. of documents	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

CIP – Каталогизација у публикацији
Народна библиотека Србије, Београд

341.231.14 (497.11) "2004"
342.7 (497.11) "2004"
316.334.2/4 (497.11) "2004"
327.7/.8 (497.11) "2004"
32.019.5 (497.11) "2004"
323 (497.11+497.16) "2004"

HUMAN Rights and Collective Identity :

Serbia 2004 / [prepared by] Helsinki
Committee for Human Rights in Serbia ;
[translated by Vera Gligorijević ... et
al.]. – Belgrade : Helsinki Committee for
Human Rights in Serbia, 2005 (Belgrade :
Zagorac). – 707 str. ; table; 24 cm.

Izv. stv. nasl.: Ljudska prava i kolektivni
identitet. – Tiraž 500. – Napomene i
bibliografske reference uz tekst.

ISBN 86–7208–106–4

1. Helsinki Committee for Human Rights in
Serbia (Belgrade)

a) Права човека – Међународна заштита –
Србија – 2004 b) Политичко понашање –
Србија – 2004 c) Србија – Транзиција –
2004 d) Србија и Црна Гора – Политичке
прилике – 2004

COBISS.SR-ID 122163468